

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

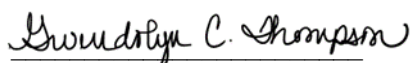
November 10, 2022

- () 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 August 1, 2022, through September 30, 2022.
- III. FACTS:** For the period of August 1, 2022, through September 30, 2022, Healthcare Quality reports 1 Administrative Order and 8 Consent Orders totaling \$77,195 in assessed monetary penalties.

Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)	0	2	\$25,000	\$25,000
	Residential Treatment Facility for Children and Adolescents (RTF)	0	1	\$40,900	\$30,000
Healthcare Systems and Services	Emergency Medical Services (EMS) Agency	0	1	\$6,000	\$3,000
	Paramedic	0	3	\$1,200	\$1,200
	Emergency Medical Technician (EMT)	0	1	\$300	\$300
Radiological Health	Unregistered Vendor	1	0	\$3,795	\$3,795
TOTAL		1	8	\$77,195	\$63,295

Submitted By:



Gwen C. Thompson
Deputy Director
Healthcare Quality

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

November 10, 2022

Bureau of Community Care

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Residential Treatment Facility for Children and Adolescents	8	518

1. Three Rivers Residential Treatment – Midlands Campus – West Columbia (64 beds)

Investigation and Violations: Between May 2021 and March 2022, the Department conducted 7 investigations, a general inspection, and a follow-up general inspection. The Department cited the facility for the following violations of Regulation 61-103, *Residential Treatment Facilities for Children and Adolescents*:

- Failing to provide access to requested in-service training documentation for staff members;
- Repeatedly failing to implement its policies and procedures regarding “Resident Supervision and Round”;
- Repeatedly failing to have documentation of initial and/or annual staff in-service training in the following:
 - Basic first aid;
 - Management and care of persons with contagious and/or communicable disease;
 - Medication management;
 - Care of persons specific to the physical or mental conditions being cared for in the facility;
 - Use of restraint techniques;
 - Crisis management;
 - OSHA standards regarding bloodborne pathogens;
 - Confidentiality of resident information and records;
 - Resident rights;
 - Fire response; and
 - Emergency procedures and disaster preparedness;
- Failing to notify the Department of the facility’s internal investigation of a serious incident within five days;
- Failing to notify the Department within 24 hours of a serious incident;
- Repeatedly failing to ensure a resident was free from harm, including isolation, abuse, or neglect; and
- Failing to have resident’s physician-ordered medications available for administration.

Enforcement Action: The Department and the facility executed a Consent Order, in which the facility agreed to an assessed \$40,900 monetary penalty. The facility is required to pay \$30,000 within 30 days of executing the Consent Order, and the \$10,900 is held in abeyance upon a six-month period of substantial compliance with Regulation 61-103 and the Consent Order. The facility is required to initiate action to correct the violations that initiated this enforcement action and to ensure that all violations of Regulation

61-103 are not repeated. The facility is further required to schedule and attend a compliance assistance meeting with the Department within 45 days of executing the Consent Order.

Remedial Action: The facility has paid the required \$30,000. The facility attended the compliance assistance meeting with the Department on September 21, 2022.

Prior Orders: None in the past five years.

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Intermediate Care Facility for Individuals with Intellectual Disabilities	66	1,629

2. Coastal Center Highlands 510 – Summerville (22 beds)

Investigation and Violations: The Department conducted an onsite investigation and found a staff member prevented a resident from leaving their room on five separate occasions. In addition, the staff member pushed the resident to the ground in a separate incident. As a result of these findings, the Department determined the facility failed to ensure clients were protected from mental and physical abuse and free from chemical and physical restraints as outlined in the *Bill of Rights for Residents in Long-Term Care Facilities*, which is a violation of Regulation 61-13, *Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities*.

Enforcement Action: The Department and the facility executed a Consent Order, in which the facility agreed to a \$6,000 monetary penalty. The facility also agreed to initiate action to correct the violations that initiated the enforcement action and to ensure all violations of Regulation 61-13 are not repeated.

Remedial Action: The facility has paid the monetary penalty in full. The staff member involved in the incidents was terminated.

Prior Orders: None in the past five years.

3. Coastal Center Highlands Hillside – Summerville (188 beds)

Investigation and Violations: The Department conducted several onsite investigations and found in November 2021, January 2022, April 2022, and May 2022, the facility failed to ensure clients were protected from physical abuse as outlined in the *Bill of Rights for Residents in Long-Term Care Facilities*. The Department also found the facility failed to implement its policies and procedures regarding client care, rights, and operation of the facility in November 2021. As a result, the facility was cited for multiple violations of Regulation 61-13, *Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities*.

Enforcement Action: The Department and the facility executed a Consent Order, in which the facility agreed to a \$19,000 monetary penalty. The facility also agreed to initiate action to correct the violations that initiated the enforcement action and to ensure all violations of Regulation 61-13 are not repeated.

Remedial Action: The facility has paid the monetary penalty in full. Staff members involved in the incidents were separated from employment.

Prior Orders: None in the past 5 years.

Bureau of Healthcare Systems and Services

EMS Provider Type	Total Number of Licensed EMS Agencies
EMS Agency	268

4. Dorchester County EMS – Advanced Life Support

Investigation and Violations: The Department found through investigation that the EMS agency allowed an EMT to provide patient care on 87 patient encounters with an expired certificate from August to October 2021. The Department found that the EMS agency violated the EMS Act and Regulation 61-7, *Emergency Medical Services*, by allowing an uncertified person to provide patient care.

Enforcement Action: The Department and the EMS agency executed a Consent Order, in which the EMS agency agreed to a \$6,000 assessed monetary penalty. The EMS agency is required to pay \$3,000 within 30 days of executing the Consent Order. The remaining \$3,000 will be held in abeyance for 12 months pending substantial compliance with Regulation 61-7 and the Consent Order.

Remedial Action: The EMS agency has paid the required \$3,000.

Prior Orders: None in the past five years.

Level of Certification	Total Number of Certified Paramedics
Paramedic	4,207

5. Andrew Heiney – Paramedic

Investigation and Violations: The Department was notified by Laurens County EMS that Mr. Heiney allowed an EMT to start an intravenous (IV) line and administer epinephrine (EPI) and 50% dextrose in water (D50W) to patient.

Mr. Heiney committed misconduct as defined by the EMS Act and Regulation 61-7, *Emergency Medical Services*, by allowing an EMT to knowingly start an IV line and administer EPI and D50W to a patient, which is outside of the EMT’s scope of practice and also not authorized by the Medical Control Physician for Laurens County EMS.

Enforcement Action: The Department and Mr. Heiney executed a Consent Order in which Mr. Heiney agreed to pay a \$300 monetary penalty.

Remedial Action: Mr. Heiney has made the required payment.

Prior Orders: None in the past five years.

6. Patricia Parker – Paramedic

Investigation and Violations: The Department was notified by Laurens County EMS that Ms. Parker allowed an EMT to start an intravenous (IV) line and administer epinephrine (EPI) and 50% dextrose in water (D50W) to a patient. In addition, it was reported that Ms. Parker reflected on a patient care report (PCR) that she personally started the IV line and administered EPI and D50W to a patient in cardiac arrest.

Ms. Parker committed misconduct as defined by the EMS Act and Regulation 61-7, *Emergency Medical Services*, by allowing an EMT to knowingly start an IV line and administer EPI and D50W to a patient, which is outside of the EMT's scope of practice and also not authorized by the Medical Control Physician for Laurens County EMS.

Ms. Parker further committed misconduct as defined by the EMS Act and Regulation 61-7 by falsifying a patient care report (PCR) to reflect she personally had started the IV line and administered EPI and D50W to a patient in cardiac arrest while knowing these skills were performed by her EMT partner, which were outside the scope of their practice.

Enforcement Action: The Department and Ms. Parker executed a Consent Order in which Ms. Parker agreed to pay a \$600 monetary penalty in three monthly payments of \$200 each.

Remedial Action: Ms. Parker has made the first two monthly payments of \$200 each and has one monthly payment remaining as of October 31, 2022.

Prior Orders: None in the past five years.

7. Joseph George – Paramedic

Investigation and Violations: The Department conducted an investigation and found Mr. George failed to follow the appropriate protocol for field treatment of collapsed lungs. Mr. George failed to identify the proper location for plural decompression, failed to properly perform the plural decompression, and performed a procedure that caused a laceration of the patient's pulmonary artery requiring surgical repair.

The Department determined that Mr. George committed misconduct as defined by the EMS Act and Regulation 61-7, *Emergency Medical Services*, by disregarding an appropriate order by a physician concerning emergency treatment and transportation, by action or omission and without mitigating circumstance, contributed to or furthered the injury or illness of a patient under his care, and by his actions or inactions created a substantial possibility that death or serious physical harm could result.

Enforcement Action: The Department and Mr. George executed a Consent Order in which Mr. George agreed to pay a \$300 monetary penalty within 30 days of executing the Consent Order. The Consent Order also included demoting Mr. George to an advanced emergency medical technician (AEMT) for the six-

month period following execution. Lastly, Mr. George agreed to complete a Pre-Hospital Trauma Life Support class within six months of executing the Consent Order.

Remedial Action: Mr. George has made the required payment. Mr. George has been demoted to an AEMT. Mr. George’s completion of the Pre-Hospital Trauma Life Support class is still pending as of October 31, 2022.

Prior Actions: None in the past five years.

Level of Certification	Total Number of Certified EMTs
EMT	7,658

8. Rachelle Clark – EMT

Investigation and Violations: The Department was notified by Laurens County EMS that while operating as an EMT, Ms. Clark started an intravenous (IV) line and administered epinephrine (EPI) and 50% dextrose in water (D50W) to a patient in cardiac arrest.

Ms. Clark committed misconduct as defined by the EMS Act and Regulation 61-7, *Emergency Medical Services*, by performing advanced skills outside the scope of practice for an EMT. Specifically, Ms. Clark performed advanced, paramedic-level skills above the level for which she was certified or trained.

Enforcement Action: The Department and Ms. Clark executed a Consent Order in which Ms. Clark agreed to the assessment of a \$300 monetary penalty.

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

Prior Orders: None in the past five years.

Bureau of Radiological Health

9. American Dental Equipment, LLC d/b/a Lion’s Dental Supply (LDS) (*Unregistered Vendor*)

Investigation and Violations: In May 2019, the Department received notification indicating Lion’s Dental Supply (LDS) sold and shipped a MaxRay hand-held dental x-ray unit to a registered dental facility, Victory Dental Center. LDS is not registered as a vendor with the Department to engage in the business of selling, leasing or installing or offering to sell, lease or install x-ray machines or furnishing or offering to furnish any x-ray services in South Carolina pursuant to Regulation 61-64, *X-Rays (Title B)*. The Department mailed a notice of violation (NOV) and repeatedly attempted to make contact with individuals associated with LDS.

In May 2021, the Department conducted a routine inspection of Hollywood Animal Clinic (HAC), which is registered with the Department to possess and use x-ray equipment in South Carolina. During the inspection, HAC provided an invoice indicating LDS sold and shipped a MaxRay hand-held dental x-ray

unit to HAC. The Department mailed a Notice of Violation and Enforcement Conference (NOVEC) to the individuals associated with LDS and has not received a response.

Enforcement Action: As a result of the foregoing, the Department issued an Administrative Order against LDS assessing a monetary penalty of \$3,795. LDS is required to pay the \$3,795 within 30 days. In addition, LDS is required to refrain from engaging in the business of selling, leasing, or installing or offering to sell, lease or install x-ray machines or machine components for use in South Carolina unless and until LDS applies for registration and receives approval from the Department, complies with applicable statutory and regulatory requirements, and submits the \$3,795 monetary penalty.

Remedial Action: As of October 31, 2022, the Department has not received a response from LDS.

Prior Actions: None in the past five years.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
November 10, 2022

_____ 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 August 1, 2022, through September 30, 2022.
3. **FACTS:** For the reporting period of August 1, 2022, through September 30, 2022, the Office of Environmental Affairs issued two hundred and seven (207) Consent Orders with total assessed civil penalties in the amount of dollars four hundred nine thousand, three hundred fifty-one dollars (\$409,351.00). Also, sixteen (16) Administrative Orders with total assessed civil penalties in the amount of seventy-five thousand, five hundred nineteen dollars (\$75,519.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	3	\$48,261.00	10	\$24,700.00
Aboveground Tanks	0	0	0	0
Solid Waste	1	\$12,000.00	1	\$6,006.00
Hazardous Waste	0	0	3	\$79,000.00
Infectious Waste	0	0	0	0
Mining	0	0	0	0
SUBTOTAL	4	\$60,261.00	14	\$109,706.00
Water				
Recreational Water	1	\$6,000.00	107	\$100,700.00
Drinking Water	0	0	3	0
Water Pollution	1	\$5,258.00	13	\$53,045.00
Dam Safety	0	0	0	0
SUBTOTAL	2	\$11,258.00	123	\$153,745.00
Air Quality				
SUBTOTAL	0	0	5	\$65,500.00
Environmental Health Services				
Food Safety	1	\$2,000.00	61	\$76,900.00
Onsite Wastewater	9	\$2,000.00	4	\$3,500.00
SUBTOTAL	10	\$4,000.00	65	\$80,400.00
OCRM				
SUBTOTAL	0	0	0	0
TOTAL	16	\$75,519.00	207	\$409,351.00

Submitted by:

Myra C. Reece

Myra C. Reece

Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
November 10, 2022**

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 21-0563-AST
 Order Date: July 19, 2022
 Individual/Entity: **Dr. John Keith**
 Facility: 107 E Cheves Street Site
 Location: 107 East Cheves Street
 Florence, SC 29501
 Mailing Address: 3316 Trenton Street
 Florence, SC 29501
 County: Florence
 Previous Orders: None
 Permit/ID Number: 18717
 Violations Cited: The South Carolina Pollution Control Act
 S.C. Code Ann. § 48-1-50 (2008 and Supp. 2014).

Summary: Dr. John Keith (Individual/Entity) owns property in Florence County, South Carolina. The Department issued a Notice of Alleged Violation for failure to investigate groundwater contamination and to develop a plan to conduct a groundwater sampling event on the property. The Individual/Entity violated the South Carolina Pollution Control Act S.C. Code Ann. § 48-1-50 (2008 and Supp. 2014) as follows: failed to fully investigate groundwater contamination at the property.

Action: The Individual/Entity is required to submit a site-specific groundwater sampling plan by September 20, 2022, and within sixty (60) days of the Department's approval of the site-specific groundwater sampling plan, submit a groundwater sampling report. The Department has assessed a total penalty in the amount of two thousand, three hundred forty-one dollars (\$2,341.00). The Individual/Entity shall pay a total civil penalty in the amount of two thousand, three hundred forty-one dollars (**\$2,341.00**) by September 20, 2022.

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

- 2) Order Type and Number: Administrative Order 21-0373-UST
 Order Date: July 27, 2022
 Individual/Entity: **CBT Enterprises, LLC**
 Facility: Sav Way 14
 Location: 10 West Winifield Drive

Mailing Address: Manning, SC 29102-3145
P.O. Box 220
Sumter, SC 29151-0220

County: Clarendon

Previous Orders: None

Permit/ID Number: 02412

Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. Code Ann. §§ 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.34(c), and 280.40(a)(3) (2012 and Supp. 2020).

Summary: CBT Enterprises, LLC (Individual/Entity) owns underground storage tanks (USTs) in Clarendon County, South Carolina. On June 1, 2021, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to provide records to the Department upon request; and failed to annually test release detection equipment for proper operation.

Action: The Individual/Entity is required to submit release detection operability test results for all active USTs and submit a current passing automatic tank gauge record for each active UST at the Facility by September 30, 2022. The Department has assessed a total civil penalty in the amount of two thousand, seven hundred forty-five dollars (\$2,745.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, seven hundred forty-five dollars (**\$2,745.00**) by September 30, 2022.

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

3) Order Type and Number: Administrative Order 22-0066-UST

Order Date: September 7, 2022

Individual/Entity: **Adan Candia Moran**

Facility: Oxners Shell

Location: 525 West Church Street
Batesburg, SC 29006-1706

Mailing Address: 4 Copperwood Court
Columbia, SC 29229

County: Lexington

Previous Orders: None

Permit/ID Number: 12492

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, 280.21(b) and (c), 280.22(b), 280.31(a), 280.34(c), 280.70(c), 280.93(a), 280.110(c), and 280.242 (2012 and Supp. 2020).

Summary: Adan Candia Moran (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. On December 23, 2021, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to protect an operating UST system from corrosion; failed to submit a written notification with supporting documentation to the Department within thirty (3) days of acquisition for a regulated UST system; failed to operate and maintain corrosion protection equipment continuously; failed to provide records to the Department upon request; failed to properly abandon a temporarily closed system after twelve (12) months; failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; and failed to have a Class A/B operator trained in facility specific operation and maintenance and/or emergency response actions.

Action: The Individual/Entity is required to: submit a completed Tank and Sludge Disposal Form (Form); within 60 days of the Department's approval for the Form, permanently close the USTs and submit an UST Closure and Assessment Report; submit a completed Transfer of Ownership form; submit a completed Certificate of Financial Responsibility form and provide evidence of financial assurance; and submit proof that an A/B operator has been trained for the Facility by November 9, 2022. The Department has assessed a total civil penalty in the amount of forty-three thousand, one hundred seventy-five dollars (\$43,175.00). The Individual/Entity shall pay a civil penalty in the amount of forty-three thousand, one hundred seventy-five dollars (**\$43,175.00**) by November 9, 2022.

Update: The Individual/Entity did not file a Request for Review. Tanks being removed from ground on October 25, 2022.

4) Order Type and Number: Consent Order 22-0201-UST
Order Date: August 9, 2022
Individual/Entity: **Boxley Enterprises, Inc.**
Facility: College Quick Mart
Location: 1200 Whaley Street
Columbia, SC 29201
Mailing Address: 656 Forest Cove
Oviedo, Florida 32765
County: Richland
Previous Orders: 19-0292-UST (\$870.00, suspended)
Permit/ID Number: 07753
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 2020).

Summary: Boxley Enterprises, Inc. (Individual/Entity) owns underground storage tanks (USTs) located in Richland County, South Carolina. On May 2, 2022, the Department conducted a file review and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed 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 all violations prior to issuance of the Order. The Department has assessed a total penalty in the amount of twenty-six thousand, two hundred dollars (\$26,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**) by September 23, 2022, and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any of the requirements not be met.

Update: The Individual had paid the civil penalty and the Order is closed.

5) Order Type and Number: Consent Order 22-0200-UST
Order Date: August 24, 2022
Individual/Entity: **Hiren N. Patel**
Facility: Mosley's Food Mart
Location: 1410 Wahalla Highway
Pickens, SC 29671
Mailing Address: 1018 West Main Street
Pickens, SC 29671-2122
County: Pickens
Previous Orders: None
Permit/ID Number: 13830
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 and Supp. 2020).

Summary: Hiren N. Patel (Individual/Entity) owns underground storage tanks (USTs) in Pickens County, South Carolina. On May 2, 2022, the Department conducted a file review and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control 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 is required to submit a completed Certificate of Financial Responsibility form and evidence of financial assurance by October 8, 2022. The Department has assessed a total civil penalty in the amount of twenty-six thousand, two hundred dollars (\$26,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**) by October 8, 2022, and pay a suspended

penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any of the requirements not be met.

Update: A completed Certificate of Financial Responsibility and evidence of financial assurance was received on July 29, 2022. Civil penalty has been paid and the Order is closed.

- 6) Order Type and Number: Consent Order 21-0376-UST
Order Date: August 9, 2022
Individual/Entity: **Margi Realty, LLC**
Facility: Party World
Location: 45 Sunset Drive
Manning, SC 29102
Mailing Address: 7720 Highway 76
Pendleton, SC 29670
County: Clarendon
Previous Orders: None
Permit/ID Number: 02408
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-20(12)(c), § 44-2-80(C), and § 44-2-140(A) (2018) and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.65 (2012 & Supp 2020).

Summary: Margi Realty, LLC (Individual/Entity) is responsible for a release of petroleum products to the environment in Clarendon County, South Carolina. On December 15, 2021, the Department conducted a file review and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to determine the full extent of a release in accordance with a schedule established by the Department.

Action: The Individual/Entity is required to submit a site-specific work plan for a groundwater sampling event by September 23, 2022, followed by a groundwater sampling report within sixty (60) days of the Department's approval of the site-specific work plan. The Department has assessed a total civil penalty in the amount of three thousand, eight hundred fifty-six dollars (\$3,856.00). The Individual/Entity shall pay a **suspended penalty** in the amount of three thousand, eight hundred fifty-six dollars (**\$3,856.00**) should any requirement if the Order not be met.

Update: The SSWP was submitted and approved by the Department; the groundwater sampling report is due December 19, 2022.

Previous Orders: None
Permit/ID Number: 19113
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 2020).

Summary: Oswald Wholesale Lumber, Inc. (Individual/Entity) owns and operates an underground storage tank (UST) in Lexington County, South Carolina. On June 2, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected the violation prior to the issuance of the Order. The Department has assessed a total penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a total civil penalty in the amount of three thousand dollars (**\$3,000.00**) by October 5, 2022.

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

9) Order Type and Number: Consent Order 22-0152-UST
Order Date: August 9, 2022
Individual/Entity: **Petrogas Group of SC, LLC**
Facility: Pitt Stop 13
Location: 7409 Broad River Road
Columbia, SC 29063
Mailing Address: 279 Cedarcrest Drive
Lexington, SC 29072
County: Richland
Previous Orders: None
Permit/ID Number: 16792
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 and Supp. 2020).

Summary: Petrogas Group of South Carolina, LLC (Individual/Entity) owned and operated underground storage tanks (USTs) in Richland County, South Carolina. On May 12, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment of an UST system.

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 civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by September 23, 2022.

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

- 10) Order Type and Number: Consent Order 22-0179-UST
Order Date: August 17, 2022
Individual/Entity: **Petrogas Group South Carolina, LLC**
Facility: Pitt Stop 43
Location: 5221 Highway 321
Gaston, SC 29053
Mailing Address: 279 Cedarcrest Drive
Lexington, SC 29072
County: Lexington
Previous Orders: 19-0024-UST (\$1,000.00)
Permit/ID Number: 19342
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 and Supp. 2020).

Summary: Petrogas Group South Carolina, LLC (Individual/Entity) owned and operated underground storage tanks (USTs) in Lexington County, South Carolina. On June 17, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment of an UST system.

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 civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by October 1, 2022.

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

- 11) Order Type and Number: Consent Order 22-0137-UST
Order Date: August 9, 2022
Individual/Entity: **Walmart Stores, Inc.**
Facility: Walmart Neighborhood Market 3442
Location: 11970 Highway 17 Bypass
Murrells Inlet, SC 29576
Mailing Address: 8725 Rosehill Road, Suite 450

Lenexa, KS 66215

County: Horry
Previous Orders: None
Permit/ID Number: 19794
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 2020).

Summary: Walmart Stores, Inc. (Individual/Entity) owns and operates underground storage tanks (USTs) in Horry County, South Carolina. On May 6, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a total civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by September 23, 2022.

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

12) Order Type and Number: Consent Order 22-0275-UST
Order Date: September 14, 2022
Individual/Entity: **Vallabh II, LLC**
Facility: Vallabh II, LLC
Location: 658 Two Notch Road
Lexington, SC 29073
Mailing Address: 2423-B Plantation Center Drive
Matthews, NC 28104
County: Lexington
Previous Orders: None
Permit/ID Number: 19379
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, 280.10(b)(2)(i) (2012 & Supp 2020).

Summary: Vallabh II, LLC (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. On July 25, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to equip a pressurized line with an automatic line leak detector.

Action: The Individual/Entity corrected all violations prior to issuance of the

Order. The Department has assessed a total penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a total civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by October 29, 2022.

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

- 13) Order Type and Number: Consent Order 22-0182-UST
Order Date: September 16, 2022
Individual/Entity: **Madhur Chodda**
Facility: Palmetto Grocery and Grill
Location: 2192 Ebenezer Road
Florence, SC 29501
Mailing Address: 3213 Strada Rosa
Florence, SC 29501
County: Darlington
Previous Orders: None
Permit/ID Number: 16826
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, 280.72(a)&(c), 280.93(a), and 280.110(c) (2012 & Supp 2020), and § 44-2-60(A).

Summary: Madhur Chodda (Individual/Entity) owned an underground storage tank (UST) in Darlington County, South Carolina. On March 3, 2022, the Department conducted a file review and issued a Notice of Alleged Violation. On July 7, 2022, the UST was permanently closed. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to conduct a closure assessment, failed to demonstrate financial responsibility for an UST system and failed to submit evidence of financial assurance to the Department upon request, and failed to pay annual tank registration fees.

Action: The Individual/Entity is required to: pay outstanding annual tank registration fees and associated late fees for fiscal years 2018 through 2023 in accordance with a promissory note; submit an UST Closure and Assessment Report for the UST closed on July 7, 2022 by October 31, 2022; and pending the results of the UST Closure and Assessment Report, submit a completed Certificate of Financial Responsibility form and evidence of financial assurance. The Department has assessed a total penalty in the amount of twenty-nine thousand, seven hundred dollars (\$29,700.00). The Individual/Entity shall pay a **suspended penalty** in the amount of twenty-nine thousand, seven hundred dollars (**\$29,700.00**) should any requirement of the Order not be met.

Update: The closure report has been submitted and the tank registration fees are being paid in accordance with promissory note.

Solid Waste Enforcement

- 14) Order Type and Number: Administrative Order 22-13-SW
Order Date: August 9, 2022
Individual/Entity: **Antioch Group, LLC**
Facility: Former Bennett's Landfill (TMS # 007-00-00-001-000)
Location: 4399 Pinckney Road
Chester, SC 29706
Mailing Address: 5 C Street
Greenville, SC 29611
County: Chester
Previous Orders: None
Permit/ID Number: 122493-1601
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 I.E.2.b., Part I.F.2.b(4), and Part IV.F.2.a. (Rev. 2008 & Supp. 2016).

Summary: Antioch Group, LLC (Individual/Entity), owns a Class 2 Landfill that was closed by an Action Memorandum in April 2015, in Chester County, South Carolina. Based on a file review, the Department issued a Notice of Alleged Violation. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, as follows: failed to provide legal documentation of the transfer of ownership of the landfill within fifteen (15) days of the actual transfer; failed to provide a description of the future use plans for the Landfill; failed to submit a completed Application for Permit to Construct a Solid Waste Management System; failed to submit a completed Disclosure Statement; failed to submit a proposal for fixing the cap integrity and the stormwater management issues; failed to submit a Post-Closure Care Plan that describes how the site will be monitored and maintained for the remainder of the post-closure period; failed to submit a sampling and analysis plan outlining procedures and protocols to be used to conduct the groundwater monitoring of the site for the remainder of the post-closure care period, and, upon approval, complete sampling within sixty (60) days; and failed to submit a financial assurance cost-estimate to cover the cost of post-closure care for the remaining post-closure period, and, upon approval, provide a financial mechanism to cover the approved amount.

Action: The Individual/Entity is required to submit: a description of the future use plans for the Landfill; a proposal for fixing the cap integrity and the stormwater management issues; a Post-Closure Care Plan that describes how the site will be monitored and maintained for the remainder of the post-closure period; a sampling and analysis plan outlining procedures and protocols to be used to conduct the groundwater monitoring of the site for the remainder of the post-closure period and complete sampling within sixty (60) days of the Department's approval of the plan; a financial assurance cost-estimate to cover the cost of post-closure care for the remaining post-closure period and provide a

financial mechanisms to cover the approved amount within sixty (60) days of the Department's approval of the cost-estimate; and using a form approved by the Department, record with the appropriate Register of Deeds, a notation in the record of ownership of the property – or some other instrument that is normally examined during a title search – that will, in perpetuity, notify any potential purchaser of the property that the land or a portion thereof has been structurally filled, and a copy of the deed notation to the Department by October 14, 2022. The Department has assessed a total civil penalty in the amount of twelve thousand dollars (\$12,000.00). The Individual/Entity shall pay a civil penalty in the amount of twelve thousand dollars (**\$12,000.00**) by October 14, 2022.

Update: This Order has been referred to Office of General Counsel for failure to comply with the Order.

15) Order Type and Number: Consent Order 22-11-SW
Order Date: August 5, 2022
Individual/Entity: **Kahm Farms, LLC**
Facility: Kahm Farms
Location: Wildlife Lane
Conway, SC
Mailing Address: 613 Main Street
Conway, SC 29526
County: Horry
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 (2018 & Supp. 2019) (Act) and the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation (2015) (Regulation), R.61-107.19, Part I.A.8. and Part II.B.1.

Summary: Kahm Farms, LLC (Individual/Entity), owns property located in Horry County, South Carolina. The Department conducted inspections on February 25, 2022, March 1, 2022, and March 4, 2022. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation as follows: operated a Structural Fill prior to obtaining a permit from the Department.

Action: The Individual/Entity is required to: immediately cease all Structural Fill activities at the site; remove and properly dispose of all solid waste debris from the unpermitted structural fill at a permitted solid waste management facility and provide disposal receipts to the Department; and provide photographic evidence that all solid waste debris has been removed from the site by October 4, 2022. The Department assessed a total civil penalty in the amount of six thousand, six dollars (\$6,006.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand, six dollars (**\$6,006.00**) by October 4, 2022.

Update: All requirements of the Order have been submitted. The civil penalty has been paid and the Order is closed.

Hazardous Waste Enforcement

- 16) Order Type and Number: Consent Order 22-13-HW
Order Date: September 21, 2022
Individual/Entity: **Lubrizol Advanced Materials, Inc.**
Facility: Lubrizol Advanced Materials, Inc.
Location: 195 Brooks Boulevard
Spartanburg, SC 29307
Mailing Address: Same
County: Spartanburg
Previous Orders: 20-03-HW (\$15,500.00)
Permit/ID Number: SCD 069 324 747
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: Lubrizol Advanced Materials, Inc. (Individual/Entity) is a specialty chemical company located in Spartanburg, South Carolina. The Department conducted inspections at the facility on January 11, 2022 and January 12, 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 provide records to support waste determinations; failed to ensure material was not accumulated speculatively before being recycled; failed to close containers; failed to label containers with the words “Hazardous Waste” and an indication of the hazards; failed to ensure personnel take annual hazardous waste training; failed to submit Quarterly Reports according to the instructions included with the form; failed to remove precipitation from secondary containment; failed to record and conduct weekly tank inspections; failed to review daily the data gathered from monitoring and leak detection equipment; and failed to label lamps: Universal Waste – Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

Action: The Individual/Entity is required to: submit analytical results and updated waste profiles by December 21, 2022. The Department assessed a total civil penalty in the amount of thirty thousand dollars (\$30,000.00). The Individual/Entity is required to pay the civil penalty in the amount of thirty thousand dollars (**\$30,000.00**) by October 21, 2022.

Update: The civil penalty has been paid.

17) Order Type and Number: Consent Order 22-14-HW
Order Date: September 21, 2022
Individual/Entity: **Weylchem US, Inc.**
Facility: Weylchem US, Inc.
Location: 2114 Larry Jeffers Road
Elgin, SC 29045
Mailing Address: Same
County: Kershaw
Previous Orders: None
Permit/ID Number: SCD 042 627 448
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021), the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2018 and Supp. 2021), and the South Carolina Solid Waste Management: Used Oil Regulations, 8 S.C. Code Ann. Regs. 61-107.279 (2012 and Supp. 2021).

Summary: Weylchem US, Inc. (Individual/Entity) manufacturers of chemical intermediates and reagents at its facility located in Kershaw County, South Carolina. The Department conducted inspections at the facility on April 26, 2022, and April 27, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act, the Hazardous Waste Management Regulations, the South Carolina Solid Waste Policy and Management Act, and the Used Oil Regulations as follows: failed to determine if a solid waste was a hazardous waste; failed to keep containers closed; failed to label containers with the words “Hazardous Waste,” an indication of the hazards, and accumulation start dates; failed to transfer hazardous waste from containers in poor condition to containers in good condition; failed to perform weekly inspections; failed to ensure personnel take part in a hazardous waste training program and an annual review; failed to maintain written job descriptions and job titles for each position related to hazardous waste management and the name of the employee filling that position; failed to maintain the type and amount of both introductory and continuing training; failed to receive an extension to store hazardous waste longer than ninety (90) days; failed to determine the status of the hazardous waste shipped offsite; failed to submit an Exception Report to the Department for missing manifests; failed to include in the contingency plan, the arrangements with local emergency responders; failed to submit a copy of the contingency plan and the quick reference guide to local emergency responders; failed to ensure the secondary containment was free of cracks and gaps; failed to perform daily tank inspections; failed to close and label containers of used oil with the words “Used Oil”; failed to maintain universal waste batteries to prevent a release and to keep such containers closed; failed to label batteries: “Universal Waste – Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies)”; failed to label lamps: Universal Waste – Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”; and failed to demonstrate the length of time universal waste had been accumulated from the date it became a waste.

Action: The Individual/Entity is required to: submit a revised contingency plan with a quick reference guide and position descriptions with the job titles, skills, education, and training by October 21, 2022, and submit documentation demonstrating the secondary containment floor has been repaired by December 21, 2022. The Department assessed a total civil penalty in the amount of twenty-five thousand dollars (\$25,000.00). The Individual/Entity is required to pay a civil penalty in the amount of twenty-five thousand dollars **(\$25,000.00)** by October 21, 2022.

Update: Documentation has been submitted and is under review. The civil penalty has been paid.

18) Order Type and Number: Consent Order 22-15-HW
Order Date: September 21, 2022
Individual/Entity: **Sea Pro Boats, LLC**
Facility: Sea Pro Boats, LLC
Location: 25214 Highway 121
Whitmire, SC 29178
Mailing Address: Same
County: Newberry
Previous Orders: 18-26-HW (\$15,000.00)
Permit/ID Number: SCR 000 784 140
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: Sea Pro Boats, LLC (Individual/Entity) is a boat manufacturer located in Newberry County, South Carolina. The Department conducted inspections at the facility on April 15, 2022, and May 11, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to label containers with the words “Hazardous Waste,” an indication of the hazards, and an accumulation start date; failed to close containers; failed to perform weekly inspections; failed to ensure personnel take part in a hazardous waste training program and an annual review; failed to maintain written job descriptions and job titles for each position related to hazardous waste management and the name of the employee filling that position; failed to maintain the type and amount of both introductory and continuing training; failed to receive an extension to store hazardous waste longer than ninety (90) days; failed to include in the contingency plan, the arrangements with local emergency responders, a list of emergency equipment, location and its capabilities; and failed to submit a copy of the contingency plan and the quick reference guide to local emergency responders.

Action: The Individual/Entity is required to: submit a revised contingency plan with a quick reference guide and position descriptions with the job titles, skills, education, and training by October 21, 2022. The Department assessed a total civil penalty in the amount of twenty-four thousand dollars (\$24,000.00). The Individual/Entity shall pay a civil

penalty in the amount of twenty-four thousand dollars **(\$24,000.00)** in monthly installments with the last payment being due by September 15, 2023.

Update: The Individual/Entity has been making monthly payments towards the civil penalty. Other compliance documentation has not been received.

BUREAU OF WATER

Recreational Waters Enforcement

19) Order Type and Number: Administrative Order 22-115-RW
Order Date: September 21, 2022
Individual/Entity: **Harrar Holdings II, LLC**
Facility: Serendipity Inn
Location: 407 71st Avenue North
Myrtle Beach, SC 29577
Mailing Address: 1406 B Commerce Place
Myrtle Beach, SC 29577
County: Horry
Previous Orders: AO 19-120-RW (\$680.00)
AO 21-041-RW (\$1,600.00)
Permit/ID Number: 26-251-1 & 26-G14-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

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

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six thousand dollars (\$6,000.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand dollars **(\$6,000.00)** by November 30, 2022.

Update: None.

- 20) Order Type and Number: Consent Order 22-027-RW
Order Date: August 8, 2022
Individual/Entity: **Ackerman Greenstone North Augusta, LLC**
Facility: Crowne Plaza
Location: 1060 Center Street
North Augusta, SC 29841
Mailing Address: Same
County: Aiken
Previous Orders: 19-132-RW (\$680.00)
Permit/ID Number: 02-1046B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Ackerman Greenstone North Augusta, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Aiken County, South Carolina. The Department conducted inspections on May 25, 2022, and July 11, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not available for review; the disinfection equipment was not operating properly; and the automatic controller was not operating properly.

Action: The Individual/Entity has corrected all violations. 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**) by August 16, 2022.

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

- 21) Order Type and Number: Consent Order 22-028-RW
Order Date: August 8, 2022
Individual/Entity: **Sun Fun Motel, LLC**
Facility: Sun Fun Motel
Location: 2305 Withers Drive
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-110-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sun Fun Motel, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on May 24, 2022, and July 11, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the depth marker tiles on the deck were not the correct size; a ladder was missing bumpers; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 21, 2022.

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

22) <u>Order Type and Number:</u>	Consent Order 22-029-RW
<u>Order Date:</u>	August 8, 2022
<u>Individual/Entity:</u>	Jamestowne Community Association
<u>Facility:</u>	Jamestowne Community
<u>Location:</u>	400 Old South Circle Murrells Inlet, SC 29576
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-506-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Jamestowne Community Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 16, 2022, and July 14, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; a ladder was missing bumpers; the pool equipment room not accessible; the chemical storage room was not accessible; and the gate did not self-close and latch.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 31, 2022.

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

- 23) Order Type and Number: Consent Order 22-030-RW
Order Date: August 8, 2022
Individual/Entity: **Advenir@One Eleven, LLC**
Facility: Advenir at One Eleven Apartments
Location: 111 Knox Abbott Drive
Cayce, SC 29033
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 32-1101B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Advenir@One Eleven, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lexington County, South Carolina. The Department conducted inspections on June 3, 2022, and June 27, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: waterline tiles were dirty; algae was present on the pool floor; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operational; the pool rules sign did not have all of the required rules; a vacuum was operating in the pool; the bound and numbered log book was not available for review on the first inspection; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record on the second inspection; the cyanuric acid levels were not recorded weekly in the bound and numbered log book on the second inspection; and there were chlorine sticks in the skimmer baskets.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 16, 2022.

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

- 24) Order Type and Number: Consent Order 22-031-RW
Order Date: August 8, 2022
Individual/Entity: **GCA Vista Sands, LLC**
Facility: Vista Sands Apartments
Location: 1001 Bear Island Road
Summerville, SC 29483
Mailing Address: Same
County: Berkeley
Previous Orders: 21-198-RW (\$680.00)

Permit/ID Number: 08-1023
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: GCA Vista Sands, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Berkeley County, South Carolina. The Department conducted inspections on June 22, 2022, and July 13, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: deck depth marker tiles were broken; the pool floor was not clean; skimmer lids were cracked; the gates did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; the log book was not bound and numbered on the first inspection; and a log book was not available for review on the second inspection.

Action: The Individual/Entity has corrected all violations. 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**) by August 22, 2022.

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

25) Order Type and Number: Consent Order 22-032-RW
Order Date: August 8, 2022
Individual/Entity: **Savoy Owners Association, Inc.**
Facility: Savoy Condos
Location: 200 72nd Avenue North
Myrtle Beach, SC 29572
Mailing Address: P.O. Box 7706
Myrtle Beach, SC 29572
County: Horry
Previous Orders: 21-030-RW (\$680.00)
Permit/ID Number: 26-949-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Savoy Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on May 25, 2022, and July 18, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the drinking water fountain was not operating properly; the life ring was deteriorated; the pool rules sign was not completely filled out; the bound and numbered log book was not maintained on a daily basis on the first inspection; and the bound and numbered log book was not available for review on the second inspection.

Action: The Individual/Entity has corrected all violations. 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**) by August 22, 2022.

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

26) Order Type and Number: Consent Order 22-033-RW
Order Date: August 8, 2022
Individual/Entity: **Vista Del Mar Condominium Association**
Facility: Vista Del Mar Condominiums
Location: 8686 North Ocean Boulevard
Myrtle Beach, SC 29572
Mailing Address: 4876 Barefoot Resort Bridge Road
North Myrtle Beach, SC 29598
County: Horry
Previous Orders: None
Permit/ID Number: 26-1188B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Vista Del Mar Condominium Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on May 23, 2022, and June 28, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the life ring rope was deteriorated; and the pool rules sign did not have all of the required rules.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 24, 2022.

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

27) Order Type and Number: Consent Order 22-034-RW
Order Date: August 8, 2022
Individual/Entity: **Vista Commons, L.P.**
Facility: Vista Commons Apartments
Location: 1100 Pulaski Street
Columbia, SC 29201
Mailing Address: Same
County: Richland

Previous Orders: 20-025-RW (\$680.00)
Permit/ID Number: 40-1001B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Vista Commons, L.P. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 1, 2022, and June 28, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a depth marker tile was turned in the wrong direction; a ladder was missing bumpers; skimmers were missing weirs; the water level was too high; a vacuum was operating in the pool; the pH level was not within the acceptable range of water quality standards; the wording on the “No Lifeguard On Duty – Swim At Your Own Risk” signs was not correct and the letters were not the appropriate size; the bound and numbered log book was not maintained on a daily basis, and was not maintained a minimum of three times per week by the pool operator of record; and the cyanuric acid levels were not recorded weekly in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. 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**) by August 24, 2022.

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

28) Order Type and Number: Consent Order 22-035-RW
Order Date: August 8, 2022
Individual/Entity: **Rivarel, LLC**
Facility: Ashley River Apartments
Location: 1850 Ashley Crossing Lane
Charleston, SC 29414
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-226-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Rivarel, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 7, 2022, and July 11, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the deck depth marker tiles were not the correct size; a ladder was missing bumpers; there were non-pool related items stored in the equipment room; the pool equipment room was unlocked; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; a bound and numbered log book was not available for review on the first inspection; and the

log book was not properly bound or numbered and was not maintained on a daily basis on the second inspection.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 25, 2022.

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

29) Order Type and Number: Consent Order 22-036-RW
Order Date: August 8, 2022
Individual/Entity: **SK Charleston Paces, LLC**
Facility: The Watch on Shem Creek
Location: 997 Johnnie Dodds Boulevard
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-384-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: SK Charleston Paces, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 24, 2022, and July 14, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were no universal “no diving” tiles; a ladder was missing bumpers; the pool equipment room was not locked; a light in the pool wall was out of its niche; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; and the emergency notification device was not operational.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 22, 2022.

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

30) Order Type and Number: Consent Order 22-037-RW
Order Date: August 12, 2022
Individual/Entity: **Mid-America Apartments, L.P.**
Facility: Rivers Walk
Location: 301 Seaport Lane

Mailing Address: Mount Pleasant, SC 29464
County: Same
Charleston
Previous Orders: None
Permit/ID Number: 10-1215B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mid-America Apartments, L.P. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 21, 2022, and July 11, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 28, 2022.

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

31) Order Type and Number: Consent Order 22-038-RW
Order Date: August 12, 2022
Individual/Entity: **MACC Legacy Summer Chase, LLC**
Facility: Summer Chase Apartments
Location: 3952 Horseshoe Road North
Little River, SC 29566
Mailing Address: 245 West Main Avenue
Gastonia, NC 28052
County: Horry
Previous Orders: None
Permit/ID Number: 26-R38-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: MACC Legacy Summer Chase, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 15, 2022, and July 25, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing a rung; the foot rinse shower was not operating properly; only one “Shallow Water – No Diving Allowed” sign was posted; one of the “No Lifeguard On Duty – Swim At Your Own Risk” signs did not have the correct wording, the current pool operator of

record information was not posted to the public; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 28, 2022.

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

32) <u>Order Type and Number:</u>	Consent Order 22-039-RW
<u>Order Date:</u>	August 12, 2022
<u>Individual/Entity:</u>	Shell Hall Property Owners' Association, Inc.
<u>Facility:</u>	Shell Hall
<u>Location:</u>	20 Shell Hall Drive Bluffton, SC 29910
<u>Mailing Address:</u>	110 Traders Crossing, Suite 203-207 Bluffton, SC 29909
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	07-1055B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Shell Hall Property Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on May 27, 2022, and July 15, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing a non-slip tread insert; there was algae on the pool wall; a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; the shepherd's crook was missing a bolt on the first inspection, and was not permanently attached to the handle on the second inspection; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not available for review.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 28, 2022.

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

33) Order Type and Number: Consent Order 22-040-RW
Order Date: August 12, 2022
Individual/Entity: **Centre Pointe Hotel, LLC**
Facility: Towne Place Suites North Charleston
Location: 5001 Fashion Avenue
North Charleston, SC 29418
Mailing Address: Same
County: Charleston
Previous Orders: 20-030-RW (\$680.00)
21-068-RW (\$1,600.00)
Permit/ID Number: 10-1307B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Centre Pointe Hotel, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 27, 2022, and July 19, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record and was not maintained on a daily basis; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of three thousand, two hundred dollars (\$3,200.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, two hundred dollars (**\$3,200.00**) by August 30, 2022.

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

34) Order Type and Number: Consent Order 22-041-RW
Order Date: August 12, 2022
Individual/Entity: **Pointe Gilead Cabana Club, Inc.**
Facility: Pointe Gilead
Location: 469 Vereen Drive
Garden City, SC 29576
Mailing Address: P.O. Box 14280
Surfside Beach, SC 29587
County: Horry
Previous Orders: None
Permit/ID Number: 26-F39-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Pointe Gilead Cabana Club, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County,

South Carolina. The Department conducted inspections on June 17, 2022, and July 15, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the pool equipment room was not locked; the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 29, 2022.

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

35) <u>Order Type and Number:</u>	Consent Order 22-042-RW
<u>Order Date:</u>	August 12, 2022
<u>Individual/Entity:</u>	AFF18 Simpsonville, LLC
<u>Facility:</u>	Legacy Reserve at Fairview Park
<u>Location:</u>	538 Harrison Bridge Road Simpsonville, SC 29680
<u>Mailing Address:</u>	2700 Highway 280, Suite 460 East Birmingham, AL 35223
<u>County:</u>	Greenville
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	23-1332B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: AFF18 Simpsonville, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on March 28, 2022, May 31, 2022, and July 11, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool equipment room was not locked; the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand, forty dollars (\$2,040.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, forty dollars (**\$2,040.00**) by August 29, 2022.

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

36) Order Type and Number: Consent Order 22-043-RW
Order Date: August 12, 2022
Individual/Entity: **Tabby Walk Owners' Association, Inc.**
Facility: Tabby Walk Apartments
Location: 30 Mathews Drive
Hilton Head, SC 29928
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-273-1 & 07-274-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Tabby Walk Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Beaufort County, South Carolina. The Department conducted inspections on June 20, 2022, and July 19, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the chlorine and pH levels were not within the acceptable range of water quality standards; only one "Shallow Water – No Diving Allowed" sign was posted; and only one "No Lifeguard On Duty – Swim At Your Own Risk" sign was posted.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by August 25, 2022.

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

37) Order Type and Number: Consent Order 22-044-RW
Order Date: August 12, 2022
Individual/Entity: **1501 Third Owner, LLC**
Facility: Azure Carnes Crossroads
Location: 172 Harvest Way
Summerville, SC 29483
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: 08-1117B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: 1501 Third Owner, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Berkeley County, South Carolina. The Department conducted inspections on July 1, 2022, and July 12, 2022, and

violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the depth marker tiles on the deck were broken; the water level was too high; the gate did not self-close and latch; the bound and numbered log book was not maintained on a daily basis; the pool furniture was not at least 4 feet from the pool edge; the bathroom did not have soap; and the chlorine level was not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 28, 2022.

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

38) <u>Order Type and Number:</u>	Consent Order 22-045-RW
<u>Order Date:</u>	August 15, 2022
<u>Individual/Entity:</u>	Airport Properties, Inc.
<u>Facility:</u>	Sandcastle North
<u>Location:</u>	1802 North Ocean Boulevard Myrtle Beach, SC 29577
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-190-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Airport Properties, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 22, 2022, and July 21, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the fill spout was not stainless steel or equivalent; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; a skimmer lid was cracked; and the main drain grates were not visible due to cloudy water.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 31, 2022.

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

39) Order Type and Number: Consent Order 22-046-RW
Order Date: August 15, 2022
Individual/Entity: **4PR, Inc.**
Facility: Best Western Patriots Point
Location: 259 McGrath Darby Boulevard
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: 18-151-RW (\$680.00)
20-107-RW (\$1,600.00)
Permit/ID Number: 10-569-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: 4PR, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 23, 2022, and July 12, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the fill spout was not stainless steel or equivalent; the chlorine level was not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope and was deteriorated; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not recorded weekly in the bound and numbered log book; and the “Shallow Water – No Diving Allowed” signs were missing.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of three thousand, two hundred dollars (\$3,200.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, two hundred dollars (**\$3,200.00**) by November 15, 2022.

Update: The civil penalty is to be paid in three installments. The first and second installments have been paid. The final installment is due November 15, 2022.

40) Order Type and Number: Consent Order 22-047-RW
Order Date: August 17, 2022
Individual/Entity: **Sun Country Lakes, LLC**
Facility: Sun Country Lakes
Location: 4353 Erie Drive
Little River, SC 29566
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-H88-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sun Country Lakes, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 24, 2022, and July 22, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the pool equipment room was not locked; the fill spout was not stainless steel or equivalent; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not completely filled out; only one “Shallow Water – No Diving Allowed” sign was posted; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted on the first inspection; and the letters on one of the “No Lifeguard On Duty – Swim at Your Own Risk” signs posted on the second inspection were not the appropriate size.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 31, 2022.

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

41) <u>Order Type and Number:</u>	Consent Order 22-048-RW
<u>Order Date:</u>	August 19, 2022
<u>Individual/Entity:</u>	LeTap of North Myrtle Beach, LLC
<u>Facility:</u>	Edgewater Inn
<u>Location:</u>	4622 South Ocean Boulevard North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-256-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: LeTap of North Myrtle Beach, LLC (Individual/Entity) leases and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 13, 2022, and July 25, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing non-slip tread inserts; the drinking water fountain was not operating; the bound and numbered log book was not available for review; a skimmer basket was floating; the gate did not self-close and latch; and the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 8, 2022.

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

42) Order Type and Number: Consent Order 22-049-RW
Order Date: August 19, 2022
Individual/Entity: **Bridgemill Citizens Assembly, Inc.**
Facility: Bridgemill Amenity
Location: 7135 Harcourt Crossing
Indian Land, SC 29707
Mailing Address: 1515 Mockingbird Land, Ste 600
Charlotte, NC 28209
County: Lancaster
Previous Orders: None
Permit/ID Number: 29-1008E
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Bridgemill Citizens Assembly, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lancaster County, South Carolina. The Department conducted inspections on May 26, 2022, and July 8, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool equipment room was not locked; a water feature was displaced from the pool floor; a gate did not self-close and latch; a main drain grate was broken; the pool rules sign was not legible; the bound and numbered log book was not available for review; and a handrail was not tight and secure.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 5, 2022.

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

43) Order Type and Number: Consent Order 22-050-RW
Order Date: August 22, 2022
Individual/Entity: **Point Comfort Club Horizontal Property Regime, Individually and d.b.a. Point Comfort Club**
Facility: Point Comfort Club
Location: 6 Point Comfort Road

Mailing Address: Hilton Head, SC 29938
PO Box 21495
Hilton Head, SC 29925

County: Beaufort

Previous Orders: None

Permit/ID Number: 07-234-1

Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Point Comfort Club Horizontal Property Regime, Individually and d.b.a. Point Comfort Club (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 17, 2022, and July 29, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: skimmers were missing weirs; a gate did not self-close and latch; and the chlorine level was not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 31, 2022.

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

44) Order Type and Number: Consent Order 22-051-RW

Order Date: August 22, 2022

Individual/Entity: **The Officers' Quarters at 1766 I'On Avenue Property Owners Association, Inc.**

Facility: **Officers' Quarters**

Location: 1766 I'On Avenue
Sullivan's Island, SC 29482

Mailing Address: Same

County: Charleston

Previous Orders: None

Permit/ID Number: 10-1145B

Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Officers' Quarters at 1766 I'On Avenue Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 13, 2022, and July 21, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the drinking water fountain was not operating; the foot rinse shower was not operating; the cyanuric acid level was above the water quality

standards acceptable limit; the emergency notification device was not operational; the pool rules sign was not completely filled out; the chlorine level was not within the acceptable range of water quality standards; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 6, 2022.

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

45) <u>Order Type and Number:</u>	Consent Order No. 22-052-RW
<u>Order Date:</u>	August 23, 2022
<u>Individual/Entity:</u>	Tanners Mill Homeowners Association, Inc.
<u>Facility:</u>	Tanners Mill
<u>Location:</u>	119 Stapleford Park Drive Greenville, SC 29607
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenville
<u>Previous Orders:</u>	None
<u>Permit/ID Numbers:</u>	23-512-1 & 23-513-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Tanners Mill Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Greenville County, South Carolina. The Department conducted inspections on June 3, 2022, and July 13, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing non-slip tread inserts; the foot rinse shower was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; and the pool rules sign was not completely filled out.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by August 31, 2022.

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

46) Order Type and Number: Consent Order 22-053-RW
Order Date: August 23, 2022
Individual/Entity: **Bermuda Bluff Property Owners Association**
Facility: Bermuda Bluff
Location: Waterfront Street
Saint Helena Island, SC 29920
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-530-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Bermuda Bluff Property Owners Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 3, 2022, and July 22, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the drinking water fountain was not operating; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was above the water quality standards acceptable limit; and the pool rules sign was not completely filled out.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 5, 2022.

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

47) Order Type and Number: Consent Order 22-054-RW
Order Date: August 23, 2022
Individual/Entity: **Shiva Lodging, LLC**
Facility: Days Inn
Location: 1007 George Smith Mill Road
Anderson, SC 29625
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit/ID Number: 04-074-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Shiva Lodging, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Anderson County, South Carolina. The Department conducted inspections on June 30, 2022, and July 25, 2022, and violations

were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was no life ring; there was no shepherd's crook; the emergency notification device was not operational; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 5, 2022.

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

48) <u>Order Type and Number:</u>	Consent Order 22-055-RW
<u>Order Date:</u>	August 23, 2022
<u>Individual/Entity:</u>	The Breakers Horizontal Property Regime
<u>Facility:</u>	The Breakers
<u>Location:</u>	1074 N. Forest Beach Drive Hilton Head, SC 29928
<u>Mailing Address:</u>	Same
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	07-520-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: The Breakers Horizontal Property Regime (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 21, 2022, and August 1, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: skimmers were missing weirs; the cyanuric acid level was above the water quality standards acceptable limit; and the emergency notification device was not operational.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 8, 2022.

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

49) <u>Order Type and Number:</u>	Consent Order 22-056-RW
<u>Order Date:</u>	August 23, 2022
<u>Individual/Entity:</u>	Walnut Creek Residential Homeowners Association
<u>Facility:</u>	Walnut Creek
<u>Location:</u>	1026 Crawford Drive Lancaster, SC 29720
<u>Mailing Address:</u>	Same
<u>County:</u>	Lancaster
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	29-1037B & 29-1070G
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Walnut Creek Residential Homeowners Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of two pools located in Lancaster County, South Carolina. The Department conducted inspections on May 23, 2022, and July 29, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the pool floor was dirty; the waterline tiles were dirty; the pool furniture was not at least four feet from the pool edge; the drinking water fountain was not operating; the foot rinse shower was not operating; there were chemicals stored in the pump room; the flow meter was not operating; the life ring rope was deteriorated; the shepherd's crook was not permanently attached to the handle and was not properly mounted in its designated location; the pool rules sign did not have all of the required rules; there was only one "Shallow Water – No Diving Allowed" sign posted; there were no "No Lifeguard On Duty – Swim At Your Own Risk" signs posted; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; the cyanuric acid level was not recorded weekly in the bound and numbered log book; there was unapproved disinfection equipment in the pump room; there was no transition line; there was algae on the pool walls; the deck was dirty and was not clear of hazards; there was debris in the skimmer baskets; the bathrooms were dirty; the pool equipment room was unlocked; the chlorine and pH levels were not within the acceptable range of water quality standards; the pool rules sign was not completely filled out; and there was standing water in the pump room.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by September 7, 2022.

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

50) Order Type and Number: Consent Order 22-057-RW
Order Date: August 23, 2022
Individual/Entity: **Martins' Grove Homeowner's Association, Inc.**
Facility: Martins' Grove
Location: 1 Two Gait Lane
Simpsonville, SC 29680
Mailing Address: P.O. Box 80185
Simpsonville, SC 29680
County: Greenville
Previous Orders: None
Permit/ID Number: 23-396-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Martins' Grove Homeowner's Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a kiddie pool located in Greenville County, South Carolina. The Department conducted inspections on May 27, 2022, and July 8, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the deck depth marker tiles did not have a non-slip finish; a skimmer was missing a weir; the bathrooms did not have toilet paper; the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 6, 2022.

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

51) Order Type and Number: Consent Order 22-058-RW
Order Date: August 24, 2022
Individual/Entity: **Ingleside Venture, LLC**
Facility: Broadstone Ingleside
Location: 8400 Palmetto Commerce Parkway
Ladson, SC 29456
Mailing Address: 200 Providence Road, Suite 250
Charlotte, NC 28207
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1413B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Ingleside Venture, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on May 26, 2022, and July 14, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the letters on one of the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were not the appropriate size on the first inspection; one of the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted did not have the correct wording on the second inspection; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 12, 2022.

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

52) <u>Order Type and Number:</u>	Consent Order 22-059-RW
<u>Order Date:</u>	August 25, 2022
<u>Individual/Entity:</u>	Lila Group, LLC
<u>Facility:</u>	Travelodge
<u>Location:</u>	9117 Old Number Six Highway Santee, SC 29142
<u>Mailing Address:</u>	Same
<u>County:</u>	Orangeburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	38-075-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Lila Group, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Orangeburg County, South Carolina. The Department conducted inspections on June 24, 2022, and July 28, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a ladder was missing non-slip tread inserts; the bathrooms did not have paper towels; the drinking water fountain was not operating; the foot rinse shower was not operating; the chlorine and pH levels were not within the acceptable range of water quality standards; there was no life ring on the first inspection, and the life ring did not have a grab rope on the second inspection; the facility address was not posted at the emergency notification device; the pool rules sign was not completely filled out and did not have all of the required rules; the letters on the “Shallow Water – No Diving Allowed” signs posted were not the correct size and the wording was not correct; the letters on the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were not the correct size and the wording was not correct; the

current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and the plaster on the pool floor was deteriorated.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 8, 2022.

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

53)	<u>Order Type and Number:</u>	Consent Order 22-060-RW
	<u>Order Date:</u>	August 25, 2022
	<u>Individual/Entity:</u>	Deean, Inc.
	<u>Facility:</u>	Holiday Inn Express
	<u>Location:</u>	407 North Main Street Greenville, SC 29601
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Greenville
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	23-1004B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Deean, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on June 16, 2022, and July 25, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles on the deck were broken; a handrail was not tight and secure; the pool floor was dirty; there was debris in the skimmer baskets; a skimmer was missing a weir; the foot rinse shower was not operating; a light in the pool wall was out of its niche; the cyanuric acid level was above the water quality standards acceptable limit; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the chlorine and pH levels were not within the acceptable range of water quality standards; the shepherd's crook was not mounted in its designated location; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 11, 2022.

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

54) Order Type and Number: Consent Order 22-061-RW
Order Date: August 29, 2022
Individual/Entity: **Beaufort Hotel One, LLC**
Facility: Home 2 Suites
Location: 3658 Trask Parkway
Burton, SC 29906
Mailing Address: P.O. Box 1809
Richmond Hill, GA 31324
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-1250B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Beaufort Hotel One, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on May 24, 2022, and July 7, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were depth marker tiles missing from the pool deck; the skimmers were missing weirs; the foot rinse shower was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 13, 2022.

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

55) Order Type and Number: Consent Order 22-062-RW
Order Date: August 29, 2022
Individual/Entity: **Montague Realco, LLC**
Facility: Hyatt Place
Location: 3234 W. Montague Avenue
Charleston, SC 29419
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1181B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Montague Realco, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 28, 2022, and July 19, 2022, and

violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the foot rinse shower was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 4, 2022.

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

56) <u>Order Type and Number:</u>	Consent Order 22-063-RW
<u>Order Date:</u>	August 29, 2022
<u>Individual/Entity:</u>	Sun City Hilton Head Community Association, Inc.
<u>Facility:</u>	Riverbend
<u>Location:</u>	39 Tidewatch Drive Bluffton, SC 29910
<u>Mailing Address:</u>	127 Sun City Lane Bluffton, SC 29909
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	07-549-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Sun City Hilton Head Community Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Beaufort County, South Carolina. The Department conducted inspections on June 8, 2022, and July 25, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a light in the spa wall was out of its niche; the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 12, 2022.

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

57) Order Type and Number: Consent Order 22-064-RW
Order Date: August 29, 2022
Individual/Entity: **Sun City Hilton Head Community Association, Inc.**
Facility: Argent Lakes
Location: 1251 Sergeant William Jasper Boulevard
Okatie, SC 29909
Mailing Address: 127 Sun City Lane
Bluffton, SC 29909
County: Jasper
Previous Orders: None
Permit/ID Number: 27-1013D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sun City Hilton Head Community Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Jasper County, South Carolina. The Department conducted inspections on January 25, 2022, July 15, 2022, and August 9, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand, forty dollars (\$2,040.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, forty dollars (\$2,040.00) by September 12, 2022.

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

58) Order Type and Number: Consent Order 22-065-RW
Order Date: August 29, 2022
Individual/Entity: **CDOR CHS Holiday, LLC**
Facility: Home 2 Suites
Location: 221 Holiday Drive
Summerville, SC 29483
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: 18-1067B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: CDOR CHS Holiday, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Berkeley County, South Carolina. The Department conducted inspections on June 22, 2022, and July 13, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity

has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; the bathrooms did not have soap; the drinking water fountain was not operating; the chlorine and pH levels were not within the acceptable range of water quality standards; the pool rules sign was not completely filled out; the cyanuric acid level was not recorded weekly in the bound and numbered log book on the first inspection; and the bound and numbered log book was not available for review on the second inspection.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 1, 2022.

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

59) <u>Order Type and Number:</u>	Consent Order 22-066-RW
<u>Order Date:</u>	August 29, 2022
<u>Individual/Entity:</u>	WOP Capital Club, LLC
<u>Facility:</u>	Capital Club Apartments
<u>Location:</u>	2278 Capital Club Way Indian Land, SC 29707
<u>Mailing Address:</u>	Same
<u>County:</u>	Lancaster
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	29-1057B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: WOP Capital Club, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lancaster County, South Carolina. The Department conducted inspections on June 7, 2022, and July 22, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operating; the pool rules sign did not have all of the required rules; there were no “Shallow Water – No Diving Allowed” signs posted and no “No Lifeguard On Duty – Swim At Your Own Risk” signs posted on the first inspection; the letters on the “Shallow Water – No Diving Allowed” signs posted and the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were not the correct size or the correct wording on the second inspection; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the automatic controller had not been approved; and the pool furniture was not at least four feet from the pool edge.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The

Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 14, 2022.

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

60) <u>Order Type and Number:</u>	Consent Order 22-067-RW
<u>Order Date:</u>	August 29, 2022
<u>Individual/Entity:</u>	Handsmill Property Owners Association, Inc.
<u>Facility:</u>	Handsmill
<u>Location:</u>	3517 Aqua Point Drive York, SC 29745
<u>Mailing Address:</u>	Same
<u>County:</u>	York
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	46-1114B & 46-1115C
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Handsmill Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in York County, South Carolina. The Department conducted inspections on May 31, 2022, and July 13, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the letters on the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were not the correct size or the correct wording; the pool rules sign was not completely filled out; the cyanuric acid level was not recorded weekly in the bound and numbered log book; and the flow meter was not operating.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by September 12, 2022.

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

61) <u>Order Type and Number:</u>	Consent Order 22-068-RW
<u>Order Date:</u>	August 29, 2022
<u>Individual/Entity:</u>	Waters Edge Resort Homeowners Association, Inc.
<u>Facility:</u>	Waters Edge Resort
<u>Location:</u>	1012 N Waccamaw Drive Garden City, SC 29576
<u>Mailing Address:</u>	Same

County: Horry
Previous Orders: 21-182-RW (\$2,720.00)
Permit/ID Number: 26-A26-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Waters Edge Resort Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Horry County, South Carolina. The Department conducted inspections on June 24, 2022, and August 3, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the main drain grate was broken; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. 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**) by September 12, 2022.

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

62) Order Type and Number: Consent Order 22-069-RW
Order Date: August 30, 2022
Individual/Entity: **YMCA of Greenville**
Facility: YMCA Greenville
Location: 721 Cleveland Street
Greenville, SC 29601
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 23-1162C
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: YMCA of Greenville (Individual/Entity) owns and is responsible for the proper operation and maintenance of a kiddie pool located in Greenville County, South Carolina. The Department conducted inspections on June 8, 2022, and July 21, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; there was no pool rules sign; there were no “No Lifeguard On Duty – Swim At Your Own Risk” signs posted; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The

Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 12, 2022.

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

63) Order Type and Number: Consent Order 22-070-RW
Order Date: August 30, 2022
Individual/Entity: **Sleep Summerville, Inc.**
Facility: Sleep Inn Summerville
Location: 115 Holiday Drive
Summerville, SC 29483
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: 08-080-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sleep Summerville, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Berkeley County, South Carolina. The Department conducted inspections on May 25, 2022, and July 29, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles on the pool deck were broken; a ladder was missing bumpers; the women's bathroom did not have paper towels or a hand dryer; the drinking water fountain and foot rinse shower were not operating properly; the gate did not self-close and latch; chemical readings in the bound and numbered log book had been entered in advance; the cyanuric acid level was not recorded weekly in the bound and numbered log book; and there were chlorine sticks in the skimmer baskets.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 12, 2022.

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

64) Order Type and Number: Consent Order 22-071-RW
Order Date: August 30, 2022
Individual/Entity: **Legacy Mount Pleasant, LLC**
Facility: Legacy Mount Pleasant Apartments
Location: 3420 Legacy Eagle Drive
Mount Pleasant, SC 29466
Mailing Address: Same
County: Charleston

Previous Orders: None
Permit/ID Number: 10-1326B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Legacy Mount Pleasant, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 3, 2022, and July 18, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 12, 2022.

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

65) Order Type and Number: Consent Order 22-072-RW
Order Date: August 30, 2022
Individual/Entity: **Chatham Summerville CY, LLC**
Facility: Courtyard by Marriott
Location: 1510 Rose Drive
Summerville, SC 29486
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: 18-1055B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Chatham Summerville CY, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Berkeley County, South Carolina. The Department conducted inspections on July 1, 2022, and July 26, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; there were no “No Lifeguard On Duty – Swim At Your Own Risk” signs posted; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 15, 2022.

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

- 66) Order Type and Number: Consent Order 22-073-RW
Order Date: August 30, 2022
Individual/Entity: **Freshfields Village Hotel Associates, LLC**
Facility: Andell Inn at Freshfields Village
Location: 300 Farm Lake View Road
Kiawah Island, SC 29455
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1234B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Freshfields Village Hotel Associates, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 20, 2022, and July 15, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; both of the “Shallow Water – No Diving Allowed” signs posted were not visible; and both of the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were not visible.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 15, 2022.

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

- 67) Order Type and Number: Consent Order 22-074-RW
Order Date: August 30, 2022
Individual/Entity: **Cypress Pointe Community Association, Inc.**
Facility: Cypress Pointe
Location: 4219 Hollister Place
Lake Wylie, SC 29710
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-1211G
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Cypress Pointe Community Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on June 13, 2022, and July 21, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the foot rinse shower was not operating properly; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; only one “Shallow Water – No Diving Allowed” sign was posted; one of the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted did not have the correct wording and the letters were not the appropriate size; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 15, 2022.

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

68)	<u>Order Type and Number:</u>	Consent Order 22-075-RW
	<u>Order Date:</u>	August 30, 2022
	<u>Individual/Entity:</u>	RG Central Island Square, LLC
	<u>Facility:</u>	Central Island Square
	<u>Location:</u>	50 Central Island Street Daniel Island, SC 29492
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-1313B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: RG Central Island Square, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 20, 2022, and July 27, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles were broken; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; and the pool floor was dirty.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 12, 2022.

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

69) Order Type and Number: Consent Order 22-076-RW
Order Date: August 30, 2022
Individual/Entity: **Lake Hunter Commons Association, Inc.**
Facility: Lake Hunter Commons
Location: 838 Natchez Circle
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-637-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Lake Hunter Commons Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 21, 2022, and July 11, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a gate did not self-close and latch; and the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 9, 2022.

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

70) Order Type and Number: Consent Order 22-077-RW
Order Date: September 1, 2022
Individual/Entity: **Hey Ram, LLC**
Facility: Comfort Inn & Suites
Location: 221 Britain Street
Santee, SC 29142
Mailing Address: Same
County: Orangeburg
Previous Orders: None
Permit/ID Number: 38-082-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hey Ram, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Orangeburg County, South Carolina. The Department conducted inspections on June 9, 2022, and July 27, 2022, and violations

were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the waterline tiles were dirty; the gate did not self-close and latch; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 14, 2022.

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

71) <u>Order Type and Number:</u>	Consent Order 22-078-RW
<u>Order Date:</u>	September 1, 2022
<u>Individual/Entity:</u>	Greythorne Homeowners Association, Inc.
<u>Facility:</u>	Greythorne Subdivision
<u>Location:</u>	15 Dawn Meadow Court Simpsonville, SC 29680
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenville
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	23-1112B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Greythorne Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on June 1, 2022, and July 12, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; skimmers were missing weirs; the bound and numbered log book was not maintained on a daily basis; a gate did not self-close and latch; and the chlorine level was not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 18, 2022.

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

72) Order Type and Number: Consent Order 22-079-RW
Order Date: September 7, 2022
Individual/Entity: **Myrbeach Mortgage, LLC**
Facility: Days Inn Waccamaw
Location: 3650 Highway 501
Myrtle Beach, SC 29579
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-A66-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Myrbeach Mortgage, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 3, 2022, and August 2, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the drinking water fountain and foot rinse shower were not operating properly; the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not available for review.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (\$680.00) by September 19, 2022.

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

73) Order Type and Number: Consent Order 22-080-RW
Order Date: September 7, 2022
Individual/Entity: **PRG McBee Associates, LLC**
Facility: 98 E. McBee Apartments
Location: 98 E. McBee Avenue
Greenville, SC 29607
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 23-1304B & 23-1305D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: PRG McBee Associates, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Greenville County, South Carolina. The Department conducted inspections on June 8, 2022, and July 20, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as

follows: there was debris in the skimmer baskets; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the shepherd's crook was not the approved length; the recirculation and filtration system was leaking; a handrail had an exposed bolt; the pool equipment room was not locked; a bound and numbered log book was not available for review on the first inspection; and the log book was not properly bound and numbered, was not maintained on a daily basis, and was not maintained a minimum of three times per week by the pool operator of record on the second inspection.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by September 13, 2022.

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

74) <u>Order Type and Number:</u>	Consent Order 22-081-RW
<u>Order Date:</u>	September 7, 2022
<u>Individual/Entity:</u>	Edenberry Homeowners Association, Inc.
<u>Facility:</u>	Edenberry
<u>Location:</u>	107 Edenberry Way Easley, SC 29642
<u>Mailing Address:</u>	Same
<u>County:</u>	Pickens
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	39-081-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Edenberry Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Pickens County, South Carolina. The Department conducted inspections on June 28, 2022, and August 2, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles on the deck were broken; skimmers were missing weirs; skimmer baskets were floating; the chlorine level was not within the acceptable range of water quality standards; and the cyanuric acid level was above the water quality standards acceptable limit.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 19, 2022.

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

75) Order Type and Number: Consent Order 22-082-RW
Order Date: September 7, 2022
Individual/Entity: **The Lakes at Northwoods Owners Association, Inc.**
Facility: The Lakes at Northwoods Condos
Location: 8477 Yadkin Circle
North Charleston, SC 29406
Mailing Address: 8471 Yadkin Circle
North Charleston, SC 29406
County: Charleston
Previous Orders: None
Permit/ID Number: 10-240-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Lakes at Northwoods Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 7, 2022, and July 26, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the bathroom did not have toilet paper; the chlorine and pH levels were not within the acceptable range of water quality standards; only one “Shallow Water – No Diving Allowed” sign was posted; the bound and numbered log book was not maintained on a daily basis; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 20, 2022.

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

76) Order Type and Number: Consent Order 22-083-RW
Order Date: September 7, 2022
Individual/Entity: **Concord West of the Ashley Homeowners’ Association**
Facility: Concord West of the Ashley
Location: 45 Sycamore Avenue
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-586-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Concord West of the Ashley Homeowners' Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on July 5, 2022, and August 3, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 15, 2022.

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

77) <u>Order Type and Number:</u>	Consent Order 22-084-RW
<u>Order Date:</u>	September 7, 2022
<u>Individual/Entity:</u>	The Gardens at Cypress Bay Property Owners' Association, Inc.
<u>Facility:</u>	The Gardens at Cypress Bay
<u>Location:</u>	4285 Hibiscus Way Little River, SC 29566
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	21-077-RW (\$2,400.00)
<u>Permit/ID Number:</u>	26-L92-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: The Gardens at Cypress Bay Property Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 16, 2022, and July 21, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. 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**) by September 11, 2022.

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

78) Order Type and Number: Consent Order 22-085-RW
Order Date: September 7, 2022
Individual/Entity: **Sundial Homeowner’s Association, Inc.**
Facility: Sundial Condos
Location: 1508 N. Waccamaw Drive
Garden City, SC 29576
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-H67-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sundial Homeowner’s Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 23, 2022, and August 2, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: skimmers were missing weirs; the gate did not self-close and latch; there was no shepherd’s crook; there were no “Shallow Water – No Diving Allowed” signs posted; and only one “No Lifeguard On Duty - Swim At Your Own Risk” sign was posted.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 27, 2022.

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

79) Order Type and Number: Consent Order 22-086-RW
Order Date: September 7, 2022
Individual/Entity: **100 East Property Owners Association, Inc.**
Facility: 100 East Washington
Location: 100 East Washington Street
Greenville, SC 29601
Mailing Address: 10 Patewood Drive, Suite 270
Greenville, SC 29615
County: Greenville
Previous Orders: None
Permit/ID Number: 23-1205D
Violations Cited: S.C. Code Ann. Regs. 61-51(J) &
61-51(K)(1)(c)

Summary: 100 East Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Greenville

County, South Carolina. The Department conducted inspections on July 27, 2022, and August 5, 2022, and violations were issued for failure to properly operate and maintain; and on August 5, 2022, a violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles on the deck were broken; the deck was dirty; a skimmer was missing a weir; the drinking water fountain and foot rinse shower were not operating properly; the entry door did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operational; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and the spa was operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, twenty dollars (\$1,020.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, twenty dollars (**\$1,020.00**) by September 20, 2022.

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

80) <u>Order Type and Number:</u>	Consent Order 22-087-RW
<u>Order Date:</u>	September 7, 2022
<u>Individual/Entity:</u>	301 Sandy Shores I, LLC
<u>Facility:</u>	Sandy Shores I
<u>Location:</u>	1429 North Waccamaw Drive Murrells Inlet, SC 29576
<u>Mailing Address:</u>	P.O. Box 14280 Surfside Beach, SC 29587
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-C52-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: 301 Sandy Shores I, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 24, 2022, and August 1, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool equipment and chemical storage rooms were not accessible; a gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The

Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 12, 2022.

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

81) Order Type and Number: Consent Order 22-088-RW
Order Date: September 8, 2022
Individual/Entity: **Vesta Creeks Run, LLC**
Facility: Vesta Creeks Run Apartments
Location: 4640 Forest Hills Drive
Charleston, SC 29418
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-277-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Vesta Creeks Run, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on May 25, 2022, and July 21, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the drinking water fountain and foot rinse shower were not operating properly; the gate did not self-close and latch; there was no life ring; there was no shepherd's crook on the first inspection; the shepherd's crook handle was attached to a telescoping pole on the second inspection; the emergency notification device was not operating properly; only one "Shallow Water – No Diving Allowed" sign was posted and the sign posted did not have the correct wording; only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted and the sign posted did not have the correct wording; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 26, 2022.

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

82) Order Type and Number: Consent Order 22-089-RW
Order Date: September 12, 2022
Individual/Entity: **Fairways Development, LLC**
Facility: Longcreek Swim and Racquet
Location: 730 Longtown Road
Blythewood, SC 29016

<u>Mailing Address:</u>	P.O. Box 290730 Columbia, SC 29205
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-290-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Fairways Development, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 2, 2022, and June 22, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline did not have the minimum number of floats and the floats were not properly spaced; the coping and deck were chipped; depth marker tiles were broken; no diving tiles were missing; the top rung on a ladder was broken and the non-slip treads were missing; the pool walls and floor were dirty; skimmer lids were cracked; skimmers were missing weirs; the bathrooms did not have paper towels or a hand dryer; the main drain covers were not approved; non-pool related items were stored in the equipment room; there were chlorine pucks in the skimmer baskets; the gate was propped open; the chlorine level was not within the acceptable range of water quality standards; the water was cloudy; the life ring and life ring rope were deteriorated; there was only one “No Lifeguard On Duty – Swim At Your Own Risk” sign posted; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the bound and numbered log book was not maintained a minimum of three times per week by the operator of record; and the recirculation system was not operating properly.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of sixty-eight dollars (**\$68.00**) by September 26, 2022.

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

83) <u>Order Type and Number:</u>	Consent Order 22-090-RW
<u>Order Date:</u>	September 12, 2022
<u>Individual/Entity:</u>	Sun City Carolina Lakes Community Association
<u>Facility:</u>	Sun City Carolina Lakes
<u>Location:</u>	2955 Sun City Boulevard Indian Land, SC 29707
<u>Mailing Address:</u>	Same
<u>County:</u>	Lancaster
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	29-1018D & 29-1044D
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Sun City Carolina Lakes Community Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of two spas located in Lancaster County, South Carolina. The Department conducted inspections on May 17, 2022, and July 6, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the flow meter was not operating; the drinking water fountain was not operating; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the “No Lifeguard On Duty – Swim At Your Own Risk” signs were obstructed; the current pool operator of record information was not posted to the public; the spa temperature was not monitored; the cyanuric acid level was not recorded weekly in the bound and numbered log book; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by September 20, 2022.

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

84) <u>Order Type and Number:</u>	Consent Order 22-091-RW
<u>Order Date:</u>	September 12, 2022
<u>Individual/Entity:</u>	Jessica Lakes East Property Owners Association, Inc.
<u>Facility:</u>	Jessica Lakes East
<u>Location:</u>	101 Palm Terrace Loop Conway, SC 29526
<u>Mailing Address:</u>	9710 Leyland Drive Myrtle Beach, SC 29572
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-2060B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Jessica Lakes East Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 20, 2022, July 14, 2022, and August 5, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a gate did not self-close and latch; and the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand, forty dollars (\$2,040.00). The

Individual/Entity shall pay a civil penalty in the amount of two thousand, forty dollars (\$2,040.00) by September 22, 2022.

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

85) Order Type and Number: Consent Order 22-092-RW
Order Date: September 12, 2022
Individual/Entity: **Stuart Engals Hotel Associates, LLC**
Facility: Towne Place Suites Mount Pleasant
Location: 1350 Stuart Engals Boulevard
Mount Pleasant, SC 29464
Mailing Address: 1 Surrey Court
Columbia, SC 29212
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1292B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Stuart Engals Hotel Associates, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 27, 2022, and August 3, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; the emergency notification device was not operational; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (\$680.00) by September 27, 2022.

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

86) Order Type and Number: Consent Order 22-093-RW
Order Date: September 12, 2022
Individual/Entity: **Upper Palmetto Young Men’s Christian Association**
Facility: YMCA Rock Hill
Location: 402 Charlotte Avenue
Rock Hill, SC 29730
Mailing Address: 151 Oakland Avenue
Rock Hill, SC 29730

County: York
Previous Orders: None
Permit/ID Number: 46-044-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Upper Palmetto Young Men’s Christian Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on February 17, 2022, May 23, 2022, and July 25, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the deck was uneven with sharp edges; there was standing water on the deck; chemicals were stored in the pool equipment room; the flow meter was not operating properly; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand, forty dollars (\$2,040.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, forty dollars (**\$2,040.00**) by September 26, 2022.

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

87) Order Type and Number: Consent Order 22-094-RW
Order Date: September 13, 2022
Individual/Entity: **Catawba Shores Estates Property Owners Association, Inc.**
Facility: Catawba Shores Estates
Location: 1838 White Fawn Lane
Rock Hill, SC 29732
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-1104B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Catawba Shores Estates Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on June 9, 2022, and July 27, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the flow meter was not operating; the pH level was not within the acceptable range of water quality standards; only one “Shallow Water – No Diving Allowed” sign was posted; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted and the sign posted did not have the correct wording; the current pool operator of record information was not posted to the public; the bound and numbered log book was not

maintained on a daily basis; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 26, 2022.

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

88) <u>Order Type and Number:</u>	Consent Order 22-095-RW
<u>Order Date:</u>	September 13, 2022
<u>Individual/Entity:</u>	Garden City Guest House Homeowners Association, Inc.
<u>Facility:</u>	Garden City Guest House
<u>Location:</u>	120 N Dogwood Drive Garden City Beach, SC 29576
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-A50-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Garden City Guest House Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 28, 2022, and August 5, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; the pool equipment room was not accessible; the chemical storage room was not accessible; the gate did not self-close and latch; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 29, 2022.

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

89) Order Type and Number: Consent Order 22-096-RW
Order Date: September 13, 2022
Individual/Entity: **City of Columbia**
Facility: Greenview Park
Location: 6700 David Street
Columbia, SC 29201
Mailing Address: 1111 Recreation Drive
Columbia, SC 29203
County: Richland
Previous Orders: None
Permit/ID Number: 40-1152E
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: City of Columbia (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 24, 2022, and August 16, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles on the deck were broken; the pool floor was dirty; waterline tiles were dirty; there was debris in the skimmer baskets; the skimmer baskets were floating; the water level was too low; the chlorine and pH levels were not within the acceptable range of water quality standards; and chemical levels were recorded in advance in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 28, 2022.

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

90) Order Type and Number: Consent Order 22-097-RW
Order Date: September 13, 2022
Individual/Entity: **University of South Carolina Aiken**
Facility: University of South Carolina
Aiken Pacer Downs
Location: 101 Pacer Downs USC Aiken
Aiken, SC 29801
Mailing Address: Same
County: Aiken
Previous Orders: None
Permit/ID Number: 02-054-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: University of South Carolina Aiken (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Aiken County,

South Carolina. The Department conducted inspections on June 30, 2022, and August 1, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; a ladder was not tight and secure; algae was present on the walls of the pool; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 26, 2022.

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

91) <u>Order Type and Number:</u>	Consent Order 22-098-RW
<u>Order Date:</u>	September 13, 2022
<u>Individual/Entity:</u>	Myrtle Beach R.V. Resort Homeowners Association, Inc.
<u>Facility:</u>	Myrtle Beach R.V. Resort
<u>Location:</u>	5400 Little River Neck Road North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-G89-1, 26-F63-1, 26-F64-1, 26-F66-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Myrtle Beach R.V. Resort Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of two pools, a kiddie pool, and a spa located in Horry County, South Carolina. The Department conducted inspections on June 20, 2022, and July 27, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was debris in the skimmer baskets; the water level was too low; the pool equipment room was not accessible; the chemical storage room was not accessible; the chlorine and pH levels were not within the acceptable range of water quality standards; the pool rules sign posted was not completely filled out for one of the pools, and there was no pool rules sign posted for the other pool; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; there were chlorine sticks in the skimmer baskets; a ladder was missing bumpers; the pool furniture was not at least four feet from the pool edge; only one “Shallow Water – No Diving Allowed” sign was posted; the bound and numbered log book was not maintained a minimum of three times per week

by the pool operator of record; a skimmer lid was cracked; and the recirculation and filtration system was not operating.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand, seven hundred twenty dollars (\$2,720.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, seven hundred twenty dollars **(\$2,720.00)** by September 27, 2022.

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

92)	<u>Order Type and Number:</u>	Consent Order 22-099-RW
	<u>Order Date:</u>	September 13, 2022
	<u>Individual/Entity:</u>	Pavilion Place Property Owners Association, Inc.
	<u>Facility:</u>	Pavilion Place
	<u>Location:</u>	1001 Ocean Boulevard Isle of Palms, SC 29451
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-1110B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Pavilion Place Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 21, 2022, and July 29, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; waterline tiles were dirty; the gate did not self-close and latch; the life ring did not have a permanently attached rope; the pool rules sign was not completely filled out; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)** by September 19, 2022.

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

93) Order Type and Number: Consent Order 22-100-RW
Order Date: September 14, 2022
Individual/Entity: **Springcreek Hotel, LLC**
Facility: Cambria Suites
Location: 1472 North Highway 17
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1325B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Springcreek Hotel, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 27, 2022, and August 3, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the chlorine level was not within the acceptable range of water quality standards; the life ring rope was deteriorated; and there were no “No Lifeguard On Duty – Swim At Your Own Risk” signs posted.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (\$680.00) by September 20, 2022.

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

94) Order Type and Number: Consent Order 22-101-RW
Order Date: September 16, 2022
Individual/Entity: **Mid-America Apartments, L.P.**
Facility: Howell Commons Apartments
Location: 150 Howell Circle
Greenville, SC 29615
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 23-280-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mid-America Apartments, L.P. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on June 15, 2022, and July 20, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the

chlorine and pH levels were not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 19, 2022.

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

95) <u>Order Type and Number:</u>	Consent Order 22-102-RW
<u>Order Date:</u>	September 16, 2022
<u>Individual/Entity:</u>	The Woodhill Estate Homeowners Association
<u>Facility:</u>	Woodhill Estate
<u>Location:</u>	Sagamore Drive Columbia, SC 29209
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-109-1 & 40-109-2
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: The Woodhill Estate Homeowners Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Richland County, South Carolina. The Department conducted inspections on July 6, 2022, and July 27, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; depth marker tiles were broken; the pool floor was dirty; the pool furniture was not at least four feet from the pool edge; the deck was uneven with sharp edges; there was debris in the skimmer baskets; the water level was too high; skimmers were missing weirs; the bathrooms did not have soap; the pool equipment room was not locked; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the current facility address was not posted at the emergency notification device; the pool rules sign was not completely filled out; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by September 21, 2022.

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

96) Order Type and Number: Consent Order 22-103-RW
Order Date: September 16, 2022
Individual/Entity: **Cherry Bay Homeowners Association, Inc.**
Facility: Cherry Bay
Location: 207 28th Avenue North
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-393-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Cherry Bay Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on July 18, 2022, and August 8, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline with floats was not attached to the wall of the pool; the chlorine level was not within the acceptable range of water quality standards; there was no pool rules sign posted; there were no “Shallow Water – No Diving Allowed” signs posted; there were no “No Lifeguard On Duty – Swim At Your Own Risk” signs posted; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 29, 2022.

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

97) Order Type and Number: Consent Order 22-104-RW
Order Date: September 16, 2022
Individual/Entity: **Springland, Inc.**
Facility: Peachtree Place Apartments
Location: 1 Peach Lane
Fort Mill, SC 29715
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-114-1

Violations Cited:

S.C. Code Ann. Regs. 61-51(J)

Summary: Springland, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on June 24, 2022, and August 2, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool floor was dirty; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; the bound and numbered log book was not maintained on a daily basis; the disinfection equipment was not operating properly; the recirculation and filtration system was not operating properly; the automatic controller was not operating; the pool furniture was not at least four feet from the edge of the pool; the pool equipment room was not locked; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 19, 2022.

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

98) <u>Order Type and Number:</u>	Consent Order 22-105-RW
<u>Order Date:</u>	September 16, 2022
<u>Individual/Entity:</u>	TREAP The Row at the Stadium Owner, LLC
<u>Facility:</u>	The Row at the Stadium
<u>Location:</u>	1087 Shop Road Columbia, SC 29201
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-1188B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: TREAP The Row at the Stadium Owner, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 28, 2022, and July 28, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool floor was dirty; the pool walls were dirty; the water level was too low on the first inspection and the water level was too high on the second inspection; the pool equipment room was not locked; the chlorine and pH levels were not within the acceptable range of water quality standards; the shepherd's crook was missing a bolt and was obstructed; the emergency notification device was not operational; the pool rules sign was not completely filled out;

the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not recorded weekly in the bound and numbered log book; and the recirculation and filtration system was leaking.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 4, 2022.

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

99) <u>Order Type and Number:</u>	Consent Order 22-106-RW
<u>Order Date:</u>	September 19, 2022
<u>Individual/Entity:</u>	Seay Cove Homeowners Association, Inc.
<u>Facility:</u>	Seay Cove
<u>Location:</u>	200 Barnacle Circle Lexington, SC 29072
<u>Mailing Address:</u>	208 Barnacle Circle Lexington, SC 29072
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	32-193-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Seay Cove Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lexington County, South Carolina. The Department conducted inspections on May 31, 2022, and July 14, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the furniture was not at least four feet from the edge of the pool; the waterline tiles were dirty; the drinking water fountain was not operating properly; the foot rinse shower was not operating properly; the bathrooms did not have soap; the pool equipment room was not locked on the first inspection; the pool equipment room was not accessible on the second inspection; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the life ring was not clear of obstructions; the shepherd's crook was not clear of obstructions; the current pool operator of record information was not posted to the public; the cyanuric acid level was not recorded weekly in the bound and numbered log book; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 5, 2022.

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

100) Order Type and Number: Consent Order 22-107-RW
Order Date: September 19, 2022
Individual/Entity: **Mid-America Apartments, L.P.**
Facility: Paddock Club Apartments
Location: 4824 Smallwood Road
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-295-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mid-America Apartments, L.P. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 8, 2022, and July 18, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool floor was dirty; the waterline tiles were dirty; there was algae present on the pool floor; the deck was dirty; the deck was uneven with sharp edges; the water level was too high; there was a leak in the pump room; a section of the perimeter fencing had openings greater than four inches; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring was deteriorated, did not have a permanently attached rope, and was obstructed on the first inspection; the life ring was missing on the second inspection; the shepherd's crook was obstructed; the "Shallow Water – No Diving Allowed" signs posted were obstructed; the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted were obstructed; the bound and numbered log book was not available for review; the deck was not clear of hazards; there was debris in the skimmer baskets; a light in the pool wall was out of its niche; the shepherd's crook was missing a bolt; the facility address was not posted at the emergency notification device; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 3, 2022.

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

101) Order Type and Number: Consent Order 22-108-RW
Order Date: September 19, 2022
Individual/Entity: **RMV Hotels, LLC**
Facility: Springhill Suites

Location: 2227 Boundary Street
Beaufort, SC 29902
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-1272B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: RMV Hotels, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on May 31, 2022, and July 11, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the water level was too high; the chlorine and pH levels were not within the acceptable range of water quality standards; the pool rules sign was not completely filled out; and the bound and numbered log book was not available for review.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 14, 2022.

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

102) Order Type and Number: Consent Order 22-109-RW
Order Date: September 20, 2022
Individual/Entity: **SINKORSWIM of Summerville, Inc.**
Facility: Sink or Swim
Location: 411 Golf Road
Summerville, SC 29483
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit/ID Number: 18-004-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: SINKORSWIM of Summerville, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Dorchester County, South Carolina. The Department conducted inspections on June 10, 2022, and July 27, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the pool furniture was not at least four feet from the edge of the pool; the cyanuric acid level was above the water quality standards acceptable limit; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 5, 2022.

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

103) Order Type and Number: Consent Order 22-110-RW
Order Date: September 20, 2022
Individual/Entity: **Half Mile Lake Homeowner's Association, Inc.**
Facility: Half Mile Lake
Location: 241 Half Mile Way
Greenville, SC 29609
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 23-428-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Half Mile Lake Homeowner's Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on June 21, 2022, and July 29, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a depth marker tile was cracked; the depth marker tiles did not have a non-slip finish; a skimmer was missing a weir; the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 4, 2022.

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

104) Order Type and Number: Consent Order 22-111-RW
Order Date: September 20, 2022
Individual/Entity: **Beachwalk Villas Council of Co-Owners, Inc.**
Facility: Beachwalk Villas
Location: 4200 North Ocean Boulevard

North Myrtle Beach, SC 29580
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-1384B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Beachwalk Villas Council of Co-Owners, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on July 5, 2022, and August 4, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was no drinking water fountain; the pool equipment room was not accessible; the chlorine and pH levels were not within the acceptable range of water quality standards; the shepherd's crook was not permanently attached to the handle; and the chemical storage and pump room was not locked.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 4, 2022.

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

105) Order Type and Number: Consent Order 22-112-RW
Order Date: September 20, 2022
Individual/Entity: **River Hills Country Club, Inc.**
Facility: River Hills Country Club
Location: 1 Country Club Lane
Lake Wylie, SC 29710
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-131-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: River Hills Country Club, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on June 14, 2022, and July 21, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; and the log book was not properly bound and numbered.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 5, 2022.

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

106) <u>Order Type and Number:</u>	Consent Order 22-113-RW
<u>Order Date:</u>	September 20, 2022
<u>Individual/Entity:</u>	Mount Vintage Plantation Homeowners Association, Inc.
<u>Facility:</u>	Mount Vintage Plantation Town Center and Athletic Club
<u>Location:</u>	285 Mount Vintage Plantation Drive North Augusta, SC 29860
<u>Mailing Address:</u>	Same
<u>County:</u>	Edgefield
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	19-1002B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Mount Vintage Plantation Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Edgefield County, South Carolina. The Department conducted inspections on June 22, 2022, and July 25, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: ladders were not tight and secure; ladders were missing bumpers; the water level was too low; skimmers were missing weirs; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the pool rules sign posted did not have all of the required rules; the letters on the “Shallow Water – No Diving Allowed” signs posted were not the appropriate size; and the letters on the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were not the appropriate size.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 5, 2022.

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

107)	<u>Order Type and Number:</u>	Consent Order 22-114-RW
	<u>Order Date:</u>	September 22, 2022
	<u>Individual/Entity:</u>	Tri-Springs Homeowners Association
	<u>Facility:</u>	Tri-Springs
	<u>Location:</u>	200 Spring Tyme Court Lexington, SC 29073
	<u>Mailing Address:</u>	153 Springs Tyme Court Lexington, SC 29073
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	CO 20-013-RW (\$1,360.00)
	<u>Permit/ID Number:</u>	32-197-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Tri-Springs Homeowners Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lexington County, South Carolina. The Department conducted inspections on June 20, 2022, July 19, 2022, and July 27, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool floor was dirty; the waterline tiles were dirty; there was algae on the walls and floor of the pool; the water level was too high on the first and second inspections; the water level was too low on the third inspection; the drinking water fountain was not operating properly; skimmers were missing weirs; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operating; only one “Shallow Water – No Diving Allowed” sign was posted; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of four thousand, eight hundred dollars (\$4,800.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, eight hundred dollars (**\$4,800.00**) by October 4, 2022.

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

108)	<u>Order Type and Number:</u>	Consent Order 22-116-RW
	<u>Order Date:</u>	September 22, 2022
	<u>Individual/Entity:</u>	Broadway HP, LLC
	<u>Facility:</u>	Fairfield Inn
	<u>Location:</u>	3150 Oleander Drive Myrtle Beach, SC 29577
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	26-M21-1 & 26-M22-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Broadway HP, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Horry County, South Carolina. The Department conducted inspections on June 6, 2022, and July 20, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; there was debris in the skimmer baskets; the chlorine level was not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope and was not in the designated location; the life ring rope was deteriorated; the letters on the “Shallow Water – No Diving Allowed” signs posted were not the appropriate size; the facility could not produce current documentation of pool operator of record; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by October 4, 2022.

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

109) <u>Order Type and Number:</u>	Consent Order 22-117-RW
<u>Order Date:</u>	September 22, 2022
<u>Individual/Entity:</u>	Shreom, Inc.
<u>Facility:</u>	Best Western Executive Inn & Suites
<u>Location:</u>	1720 Bush River Road Columbia, SC 29210
<u>Mailing Address:</u>	Same
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	32-174-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Shreom, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lexington County, South Carolina. The Department conducted inspections on June 27, 2022, and July 18, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the water level was too low; skimmers were missing weirs; there was no drinking water fountain; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated; the pool rules sign was not filled out properly in that the closing time listed was too late and the pool is not permitted for night swimming; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 9, 2022.

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

110) Order Type and Number: Consent Order 22-118-RW
Order Date: September 22, 2022
Individual/Entity: **A Place at the Beach - Ocean Front No. 2 Homeowners Association, Inc.**
Facility: A Place at the Beach Ocean Front II
Location: 1501 S Waccamaw Drive
Garden City, SC 29576
Mailing Address: Same
County: Georgetown
Previous Orders: None
Permit/ID Number: 22-104-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: A Place at the Beach - Ocean Front No. 2 Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Georgetown County, South Carolina. The Department conducted inspections on June 28, 2022, and August 8, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the gate did not self-close and latch; skimmers were missing weirs; there was no drinking water fountain; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 17, 2022.

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

111) Order Type and Number: Consent Order 22-119-RW
Order Date: September 22, 2022
Individual/Entity: **John's Bay Homeowner's Association, Inc.**
Facility: John's Bay of Prince Creek
Location: Greenway Boulevard
Murrells Inlet, SC 29576
Mailing Address: 11822 Highway 17 Bypass S

Murrells Inlet, SC 29576
County: Horry
Previous Orders: None
Permit/ID Number: 26-1135B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: John's Bay Homeowner's Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on May 31, 2022, and August 4, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles on the deck were broken; the bound and numbered log book was not available for review; the pool plaster was deteriorated; the pool rules sign posted was not completely filled out; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 27, 2022.

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

112) Order Type and Number: Consent Order 22-120-RW
Order Date: September 22, 2022
Individual/Entity: **Beach Providence Park, LLC**
Facility: Providence Park
Location: 261 Business Boulevard
Columbia, SC 29201
Mailing Address: 320 Broad Street, Suite 600
Charleston, SC 29401
County: Richland
Previous Orders: None
Permit/ID Number: 40-1029B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Beach Providence Park, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on May 31, 2022, and August 1, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder rung was broken; a ladder was not tight and secure; the waterline tiles were dirty; a skimmer was missing a weir; the water level was too low; the foot rinse shower was not operating properly; there were chemicals stored in the pool equipment room; the step edge tile stripe was not within one inch of the step edge; the chlorine and pH levels were not within the

acceptable range of water quality standards; there was only one screw in the main drain grate; the emergency notification device was not operational; the “Shallow Water – No Diving Allowed” signs posted were not visible; and the letters on one of the “Shallow Water – No Diving Allowed” signs posted did not have the correct wording.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 10, 2022.

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

113) <u>Order Type and Number:</u>	Consent Order 22-121-RW
<u>Order Date:</u>	September 22, 2022
<u>Individual/Entity:</u>	Cardinal Crossing Apartments, LLC
<u>Facility:</u>	Cardinal Apartments
<u>Location:</u>	4615 Forest Drive Columbia, SC 29206
<u>Mailing Address:</u>	320 Broad Street, Suite 600 Charleston, SC 29401
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-1185B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Cardinal Crossing Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 21, 2022, and July 26, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the waterline tiles were dirty; some of the tiles on the pool wall were missing; a gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 10, 2022.

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

114) Order Type and Number: Consent Order 22-122-RW
Order Date: September 23, 2022
Individual/Entity: **Ponds Community Association**
Facility: Cresswind at the Ponds
Location: 336 Hundred Oaks Parkway
Summerville, SC 29483
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit/ID Number: 18-1062D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Ponds Community Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Dorchester County, South Carolina. The Department conducted inspections on May 26, 2022, and July 28, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the drinking water fountain was not operating properly; the spa temperature was not posted to the public; there was no spa rules sign posted; the bound and numbered log book was not maintained on a daily basis; and the chlorine level was not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by September 29, 2022.

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

115) Order Type and Number: Consent Order 22-123-RW
Order Date: September 23, 2022
Individual/Entity: **Hospitality, LLC**
Facility: Comfort Suites
Location: 2080 Savannah Highway
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1186B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hospitality, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on July 7, 2022, and August 9, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated

the Public Swimming Pools Regulation as follows: the pH level was not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; the pool rules sign was not legible; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 4, 2022.

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

116) <u>Order Type and Number:</u>	Consent Order 22-124-RW
<u>Order Date:</u>	September 23, 2022
<u>Individual/Entity:</u>	Triangle Palmetto Exchange I, LLC
<u>Facility:</u>	Palmetto Exchange
<u>Location:</u>	3340 Shipley Street North Charleston, SC 29403
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-1300B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Triangle Palmetto Exchange I, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on May 31, 2022, and August 9, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles were missing; the bound and numbered log book was not maintained on a daily basis; a gate did not self-close and latch; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 12, 2022.

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

117)	<u>Order Type and Number:</u>	Consent Order 22-125-RW
	<u>Order Date:</u>	September 23, 2022
	<u>Individual/Entity:</u>	AA Holding Company, LLC
	<u>Facility:</u>	Rivers Edge Retreat
	<u>Location:</u>	1019 Garden Valley Lane Columbia, SC 29210
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	32-033-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: AA Holding Company, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lexington County, South Carolina. The Department conducted inspections on July 5, 2022, and July 20, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a lifeline with floats was not attached to the pool wall; a ladder was not tight and secure; a ladder was missing rungs; the plaster on the pool floor was deteriorated; the pool deck was not clear of hazards; there was debris in the skimmer baskets and skimmers were missing weirs; skimmer baskets were floating; the water level was too high; the drinking water fountain was not operating properly; the pool equipment room was not locked; current Vac-Alert certification was missing; a gate did not self-close and latch and a gate was propped open; the chlorine level was not within the acceptable range of water quality standards; the main drain grates were not visible due to cloudy water; the facility address was not posted at the emergency notification device; only one “Shallow Water – No Diving Allowed” sign was posted; only one “No Lifeguard On Duty - Swim At Your Own Risk” sign was posted; the current pool operator of record information was not posted to the public; the bound and numbered log book was not available for review during the first inspection and was not maintained on a daily basis during the second inspection; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 1, 2022.

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

118)	<u>Order Type and Number:</u>	Consent Order 22-126-RW
	<u>Order Date:</u>	September 23, 2022
	<u>Individual/Entity:</u>	Triangle Palisades at Ballentine, LLC
	<u>Facility:</u>	The Palisades at Ballentine
	<u>Location:</u>	Ballentine Crossing

Mailing Address: Irmo, SC 29063
P.O. Box 280
Gastonia, NC 28053
County: Richland
Previous Orders: None
Permit/ID Number: 40-1128B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Triangle Palisades at Ballentine, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 14, 2022, and July 26, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were broken depth marker tiles on the pool deck; step tiles were missing; a ladder was not tight and secure; the waterline tiles were dirty; the water level was too high; skimmers were missing weirs; the bathrooms did not have paper towels or a hand dryer; the drinking water fountain was not operating properly; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not filled out properly in that the closing time listed was too late and the pool is not permitted for night swimming; and the pool rules sign did not have all of the required rules.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (\$680.00) by October 11, 2022.

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

119) Order Type and Number: Consent Order 22-127-RW
Order Date: September 23, 2022
Individual/Entity: **Napali Spartanburg II, LLC**
Facility: Mayfair Lofts
Location: 100 West Cleveland Street
Spartanburg, SC 29301
Mailing Address: 313 North Oak Street
Roanoke, TX 76262
County: Spartanburg
Previous Orders: None
Permit/ID Number: 42-1063B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Napali Spartanburg II, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Spartanburg County, South Carolina. The Department conducted inspections on June 27, 2022, and August 16, 2022,

and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the bathrooms did not have paper towels or a hand dryer; a pool vacuum was operating in the pool while it was open to the public; the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not available for review.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 12, 2022.

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

120) <u>Order Type and Number:</u>	Consent Order 22-128-RW
<u>Order Date:</u>	September 27, 2022
<u>Individual/Entity:</u>	Del Webb at Cane Bay Association, Inc.
<u>Facility:</u>	Del Webb at Cane Bay
<u>Location:</u>	325 Palmetto Point Drive Summerville, SC 29483
<u>Mailing Address:</u>	Same
<u>County:</u>	Berkeley
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	18-1045D
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Del Webb at Cane Bay Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Berkeley County, South Carolina. The Department conducted inspections on June 20, 2022, and August 10, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the water level was too low; the chlorine level was not within the acceptable range of water quality standards; and the spa temperature was too high.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 11, 2022.

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

121)	<u>Order Type and Number:</u>	Consent Order 22-129-RW
	<u>Order Date:</u>	September 29, 2022
	<u>Individual/Entity:</u>	TSL Watercrest PropCo, LLC
	<u>Facility:</u>	Watercrest Senior Living
	<u>Location:</u>	1951 Clemson Road Columbia, SC 29229
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	40-1184B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: TSL Watercrest PropCo, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on May 31, 2022, and August 1, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was algae on the pool walls and stairs; there was trash on the deck; there was debris in the skimmer baskets; the water level was too low; the foot rinse shower was not operating; there were non-pool related items stored in the pool equipment room; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operational; the facility address was not posted at the emergency notification device; the pool floor was dirty; the bound and numbered log book was not maintained on a daily basis; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 12, 2022.

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

122)	<u>Order Type and Number:</u>	Consent Order 22-130-RW
	<u>Order Date:</u>	September 27, 2022
	<u>Individual/Entity:</u>	Timberlake Country Club, Inc.
	<u>Facility:</u>	Timberlake Country Club
	<u>Location:</u>	Timberlake Drive at Amicks Ferry Chapin, SC 29036
	<u>Mailing Address:</u>	222 Timberlake Drive Chapin, SC 29036
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	32-1084B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Timberlake Country Club, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lexington County, South Carolina. The Department conducted inspections on July 11, 2022, and August 4, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: waterline tiles were dirty; a ladder was not tight and secure; skimmers were missing weirs; skimmer baskets were floating; the bathrooms were dirty; the gate did not self-close and latch; a light in the pool wall was out of its niche; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the shepherd's crook was missing a bolt; and the cyanuric acid level was not recorded in the bound and numbered log book on a weekly basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 6, 2022.

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

123) <u>Order Type and Number:</u>	Consent Order 22-131-RW
<u>Order Date:</u>	September 29, 2022
<u>Individual/Entity:</u>	SQ Meeting Street Owner, LLC
<u>Facility:</u>	400 Meeting
<u>Location:</u>	400 Meeting Street Charleston, SC 29403
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-1342B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: SQ Meeting Street Owner, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on July 7, 2022, and August 10, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; only one "Shallow Water – No Diving Allowed" sign was posted on the first inspection; there were no "Shallow Water – No Diving Allowed" signs posted on the second inspection; there were no "No Lifeguard On Duty – Swim At Your Own Risk" signs posted on the first inspection; the words on the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted on the second inspection were not correct; and the bound and numbered log book was not available for review.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 13, 2022.

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

124) Order Type and Number: Consent Order 22-132-RW
Order Date: September 29, 2022
Individual/Entity: **Ladies Choice Fitness Center (Landmark), Inc.**
Facility: Ladies Choice Fitness Center
Location: 10055 Dorchester Road
Summerville, SC 29485
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit/ID Number: 18-042-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Ladies Choice Fitness Center (Landmark), Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Dorchester County, South Carolina. The Department conducted inspections on June 8, 2022, and July 27, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the letters and numbers on the deck depth marker tiles were not the correct size and were deteriorated and faded; the required universal “No Diving Allowed” tiles on the pool deck were missing; the fill spout was not stainless steel or equivalent; the fill spout was not co-located to a ladder or diving board; and the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 17, 2022.

Update: The civil penalty is to be paid in two installments of three hundred forty dollars (\$340.00) each. The first installment has been paid. The second installment is due by November 17, 2022.

125) Order Type and Number: Consent Order 22-133-RW
Order Date: September 29, 2022
Individual/Entity: **Triangle Berry Shoals, LLC**
Facility: Haven at Berry Shoals Apartments

Location: 200 Tralee Drive
Spartanburg, SC 29651
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: 42-1017B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Triangle Berry Shoals, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Spartanburg County, South Carolina. The Department conducted inspections on June 29, 2022, and August 10, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; skimmer lids were cracked; skimmer baskets were floating; the bathrooms did not have paper towels or a hand dryer; the flow meter was not operating; the gate did not self-close and latch; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 18, 2022.

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

126) Order Type and Number: Consent Order 22-135-RW
Order Date: September 29, 2022
Individual/Entity: **Atrium Hospitality, LP**
Facility: Embassy Suites
Location: 670 Verdae Boulevard
Greenville, SC 29607
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 23-377-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Atrium Hospitality, LP (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on June 9, 2022, and July 22, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles were broken; a ladder was missing non-slip tread inserts; the pool deck was not clear of hazards; skimmers were missing weirs; the chlorine level was not within the acceptable range of

water quality standards; and the cyanuric acid level was above the water quality standards acceptable limit.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)** by October 5, 2022.

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

Drinking Water Enforcement

127) <u>Order Type and Number:</u>	Consent Order 22-023-DW
<u>Order Date:</u>	August 25, 2022
<u>Individual/Entity:</u>	Carolina Meat Market & Game Processing, LLC
<u>Facility:</u>	Carolina Meat Market & Game Processing
<u>Location:</u>	320 Sisters Ferry Road Ridgeland, SC 29936
<u>Mailing Address:</u>	Same
<u>County:</u>	Jasper
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	2730800
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: Carolina Meat Market & Game Processing, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Jasper County, South Carolina. On July 22, 2022, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

Action: The Individual/Entity is required to: submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by September 25, 2022. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four thousand dollars **(\$4,000.00)** should any requirement of the Order not be met.

Update: The Individual/Entity submitted a corrective action plan with a schedule which was approved by the Department

128) Order Type and Number: Consent Order 22-024-DW
Order Date: September 14, 2022
Individual/Entity: **McCormick Commission of Public Works**
Facility: McCormick Commission of Public Works
Location: 614 Clayton Street
McCormick, SC 29835
Mailing Address: 912 South Main Street
McCormick, SC 29835
County: McCormick
Previous Orders: None
Permit/ID Number: 3510001
Violations Cited: S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: McCormick Commission of Public Works (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in McCormick County, South Carolina. On July 15, 2022, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS exceeded the maximum contaminant level (MCL) for total trihalomethanes.

Action: The Individual/Entity is required to: submit to the Department a corrective action plan with a schedule to address the MCL violation by December 16, 2022. 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: None.

129) Order Type and Number: Consent Order 22-025-DW
Order Date: September 27, 2022
Individual/Entity: **FG Properties of Marion, LLC**
Facility: Bobby Gerald MHP #2
2420 East Highway 76
Location: Marion, SC 29571
Mailing Address: Same
County: Marion
Previous Orders: None
Permit/ID Number: 3360007
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: FG Properties of Marion, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Marion County, South Carolina. On August 11, 2022, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State

Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

Action: The Individual/Entity is required to: submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by October 27, 2022. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated** penalty in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity submitted a corrective action plan with a schedule which was approved by the Department.

Water Pollution Enforcement

130) Order Type and Number: Administrative Order 22-048-W
Order Date: August 9, 2022
Individual/Entity: **Edwin Owens**
Facility: N/A
Location: Shiloh Church Road
Aiken, SC
Mailing Address: 2992 Columbia Highway
Aiken, SC 29805
County: Aiken
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-90(A), S.C. Standards for the Permitting of Agricultural Animal Facilities, S.C. Code Ann Regs. 61-43 Part 400.60(C)(20)

Summary: Edwin Owens (Individual/Entity) improperly stockpiled manure at property located in Aiken County, South Carolina. The Individual/Entity has violated the Pollution Control Act and S.C. Standards for the Permitting of Agricultural Animal Facilities as follows: stockpiled uncovered manure, not on a concrete or other approved pad, for more than three days.

Action: The Individual/Entity is required to: ensure that any stockpiled manure is properly covered and submit to the Department an application for a permit to perform manure handling activities, or written notification that animal manure handling activities have ceased by September 8, 2022. The Department has assessed a total civil penalty in the amount of five thousand, two hundred fifty-eight dollars (\$5,258.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand, two hundred fifty-eight dollars (**\$5,258.00**) by September 8, 2022.

Update: The Individual/Entity has not fulfilled the requirements of the Administrative Order. Department staff is attempting to contact the Individual/Entity in effort to facilitate compliance.

131) Order Type and Number: Consent Order 22-046-W
Order Date: August 9, 2022
Individual/Entity: **MC Dirt Company, LLC**
Facility: MC Dirt Edisto River Mine
Location: Pierce Road
Cottageville, SC
Mailing Address: 9707 Fanning Basket Lane
Ladson, SC 29456
County: Colleton
Previous Orders: None
Permit/ID Number: SCG731483
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), and NPDES SCG731483.

Summary: MC Dirt Company LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Edisto River mine dewatering facility (MDWF) in Colleton County, South Carolina. On April 14, 2022, a Notice of Alleged Violation (NOAV) was issued as a result of Total Suspended Solids (TSS) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the TSS effluent limitations of its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by September 10, 2022; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered Best Management Practices (BMP) upgrades should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a total civil penalty in the amount of seven thousand dollars (**\$7,000.00**) by September 10, 2022.

Update: The Individual/Entity has not submitted the required notification or penalty payment. Department staff is in communication with the Individual/Entity in an effort to facilitate compliance with the terms of the Order.

132) Order Type and Number: Consent Order 22-047-W
Order Date: August 9, 2022
Individual/Entity: **SC United Methodist Camps & Retreat Ministries**
Facility: Asbury Hills Camp and Retreat Center
Location: U.S. Highway 276
Greenville, SC 29607
Mailing Address: 5 Century Drive
Greenville, SC 29607
County: Greenville
Previous Orders: 19-057-W (\$1,400.00)
Permit/ID Number: SC0029742
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), and NPDES SC0029742.

Summary: SC United Methodist Camps & Retreat Ministries (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Asbury Hills Camp and Retreat Center wastewater treatment facility (WWTF) in Greenville County, South Carolina. On March 4, 2022, a Notice of Alleged Violation (NOAV) was issued as a result of fecal coliform (FC) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the FC effluent limitations of its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by September 10, 2022; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of three thousand three hundred sixty dollars (\$3,360.00). The Individual/Entity shall pay a total civil penalty in the amount of three thousand three hundred sixty dollars (**\$3,360.00**) by November 26, 2022.

Update: The Individual/Entity has submitted an installment payment toward the civil penalty. The Individual/Entity has not submitted notification of corrective actions and Department staff is in communication with the Individual/Entity in an effort to facilitate compliance with the terms of the Order.

133) Order Type and Number: Consent Order 22-049-W
Order Date: August 22, 2022
Individual/Entity: **Town of Pendleton**
Facility: Pendleton-Clemson Regional WWTF
Location: 865 Woodburn Road

Mailing Address: Pendleton, SC 29670
310 Greenville Street
Pendleton, SC 29670

County: Anderson

Previous Orders: 19-054-W (\$2,800.00)

Permit/ID Number: SC0035700

Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a), and Part III.A. of NPDES Permit SC0035700

Summary: Town of Pendleton (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Pendleton-Clemson Regional wastewater treatment facility (WWTF) located in Anderson County, South Carolina. On March 24, 2022, the Department issued a Notice of Violation for reported violations of E.coli on discharge monitoring reports (DMRs) for the November 2021 and January 2022 monthly monitoring periods. 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 a written notification of the completion date for all corrective actions necessary to resolve effluent violations by September 21, 2022; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand, two hundred dollars (\$4,200.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, two hundred dollars (**\$4,200.00**) by September 21, 2022.

Update: None.

134) Order Type and Number: Consent Order 22-051-W

Order Date: September 1, 2022

Individual/Entity: **Aiken County PSA**

Facility: Horse Creek WWTF

Location: 70 PSA Road
Beech Island, SC 29842

Mailing Address: Same

County: Aiken

Previous Orders: 20-012-W (\$5,040.00)

Permit/ID Number: SC0024457

Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits and S.C. Code Ann Regs. 61-9.122.41(e)

Summary: Aiken County PSA (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Horse Creek wastewater treatment facility (WWTF) located in Aiken County, South Carolina. The Individual/Entity: stored dewatered filter sludge from its belt presses in an old composting facility located at the WWTF in a manner other than approved by the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control.

Action: The Individual/Entity is required to: comply with and complete actions contained in the Department-approved Basin Sludge Removal Plan by April 22, 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 October 1, 2022.

Update: The Individual/Entity has submitted payment of the assessed civil penalty in full.

135) Order Type and Number: Consent Order 22-052-W
Order Date: September 6, 2022
Individual/Entity: **Town of Williamston**
Facility: Williamston Big Creek WWTF
Location: 59 Gate Court
Williamston, SC 29697
Mailing Address: 12 West Main Street
Williamston, SC 29697
County: Anderson County
Previous Orders: 19-057-W (\$1,400.00);
19-059-W (\$0.00)
Permit/ID Number: SC0046841
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a)

Summary: The Town of Williamston (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Anderson County, South Carolina. On April 28, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Ultimate Oxygen Demand (UOD) and Ammonia-nitrogen (ammonia) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for UOD and ammonia.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by October 6,

2022; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of two thousand eight hundred dollars (\$2,800.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand eight dollars **(\$2,800.00)** in four (4) quarterly installments of seven hundred dollars (\$700.00) due beginning November 15, 2022.

Update: None

136) Order Type and Number: Consent Order 22-053-W
Order Date: September 8, 2022
Individual/Entity: **Giant Cement Company**
Facility: Giant Cement Company
Location: 654 Judges Street
Harleyville, SC 29448
Mailing Address: P.O. Box 218
Harleyville, SC
County: Dorchester
Previous Orders: 22-009-W (\$4,480.00)
Permit/ID Number: SC0022667
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), and SC0022667

Summary: Giant Cement Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of outfalls for quarry dewatering in Dorchester County, South Carolina. On December 21, 2021, a Notice of Alleged Violation (NOAV) was issued as a result of chronic toxicity (CTOX) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the CTOX effluent limitations of NPDES permit SC0022667.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by December 8, 2022; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand three hundred dollars (\$4,300.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand three hundred dollars **(\$4,300.00)** by October 8, 2022.

Update: None

137) Order Type and Number: Consent Order 22-054-W
Order Date: September 8, 2022
Individual/Entity: **King Real Estate**
Facility: Groves on the Ridge
Location: 300 Arrowhead Drive
Central, SC 29630
Mailing Address: 217 Pinedale Road
Liberty, SC 29657
County: Pickens
Previous Orders: None
Permit/ID Number: SC0023141
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a)

Summary: King Real Estate (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Pickens County, South Carolina. On April 26, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Ammonia-nitrogen (ammonia) and Biochemical Oxygen Demand (BOD) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for ammonia and BOD.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by October 8, 2022; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF or connect to a regional WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand nine hundred dollars (\$4,900.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand nine hundred dollars (**\$4,900.00**) by October 8, 2022.

Update: None

138) Order Type and Number: Consent Order 22-055-W
Order Date: September 21, 2022
Individual/Entity: **Blue Granite Water**
Facility: Roosevelt Garden Apts.
Location: Orangeburg, SC
Mailing Address: 130 S Main Street, Suite 800
Greenville SC
County: Orangeburg
Previous Orders: None

Permit/ID Number: SC0029645
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), and NPDES SC0029645

Summary: Blue Granite Water (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment facility in Orangeburg County, South Carolina. On March 24, 2022, a Notice of Violation was issued as a result of Escherichia coli (E. coli) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with limitations of NPDES Permit SC0029645 for E.coli.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by October 21, 2022; 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 two hundred fifty dollars (\$5,250.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand two hundred fifty dollars (**\$5,250.00**) by October 21, 2022.

Update: None

139) Order Type and Number: Consent Order 22-056-W
Order Date: September 26, 2022
Individual/Entity: **Town of Allendale**
Facility: Town of Allendale WWTF
Location: SC-3-129
Allendale, SC 29810
Mailing Address: P.O. Box 551
Allendale, SC 29810
County: Allendale
Previous Orders: 21-072-W (\$1,000.00);
Permit/ID Number: SC0039918
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs 61-9.122.41(a) and (e)(1) and NPDES Permit SC0039918

Summary: Town of Allendale (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Allendale County, South Carolina. On January 6, 2022, a Notice of Alleged Violation (NOAV) was issued as a result of carbonaceous biochemical oxygen demand (CBOD) violations reported on discharge monitoring reports (DMRs) submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control

Permits Regulations as follows: failed to comply with CBOD effluent limitations of its National Pollutant Discharge Elimination System (NPDES) Permit SC0039918.

Action: The Individual/Entity is required to: submit written notification of a funding plan for the completion of all necessary improvements to the WWTF by October 26, 2022; submit a preliminary engineering report (PER) for the WWTF detailing upgrades necessary to comply with effluent limitations and operation and maintenance requirements in the NPDES Permit by December 25, 2022; within ninety (90) days of the Department's approval of the WWTF PER, submit three (3) copies of plans, specifications, an application and any other necessary documents for a Permit to Construct Upgrades to the WWTF; within sixty (60) days from the issuance of a Construction Permit, begin construction of all upgrades associated with the WWTF; within one hundred eighty (180) days from the issuance of the Construction Permit, complete all construction activities associated with the WWTF and request an Approval to Place into Operation the required upgrades; by January 24, 2023, submit a PER addressing an assessment of the wastewater collection system (WWCS); within ninety (90) days of the Department's approval of the WWCS PER, submit three (3) copies of plans, specifications, an application and any other necessary documents for a Permit to Construct upgrades to the WWCS necessary to address any repairs and improvements to the WWCS; within sixty (60) days of the issuance of a Construction Permit, begin construction of all WWCS upgrades detailed in the Construction Permit; complete all construction activities and request Approval to Place into Operation the required upgrades to the WWCS per the Construction Permit. The Department has assessed a total civil penalty in the amount of one thousand two hundred thirty-five dollars (\$1,235.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred thirty-five dollars (**\$1,235.00**) by October 26, 2022.

Update: None

140) <u>Order Type and Number:</u>	Consent Order 22-057-W
<u>Order Date:</u>	September 26, 2022
<u>Individual/Entity:</u>	JN Green & Associates, LLC
<u>Facility:</u>	800 Tookie Doo Lane Elgin, SC 29045
<u>Location:</u>	TMS#305-00-001 TMS#305-00-105 TMS#305-00-106
<u>Mailing Address:</u>	180 Ole Still Lane Elgin, SC 29045
<u>County:</u>	Kershaw
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	SCR10ZB4S
<u>Violations Cited:</u>	Pollution Control Act, S.C Code Ann § 48-1-90 (a); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a) and (e).

Summary: JN Green & Associates, LLC (Individual/Entity) is responsible for land disturbance activity associated with construction located in Kershaw County, South Carolina. On July 22, 2021, a Warning Letter was issued as a result of unpermitted land disturbing activity associated with construction. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to apply for and obtain proper permit coverage from the Department prior to land disturbing activities.

Action: The Individual/Entity is required to: submit notarized documentation confirming appropriate inspections are being performed on Site by October 10, 2022; submit a report signed by a Professional Engineer stating Best Management Practices (BMPs) are being installed in compliance with permit requirements by October 10, 2022; submit a report signed by a Professional Engineer stating the Site is in compliance with the approved Stormwater Pollution Prevention Plan (SWPPP) by November 26, 2022; submit a Notice of Termination (NOT) within thirty (30) days of completion of permanent stabilization of the Site. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by October 26, 2022.

Update: None

141) <u>Order Type and Number:</u>	Consent Order 22-058-W
<u>Order Date:</u>	September 26, 2022
<u>Individual/Entity:</u>	House of Raeford Farms
<u>Facility:</u>	House of Raeford Farms
<u>Location:</u>	Nesmith, SC 29580
<u>Mailing Address:</u>	1344 Battery Park Road
Nesmith SC 29580	
<u>County:</u>	Williamsburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	ND0068161
<u>Violations Cited:</u>	Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), and ND0068161

Summary: House of Raeford (Individual/Entity) owns and is responsible for the proper operation and maintenance of its land application site in Williamsburg County, South Carolina. On April 12, 2022, a Notice of Violation was issued as a result of biological oxygen demand (BOD) and total suspended solids (TSS) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with limitations of Permit ND0068161 for BOD and TSS.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by October

26, 2022; 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 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 October 26, 2022.

Update: None

142) Order Type and Number: Consent Order 22-059-W
Order Date: September 26, 2022
Individual/Entity: **Town of Winnsboro**
Facility: Jackson Creek WWTF
Location: 849 US Highway 321 Bypass
Winnsboro, SC 29180
Mailing Address: P.O. Box 209
Winnsboro, SC 29180
County: Fairfield
Previous Orders: 21-036-W (\$3,000.00)
Permit/ID Number: SC0020125
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits and S.C. Code Ann Regs. 61-9.122.41(e), and Part II.E. of NPDES Permit SC0020125

Summary: Town of Winnsboro (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Fairfield County, South Carolina. On October 20, 2021, the Department issued a Non-Compliant inspection report for not having a standby power source or equivalent, and tertiary filters not being operational. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation, as follows: failed to properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control.

Action: The Individual/Entity is required to: complete replacement and repairs of tertiary filters by November 30, 2023, and complete installation of a standby power source by March 31, 2024. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**) by October 26, 2022.

Update: None.

143) Order Type and Number: Consent Order 22-060-W
Order Date: September 29, 2022
Individual/Entity: **Dewees Utility Corporation**
Facility: Dewees Island WWTF
Location: 273 Old House Lane
Dewees Island, SC 29451
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: ND0069329
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits and S.C. Code Ann Regs. 61-9.122.41(e), and Part II.E. of Permit ND0069329

Summary: Dewees Utility Corporation (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Charleston County, South Carolina. On December 6, 2021, the Department issued a Notice of Violation for fecal coliform effluent violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation, as follows: failed to comply with permitted effluent limitations for fecal coliform.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by October 29, 2022; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by October 29, 2022.

BUREAU OF AIR QUALITY

144) Order Type and Number: Consent Order 22-015-A
Order Date: August 18, 2022
Individual/Entity: **48Forty Solutions - Gray Court Facility**
Facility: 48Forty Solutions – Gray Court Facility
Location: 2174 Quarry Road
Gray Court, SC 29645
Mailing Address: Same
County: Greenwood
Previous Orders: None
Permit/ID Number: 1520-0142

Violations Cited:
Permit Requirements

S.C. Code Ann. Regs. 61-62.1, Section II,

Summary: 48Forty Solutions, LLC, doing business as 48Forty Solutions - Gray Court Facility (Individual/Entity), reconditions wooden pallets for resale in Greenwood County, South Carolina. On March 31, 2021, a Department inspector conducted an inspection. The Department determined that the Individual/Entity violated South Carolina Air Pollution Control Regulations, as follows: failed to limit opacity to less than or equal to 35% during the startup period of the air curtain incinerator (ES-1) on March 8, 2021; and failed to limit opacity to 20% for ES-1 on March 8, 2021.

Action: The Individual/Entity is required to: comply with all terms and conditions of State Construction Permit 1520-0142. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by September 18, 2021.

Update: The penalty has been paid.

145) Order Type and Number: Consent Order 22-016-A
Order Date: August 18, 2022
Individual/Entity: **Carolina Allserv, LLC, d/b/a Carolina Pallets & Recycling**
Facility: Carolina Allserv, LLC, d/b/a Carolina Pallets & Recycling
Location: 645 State Road S-4-317
Belton, SC 29627
Mailing Address: P.O. Box 843
Simpsonville, SC 29681
County: Anderson
Previous Orders: None
Permit/ID Number: 0200-0284
Violations Cited: 40 CFR Part 70; S.C. Code Ann. Regs. 61-62.70; 40 CFR Part 60, Subpart CCCC; S.C. Code Ann. Regs. 61-62.60, Subpart CCCC; S.C. Code Ann. Regs. 61-62.5, Standard No. 3; and S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*

Summary: Carolina Allserv, LLC, doing business as Carolina Pallets & Recycling (Individual/Entity), is a pallet recycling business located in Anderson County, South Carolina. On January 13, 2021, the Department inspector conducted an inspection. The Department determined that the Individual/Entity violated U.S. EPA Regulations and South Carolina Air Pollution Control Regulations, as follows: failed to submit a timely Part 70 (Title V) Permit application within 12 months of startup of the air curtain incinerator (“ACI”); failed to submit notification of intent to construct the ACI; failed to submit a planned initial startup date for the ACI; failed to submit the types of materials planned to be burned in the ACI; failed to conduct an initial source test on the ACI no later than 180

days after startup; failed to maintain records of material incinerated measured in tons per year; failed to maintain records of the daily waste charge rates and hours of operation; failed to submit to the Department the content of its ACI operator training program, in addition to a list of trained personnel; failed to maintain records of the daily visual inspections of the ACI and submit semiannual reports of any abnormal emissions; failed to maintain a copy of Construction Permit CA; failed to maintain records of the actual production rates and monthly fuel usage for the ACI; and failed to limit fuel oil use to 1,650 gallons per year.

Action: The Individual/Entity is required to: comply with all terms and conditions of Synthetic Minor Construction Permit 0200-0284-CA. The Department has assessed a total civil penalty in the amount of twenty-four thousand dollars (\$24,000.00). The Individual/Entity shall pay a penalty in the amount of twenty-four thousand dollars **(\$24,000.00) in installments** beginning September 18, 2022.

Update: The Individual/Entity has made two eight thousand dollars \$8,000 payments.

146) <u>Order Type and Number:</u>	Consent Order 22-018-A
<u>Order Date:</u>	August 18, 2022
<u>Individual/Entity:</u>	Weylchem US Inc.
<u>Facility:</u>	Weylchem US Inc.
<u>Location:</u>	2114 Larry Jeffords Road Elgin, SC 29045
<u>Mailing Address:</u>	Same
<u>Previous Orders:</u>	18-017-A (\$12,960.00) 18-042-A (\$8,330.00)
<u>Permit/ID Number:</u>	1380-0017
<u>Violations Cited:</u>	U.S. EPA Regulations at 40 CFR Part 63 and S.C. Code Ann. Regs. 61-62.63 Subparts: SS, GGG, MMM and FFF and S.C. Code Ann. Regs. 61-62.1, Section II – <i>Permit Requirements</i>

Summary: Weylchem US Inc. (Individual/Entity) owns and operates a batch chemical manufacturing facility in Kershaw County, South Carolina. On February 28, 2019, June 24, 2019, August 30, 2019, August 12, 2020, January 14, 2021, February 28, 2021, May 14, 2021, and in November 2021, the Department received semiannual reports. The Individual/Entity violated U.S. EPA Regulations and South Carolina Air Pollution Control Regulations as follows: excessive continuous parametric monitoring system (CPMS) downtime, resulting in multiple excursions; operated the regenerative thermal oxidizer (RTO) below the minimum daily average operating temperature; and operated the caustic scrubber both below the minimum daily average flow rate and above the daily average flow rate limit.

Action: The Individual/Entity is required to: submit a summary of corrective actions taken to correct the deficiencies regarding operating the RTO and the caustic

scrubber within the established operating parameters. The Department has assessed a civil penalty in the amount of thirteen thousand five hundred dollars (\$13,500.00). The Individual/Entity shall pay a penalty in the amount of thirteen thousand five hundred dollars (**\$13,500.00**) by September 18, 2022.

Update: The civil penalty has been paid.

147) Order Type and Number: Consent Order 22-019-A
Order Date: August 24, 2022
Individual/Entity: **U.S. Silica Company**
Facility: U.S. Silica Company
Location: 5263 Edmund Highway
West Columbia, SC 29170
Mailing Address: Same
Previous Orders: None
Permit/ID Number: 1560-0005
Violations Cited: U.S. EPA regulations at 40 CFR Part 60 and S.C. Code Ann. Regs. 61-62.60, Subpart OOO and S.C. Code Ann. Regs. 61-62.1, Section II – *Permit Requirements*

Summary: U.S. Silica Company (Individual/Entity) owns and operates an industrial silica manufacturing facility in Lexington County, South Carolina. On June 2, 3, 2020, June 8, 2020, July 7, 2020, and April 29, 2021, the Individual/Entity conducted Department-approved source tests for particulate matter (PM) and opacity emissions on baghouses 03, 13, and 14. Additionally, On December 18, 2020, the Individual/Entity submitted its Title V Annual Compliance Certification (TVACC) to the Department. The Individual/Entity has violated U.S. EPA Regulations and South Carolina Air Pollution Control Regulations as follows: exceeded its PM emission limits during the above listed source tests; failed to conduct first quarter visible emission tests on baghouses 13 and 14; and, failed to submit a written request for a new or revised operating permit to cover any new or altered source postmarked within 15 days after the actual date of initial startup.

Action: The Individual/Entity is required to: limit PM emissions from baghouse 03 to 0.022 gr/dscf and from baghouses 13 and 14 to 0.014 gr/dscf; conduct quarterly visible emission tests on the baghouses; and submit written requests for a new or revised operating permit to cover any new or altered source to the Department within 15 days after the actual date of initial startup. The Department has assessed a total civil penalty in the amount of twenty thousand dollars (\$20,000.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-thousand dollars (**\$20,000.00**) by September 24, 2022.

Update: The penalty has been paid.

148) Order Type and Number: Consent Order 22-020-A
Order Date: September 29, 2022
Individual/Entity: **Mr. Dung Pham**
Facility: N/A
Location: 106 Elkwood Street
Greenville, SC 29614-1000
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. Regs. 61-62.1, Section II,
Permit Requirements

Summary: Mr. Dung Pham (Individual/Entity), is an owner and resident of the property located at 106 Elkwood Street in Greenville County, South Carolina. On June 22, 2021, a Department inspector conducted an investigation in response to a complaint. The Department determined that the Individual/Entity violated South Carolina Air Pollution Control Regulations, as follows: failed to apply for and obtain a construction permit and operating permit prior to installing and operating sources of air contaminants (circuit board processing operations).

Action: The Individual/Entity is required to: immediately cease and desist all circuit board processing operations and any other operations resulting in air contaminant discharges unless and until the facility has satisfied all Department permitting and regulatory requirements for the commencement of such operations. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a penalty in the amount of four thousand dollars (**\$4,000.00**).

Update: A payment in the amount of \$100 has been made.

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

Food Safety Enforcement

149) Order Type and Number: Administrative Order 22-35-FOOD
Order Date: August 26, 2022
Individual/Entity: **Erica Smith**
Facility: Erica Smith
Location: 3058 Princeton Road
West Columbia, SC 29170
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: OWP

Violations Cited:

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

Summary: Erica Smith (Individual/Entity) operates a mobile retail food establishment in Lexington County, South Carolina. The Department conducted an investigation on June 15, 2021, and December 3, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: provided food to the public without a valid permit issued by the Department.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand dollars (\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) by September 26, 2022.

Update: The Department issued a payment Demand letter on October 25, 2022. The Department has not received any further complaints of the Individual/Entity preparing food for public consumption at this time.

150) <u>Order Type and Number:</u>	Consent Order 22-80-FOOD
<u>Order Date:</u>	August 2, 2022
<u>Individual/Entity:</u>	Chipotle Mexican Grill
<u>Facility:</u>	Chipotle Mexican Grill
<u>Location:</u>	619 Gervais Street Columbia, SC 29201
<u>Mailing Address:</u>	1401 Wynkoop Street, Suite 500 Denver, CO 80202
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	40-206-07116
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Chipotle Mexican Grill (Individual/Entity) operates a restaurant located in Richland County, South Carolina. The Department conducted inspections on May 20, 2022, May 26, 2022, and June 3, 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.

151) Order Type and Number: Consent Order 22-96-FOOD
Order Date: August 7, 2022
Individual/Entity: **Charleston Sports Pub**
Facility: Charleston Sports Pub
Location: 359 College Avenue
Clemson, SC 29631
Mailing Address: 1227 Yeamans Hall Road
Hanahan, SC 29410
County: Pickens
Previous Orders: 2019-206-02-054 (\$600.00)
2019-206-02-069 (\$500.00)
Permit Number: 39-206-02077
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Charleston Sports Pub (Individual/Entity) operates a restaurant located in Pickens County, South Carolina. The Department conducted inspections on October 20, 2021, February 25, 2022, and May 17, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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

152) Order Type and Number: Consent Order 22-65-FOOD
Order Date: August 8, 2022
Individual/Entity: **Whitmire Food Mart**
Facility: Whitmire Food Mart
Location: 6505 Whitmire Highway
Whitmire, SC 29178
Mailing Address: Same
County: Union
Previous Orders: 2017-206-02-012 (\$1,005.00)
Permit Number: 44-206-00771

Violations Cited:

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

Summary: Whitmire Food Mart (Individual/Entity) operates a restaurant located in Union County, South Carolina. The Department conducted inspections on April 27, 2022, May 4, 2022, and May 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the handwashing sinks were accessible at all times; failed to 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 one thousand two hundred fifty dollars (\$1,250.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred fifty dollars (**\$1,250.00**).

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

153) <u>Order Type and Number:</u>	Consent Order 22-85-FOOD
<u>Order Date:</u>	August 8, 2022
<u>Individual/Entity:</u>	Tropical Burger
<u>Facility:</u>	Tropical Burger
<u>Location:</u>	207 Northeast Main Street Easley, SC 29640
<u>Mailing Address:</u>	206 Fenway Lane Greenville, SC 29605
<u>County:</u>	Pickens
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	39-206-20159
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Tropical Burger (Individual/Entity) operates a retail food establishment located in Pickens County, South Carolina. The Department conducted an inspection on June 17, 2022. 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.

154) Order Type and Number: Consent Order 22-106-FOOD
Order Date: August 8, 2022
Individual/Entity: **Lozanos Authentic Mexican**
Facility: Lozanos Authentic Mexican
Location: 2701 Winnsboro Road
Newberry, SC 29108
Mailing Address: Same
County: Newberry
Previous Orders: None
Permit Number: 36-206-01384
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lozanos Authentic Mexican (Individual/Entity) operates a restaurant located in Newberry County, South Carolina. The Department conducted inspections on July 12, 2021, June 16, 2022, June 23, 2022, and June 30, 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 maintain the premises free of insects, rodents, and other pests.

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

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

155) Order Type and Number: Consent Order 22-114-FOOD
Order Date: August 8, 2022
Individual/Entity: **Tacos Locos & Grill**
Facility: Tacos Locos & Grill
Location: 103 N. 12th Street, Suite D
West Columbia, SC 29169
Mailing Address: Same
County: Lexington

Previous Orders: 2019-206-03-111 (\$4,800.00)
2020-206-03-005 (\$2,000.00)
Permit Number: 32-206-06745
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Tacos Locos & Grill (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on June 27, 2022, July 6, 2022, and July 13, 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 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.

156) Order Type and Number: Consent Order 22-69-FOOD
Order Date: August 15, 2022
Individual/Entity: **Mi Tierra**
Facility: Mi Tierra
Location: 4944 Highway 321
Gaston, SC 29053
Mailing Address: Same
County: Lexington
Previous Orders: 22-43-FOOD (\$2,400.00)
Permit Number: 32-206-07262
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mi Tierra (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on March 15, 2022, March 24, 2022, April 6, 2022, May 13, 2022, May 19, 2022, and May 26, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that food employees clean their hands in a handwashing sink or approved automatic handwashing facility; failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure 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; 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 one thousand seven hundred fifty dollars (\$1,750.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand seven hundred fifty dollars (**\$1,750.00**).

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

157) <u>Order Type and Number:</u>	Consent Order 22-77-FOOD
<u>Order Date:</u>	August 16, 2022
<u>Individual/Entity:</u>	Anderson Wings, LLC
<u>Facility:</u>	Anderson Wings, LLC
<u>Location:</u>	119 Interstate Boulevard Anderson, SC 29621
<u>Mailing Address:</u>	10800 Sikes Place Charlotte, NC 28277
<u>County:</u>	Anderson
<u>Previous Orders:</u>	2018-206-01-005 (\$1,000.00) 2019-206-01-012 (\$1,750.00) 2019-206-01-052 (\$500.00) 22-10-FOOD (\$1,250.00)
<u>Permit Number:</u>	04-206-04218
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Anderson Wings, LLC (Individual/Entity) operates a restaurant located in Anderson County, South Carolina. The Department conducted inspections on March 30, 2022, March 31, 2022, April 7, 2022, April 12, 2022, April 21, 2022, and April 28, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that handwashing sinks were accessible at all times; failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; 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; 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 five thousand dollars (\$5,000.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**).

Update: The Individual/Entity is currently up to date with their payment plan. The final payment of the payment plan is due March 29, 2023.

158) <u>Order Type and Number:</u>	Consent Order 22-124-FOOD
<u>Order Date:</u>	August 16, 2022
<u>Individual/Entity:</u>	Panthers
<u>Facility:</u>	Panthers
<u>Location:</u>	13812 North Fraser Street Georgetown, SC 29440
<u>Mailing Address:</u>	Same
<u>County:</u>	Georgetown
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	22-206-06544
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Panthers (Individual/Entity) operates a restaurant located in Georgetown County, South Carolina. The Department conducted inspections on February 1, 2022, February 9, 2022, June 23, 2022, and June 30, 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 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**) by September 16, 2022.

Update: None.

159) <u>Order Type and Number:</u>	Consent Order 22-75-FOOD
<u>Order Date:</u>	August 18, 2022
<u>Individual/Entity:</u>	Bojangles #912
<u>Facility:</u>	Bojangles #912

Location: 4131 Clemson Boulevard
Anderson, SC 29621
Mailing Address: 7750 North MacArthur Blvd., Suite 120-223
Irving, TX 75063
County: Anderson
Previous Orders: 22-04-FOOD (\$1,000.00)
22-45-FOOD (\$1,000.00)
Permit Number: 04-206-04727
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles #912 (Individual/Entity) operates a restaurant located in Anderson County, South Carolina. The Department conducted inspections on March 23, 2022, May 25, 2022, June 3, 2022, June 13, 2022, June 22, 2022, July 1, 2022, July 11, 2022, July 21, 2022, and July 27, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; 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 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.

160) Order Type and Number: Consent Order 22-104-FOOD
Order Date: August 18, 2022
Individual/Entity: **US Wings & Deli**
Facility: US Wings & Deli
Location: 3315 Broad River Road
Columbia, SC 29210
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-08412
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: US Wings & Deli (Individual/Entity) operates a restaurant located in Richland County, South Carolina. The Department conducted inspections on June 21, 2022, June 27, 2022, and July 5, 2022. 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.

161) <u>Order Type and Number:</u>	Consent Order 22-119-FOOD
<u>Order Date:</u>	August 18, 2022
<u>Individual/Entity:</u>	Pop's Mart #612
<u>Facility:</u>	Pop's Mart #612
<u>Location:</u>	1004 River Road Columbia, SC 29212
<u>Mailing Address:</u>	P.O. Box 1730 Columbia, SC 29202
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	32-206-07341
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Pop's Mart #612 (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on June 21, 2022, July 1, 2022, and July 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.

162) Order Type and Number: Consent Order 22-125-FOOD
Order Date: August 18, 2022
Individual/Entity: **Donald's Pancake House**
Facility: Donald's Pancake House
Location: 2600 North Kings Highway
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: 2019-206-06-048 (\$800.00)
Permit Number: 26-206-11717
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Donald's Pancake House (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on January 12, 2022, January 27, 2022, and June 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 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.

163) Order Type and Number: Consent Order 22-98-FOOD
Order Date: August 23, 2022
Individual/Entity: **Hong Kong Chinese**
Facility: Hong Kong Chinese
Location: 2274 Highway 501 East
Conway, SC 29526
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13154
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hong Kong Chinese (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on August 17, 2021, August 26, 2021, and June 1, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time

combination exceeded seven (7) days or if the package was not properly date marked; and failed to 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.

164) <u>Order Type and Number:</u>	Consent Order 22-101-FOOD
<u>Order Date:</u>	August 23, 2022
<u>Individual/Entity:</u>	KJ's Market #36
<u>Facility:</u>	KJ's Market #36
<u>Location:</u>	543 St. Andrews Road Columbia, SC 29210
<u>Mailing Address:</u>	P. O. Box 1629 Lake City, SC 29560-1629
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	32-211-06210
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: KJ's Market #36 (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on May 19, 2022, May 26, 2022, June 2, 2022, June 9, 2022, June 16, 2022, June 24, 2022, July 1, 2022, July 11, 2022, and July 21, 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 two thousand eight hundred dollars (\$2,800.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**).

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

165) Order Type and Number: Consent Order 22-121-FOOD
Order Date: August 23, 2022
Individual/Entity: **Restoration on King**
Facility: Restoration on King
Location: 75 Wentworth Street
Charleston, SC 29401
Mailing Address: Same
County: Charleston
Previous Orders: 2019-206-07-058 (\$1,800.00)
Permit Number: 10-206-09807
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Restoration on King (Individual/Entity) operates a restaurant located in Charleston County, South Carolina. The Department conducted inspections on June 15, 2022, June 24, 2022, and July 1, 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 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.

166) Order Type and Number: Consent Order 22-122-FOOD
Order Date: August 23, 2022
Individual/Entity: **The Grumpy Monk NMB**
Facility: The Grumpy Monk NMB
Location: 1409 Highway 17 South
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-14031
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: The Grumpy Monk NMB (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on September 13, 2021, March 7, 2022, and July 6, 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.

167) <u>Order Type and Number:</u>	Consent Order 22-128-FOOD
<u>Order Date:</u>	August 23, 2022
<u>Individual/Entity:</u>	Georgio's Pizza I
<u>Facility:</u>	Georgio's Pizza I
<u>Location:</u>	211 Main Street North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-02812
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Georgio's Pizza I (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on November 12, 2021, June 7, 2022, and June 16, 2022. 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.

168)	<u>Order Type and Number:</u> <u>Order Date:</u> <u>Individual/Entity:</u> <u>Facility:</u> <u>Location:</u> <u>Mailing Address:</u> <u>County:</u> <u>Previous Orders:</u> <u>Permit Number:</u> <u>Violations Cited:</u>	Consent Order 22-141-FOOD August 23, 2022 Fujisan Sushi Fujisan Sushi 3501 Belle Terre Boulevard Myrtle Beach, SC 29579 14220 Bloomfield Avenue Santa Fe Springs, CA 90670 Horry 22-56-FOOD (\$800.00) 26-206-14380 S.C. Code Ann. Regs. 61-25
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Summary: Fujisan Sushi (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted an inspection on July 7, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to comply with the Hazard Analysis and Critical Control Point (HACCP) plan and procedures that are submitted and approved as a basis for the modification or waiver; and maintain and provide to the Department, upon request, records that demonstrate the HACCP plan is being employed.

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

169)	<u>Order Type and Number:</u> <u>Order Date:</u> <u>Individual/Entity:</u> <u>Facility:</u> <u>Location:</u> <u>Mailing Address:</u> <u>County:</u> <u>Previous Orders:</u> <u>Permit Number:</u> <u>Violations Cited:</u>	Consent Order 22-145-FOOD August 23, 2022 Jason's Deli Jason's Deli 1450 W O Ezell Boulevard Spartanburg, SC 29301 350 Pine Street, Suite 1775 Beaumont, TX 77701 Spartanburg None 42-206-05104 S.C. Code Ann. Regs. 61-25
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Summary: Jason's Deli (Individual/Entity) operates a restaurant located in Spartanburg County, South Carolina. The Department conducted inspections on July 7,

2022, July 15, 2022, and July 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to 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.

170) <u>Order Type and Number:</u>	Consent Order 22-70-FOOD
<u>Order Date:</u>	August 24, 2022
<u>Individual/Entity:</u>	Alvin S. Glenn Detention Center
<u>Facility:</u>	Alvin S. Glenn Detention Center
<u>Location:</u>	201 John Mark Dial Drive Columbia, SC 29209
<u>Mailing Address:</u>	775 Woodlands Parkway, Suite 100 Ridgeland, MS 39157
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	40-206-08237
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Alvin S. Glenn Detention Center (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on November 30, 2021, February 9, 2022, February 18, 2022, February 23, 2022, March 4, 2022, April 18, 2022, April 27, 2022, May 6, 2022, May 16, 2022, May 26, 2022, June 3, 2022, June 13, 2022, June 20, 2022, and June 30, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that equipment is maintained in a state of repair and condition that meets the regulation requirements; failed to ensure that physical facilities were maintained in good repair; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of six thousand six hundred dollars (\$6,600.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand six hundred dollars (**\$6,600.00**).

Update: On October 18, 2022, the Department was notified by the facility that they have started the process to secure a temporary kitchen located on the property to conduct food service operations out of for approximately eight (8) weeks to allow for the necessary structural items to be properly repaired and constructed in the permeant food service kitchen. The Department is working to expeditiously review and approve the temporary operations once in place. The Individual/Entity intends to have the temporary operations set up and operational before November 8, 2022.

171) Order Type and Number: Consent Order 22-115-FOOD
Order Date: August 24, 2022
Individual/Entity: **The Spot on the Alley**
Facility: The Spot on the Alley
Location: 122 Ram Cat Alley
Seneca, SC 29678
Mailing Address: 328 Shorecrest
Seneca, SC 29672
County: Oconee
Previous Orders: None
Permit Number: 37-206-00702
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: The Spot on the Alley (Individual/Entity) operates a restaurant located in Oconee County, South Carolina. The Department conducted inspections on June 10, 2022, June 20, 2022, June 29, 2022, and July 7, 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 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.

172) Order Type and Number: Consent Order 22-135-FOOD
Order Date: August 24, 2022
Individual/Entity: **The Hickory Tavern**
Facility: The Hickory Tavern
Location: 1508 Highway 17 North
North Myrtle Beach, SC 29582
Mailing Address: 13900 Conlan Circle

Charlotte, NC 28277
County: Horry
Previous Orders: None
Permit Number: 26-206-13358
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: The Hickory Tavern (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on January 10, 2022, June 20, 2022, June 30, 2022, and July 8, 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 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.

173) Order Type and Number: Consent Order 22-126-FOOD
Order Date: August 25, 2022
Individual/Entity: **El Mercadito Chiapanelo**
Facility: El Mercadito Chiapanelo
Location: 1801 Parkview Road
Conway, SC 29526
Mailing Address: 1031 Brown Drive
Conway, SC 29526
County: Horry
Previous Orders: 21-25-FOOD (\$1,000.00)
Permit Number: 26-206-14500
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Mercadito Chiapanelo (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted an inspection on June 30, 2022. 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.

174) <u>Order Type and Number:</u>	Consent Order 22-87-FOOD
<u>Order Date:</u>	August 26, 2022
<u>Individual/Entity:</u>	Taco Riendo
<u>Facility:</u>	Taco Riendo
<u>Location:</u>	115 Bountyland Road Seneca, SC 29672
<u>Mailing Address:</u>	Same
<u>County:</u>	Oconee
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	37-206-01041
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Taco Riendo (Individual/Entity) operates a restaurant located in Oconee County, South Carolina. The Department conducted inspections on May 17, 2022, May 26, 2022, June 2, 2022, June 9, 2022, June 17, 2022, June 27, 2022, July 6, 2022, July 14, 2022, July 20, 2022, July 29, 2022, and August 5, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep shellstock tags or labels attached to the container in which the shellstock are received, until the container is empty; failed to use effective methods to cool cooked time/temperature control for safety foods; 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 four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

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

175) <u>Order Type and Number:</u>	Consent Order 22-117-FOOD
<u>Order Date:</u>	August 26, 2022
<u>Individual/Entity:</u>	Clock of Anderson
<u>Facility:</u>	Clock of Anderson
<u>Location:</u>	105 Centerville Road Anderson, SC 29625

Mailing Address: Same
County: Anderson
Previous Orders: 2017-206-01-017 (\$1,200.00)
Permit Number: 04-206-03635
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Clock of Anderson (Individual/Entity) operates a restaurant located in Anderson County, South Carolina. The Department conducted inspections on January 25, 2022, June 29, 2022, June 30, 2022, July 7, 2022, and July 15, 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 Individual/Entity is required to within ten (10) days of the execution date of this Consent Order, correct all outstanding violations identified. The Department has assessed a total civil penalty in the amount of seven hundred fifty dollars (\$750.00). The Individual/Entity shall pay a civil penalty in the amount of seven hundred fifty dollars (**\$750.00**).

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

176) Order Type and Number: Consent Order 22-127-FOOD
Order Date: August 26, 2022
Individual/Entity: **Krispy Kreme #631**
Facility: Krispy Kreme #631
Location: 101 Rodeo Drive
Myrtle Beach, SC 29577
Mailing Address: 370 Knollwood Street
Winston Salem, NC 27103
County: Horry
Previous Orders: None
Permit Number: 26-206-14213
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Krispy Kreme #631 (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on June 3, 2022, June 13, 2022, and June 22, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that each handwashing sink or group of two (2) adjacent handwashing sinks was provided with a supply of hand cleaning, liquid, powder or bar soap.

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.

177) Order Type and Number: Consent Order 22-136-FOOD
Order Date: August 26, 2022
Individual/Entity: **Uncle Mikey's Pizza**
Facility: Uncle Mikey's Pizza
Location: 4378 Highway 17 Business
Murrells Inlet, SC 29576
Mailing Address: Same
County: Georgetown
Previous Orders: None
Permit Number: 22-206-06411
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Uncle Mikey's Pizza (Individual/Entity) operates a restaurant located in Georgetown County, South Carolina. The Department conducted inspections on November 18, 2021, June 22, 2022, July 1, 2022, and July 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: 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 Individual/Entity is required to within ten (10) days of the execution date of this Consent Order, correct all outstanding violations identified. 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.

178) Order Type and Number: Consent Order 22-142-FOOD
Order Date: August 26, 2022
Individual/Entity: **Mikato Express**
Facility: Mikato Express
Location: 5407 Dick Pond Road
Myrtle Beach, SC 29588
Mailing Address: 3456 Forestbrook Road

Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-14430
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mikato Express (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on December 9, 2021, May 23, 2022, June 1, 2022, and July 18, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: 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 Individual/Entity is required to within ten (10) days of the execution date of this Consent Order, correct all outstanding violations identified. 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.

179) Order Type and Number: Consent Order 22-146-FOOD
Order Date: August 30, 2022
Individual/Entity: **El Manantial**
Facility: El Manantial
Location: 18844 Whyte Hardee Boulevard
Hardeeville, SC 29927
Mailing Address: 217 Quartz Drive
Rincon, GA 31326
County: Jasper
Previous Orders: None
Permit Number: 27-211-00286
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Manantial (Individual/Entity) operates a restaurant located in Jasper County, South Carolina. The Department conducted inspections on July 20, 2021, July 12, 2022, and July 21, 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.

180) <u>Order Type and Number:</u>	Consent Order 22-139-FOOD
<u>Order Date:</u>	September 1, 2022
<u>Individual/Entity:</u>	M Family City Pizza
<u>Facility:</u>	M Family City Pizza
<u>Location:</u>	316 North Kings Highway Myrtle Beach, SC 29577
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-14029
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: M Family City Pizza (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on June 22, 2022, July 1, 2022, July 11, 2022, and July 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to maintain the premises free of insects, rodents, and other pests; and failed to provide a test kit or other device that accurately measures the concentration of MG/L of sanitizing solutions.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand eight hundred dollars (\$1,800.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand eight hundred dollars (**\$1,800.00**).

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

181) <u>Order Type and Number:</u>	Consent Order 22-151-FOOD
<u>Order Date:</u>	September 1, 2022
<u>Individual/Entity:</u>	Maria's Mexican Grill
<u>Facility:</u>	Maria's Mexican Grill

Location: 2817 Maybank Highway
Johns Island, SC 29455
Mailing Address: Same
County: Charleston
Previous Orders: 22-73-FOOD (\$1,600.00)
Permit Number: 10-206-06131
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Maria's Mexican Grill (Individual/Entity) operates a restaurant located in Charleston County, South Carolina. The Department conducted inspections on July 8, 2022, and July 18, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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 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.

182) Order Type and Number: Consent Order 22-154-FOOD
Order Date: September 1, 2022
Individual/Entity: **Subway #12559**
Facility: Subway #12559
Location: 2302-D North Kings Highway
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-05074
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Subway #12559 (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on November 30, 2021, December 9, 2021, July 14, 2022, and July 22, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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.

183) Order Type and Number: Consent Order 22-80-FOOD
Order Date: September 2, 2022
Individual/Entity: **Chipotle Mexican Grill**
Facility: Chipotle Mexican Grill
Location: 619 Gervais Street
Columbia, SC 29201
Mailing Address: 1401 Wynkoop Street, Suite 500
Denver, CO 80202
County: Richland
Previous Orders: None
Permit Number: 40-206-07116
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Chipotle Mexican Grill (Individual/Entity) operates a restaurant located in Richland County, South Carolina. The Department conducted inspections on May 20, 2022, May 26, 2022, and June 3, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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.

184) Order Type and Number: Consent Order 22-96-FOOD
Order Date: September 7, 2022
Individual/Entity: **Charleston Sports Pub**
Facility: Charleston Sports Pub
Location: 359 College Avenue
Clemson, SC 29631

Mailing Address: 1227 Yeamans Hall Road
Hanahan, SC 29410
County: Pickens
Previous Orders: 2019-206-02-054 (\$600.00);
2019-206-02-069 (\$500.00)
Permit Number: 39-206-02077
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Charleston Sports Pub (Individual/Entity) operates a restaurant located in Pickens County, South Carolina. The Department conducted inspections on October 20, 2021, February 25, 2022, and May 17, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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

185) Order Type and Number: Consent Order 22-130-FOOD
Order Date: September 7, 2022
Individual/Entity: **China Buffet**
Facility: China Buffet
Location: 1105 Church Street
Conway, SC 29526
Mailing Address: Same
County: Horry
Previous Orders: 2019-206-06-142 (\$800.00); and
22-52-FOOD (\$3,250.00)
Permit Number: 26-206-11146
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: China Buffet (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted an inspection on June 30, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

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.

186) Order Type and Number: Consent Order 22-140-FOOD
Order Date: September 7, 2022
Individual/Entity: **Mr. Fries**
Facility: Mr. Fries
Location: 913 A North Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13946
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mr. Fries (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on June 27, 2022, July 6, 2022, and July 13, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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.

187) Order Type and Number: Consent Order 22-152-FOOD
Order Date: September 7, 2022
Individual/Entity: **King Street Grille**
Facility: King Street Grille
Location: 679 Fresh Fields Drive
Kiawah Island, SC 29455
Mailing Address: P. O. Box 30429

Charleston, SC 29417
County: Charleston
Previous Orders: None
Permit Number: 10-206-06498
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: King Street Grille (Individual/Entity) operates a restaurant located in Charleston County, South Carolina. The Department conducted inspections on March 8, 2022, March 18, 2022, July 8, 2022, and July 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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.

188) Order Type and Number: Consent Order 22-131-FOOD
Order Date: September 12, 2022
Individual/Entity: **Dragon Pan**
Facility: Dragon Pan
Location: 201 Fresh Drive, Suite B
Myrtle Beach, SC 29579
Mailing Address: Same
County: Horry
Previous Orders: 2018-206-06-089 (\$400.00)
Permit Number: 26-206-12805
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Dragon Pan (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on October 26, 2021, June 29, 2022, and June 30, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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 Individual/Entity has met all requirements of the Order. This Order has been closed.

189) <u>Order Type and Number:</u>	Consent Order 22-155-FOOD
<u>Order Date:</u>	September 12, 2022
<u>Individual/Entity:</u>	La Fogata
<u>Facility:</u>	La Fogata
<u>Location:</u>	5020 Rivers Avenue North Charleston, SC 29406
<u>Mailing Address:</u>	6125 Bay Pond Road Ravenel, SC 29470
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	10-204-12490
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: La Fogata (Individual/Entity) operates a mobile retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on June 29, 2022, July 8, 2022, July 18, 2022, July 28, 2022, and August 5, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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 two thousand four hundred dollars (\$2,400.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand four hundred dollars (**\$2,400.00**).

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

190) <u>Order Type and Number:</u>	Consent Order 22-156-FOOD
<u>Order Date:</u>	September 12, 2022
<u>Individual/Entity:</u>	Liberty at the Lake
<u>Facility:</u>	Liberty at the Lake
<u>Location:</u>	1602 Marina Road Irmo, SC 29063
<u>Mailing Address:</u>	1177 Southgate Drive Charleston, SC 29407

County: Richland
Previous Orders: 2016-206-03-102 (\$1,200.00);
2017-206-03-120 (\$800.00);
2018-206-03-120 (\$1,500.00); and
22-55-FOOD (\$500.00)
Permit Number: 40-206-07068
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Liberty at the Lake (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on April 28, 2022, June 20, 2022, and August 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands; and failed to ensure that time/temperature control for safety food 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 Individual/Entity has met all requirements of the Order. This Order has been closed.

191) Order Type and Number: Consent Order 22-137-FOOD
Order Date: September 13, 2022
Individual/Entity: **El Teresa's**
Facility: El Teresa's
Location: 401 West Martintown Road, Suite 106
North Augusta, SC 29841
Mailing Address: Same
County: Aiken
Previous Orders: None
Permit Number: 22-137-FOOD
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Teresa's (Individual/Entity) operates a restaurant located in Aiken County, South Carolina. The Department conducted inspections on January 27, 2022, February 4, 2022, and July 13, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide water at a temperature of at least 100 degrees F through a mixing valve or combination faucet at the handwashing sink(s).

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.

192) <u>Order Type and Number:</u>	Consent Order 22-132-FOOD
<u>Order Date:</u>	September 14, 2022
<u>Individual/Entity:</u>	Avista Resort
<u>Facility:</u>	Avista Resort
<u>Location:</u>	300 North Ocean Boulevard North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	2018-206-06-094 (\$400.00); and 2018-206-06-162 (\$250.00)
<u>Permit Number:</u>	26-206-09748
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Avista Resort (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on January 6, 2022, June 15, 2022, and June 23, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

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

193) <u>Order Type and Number:</u>	Consent Order 22-148-FOOD
<u>Order Date:</u>	September 14, 2022
<u>Individual/Entity:</u>	Fatz
<u>Facility:</u>	Fatz
<u>Location:</u>	1615 Sandifer Boulevard Seneca, SC 29678

Mailing Address: 1361 West Wade Hampton Blvd., Suite F,
#6
Greer, SC 29650
County: Oconee
Previous Orders: 22-47-FOOD (\$400.00); and
22-74-FOOD (\$500.00)
Permit Number: 37-206-01321
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fatz (Individual/Entity) operates a restaurant located in Oconee County, South Carolina. The Department conducted an inspection on July 25, 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 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.

194) Order Type and Number: Consent Order 22-129-FOOD
Order Date: September 15, 2022
Individual/Entity: **Coastal Ale House**
Facility: Coastal Ale House
Location: 115 Waccamaw Medical Park Drive
Conway, SC 29526
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13808
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Coastal Ale House (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on September 28, 2021, February 17, 2022, and June 30, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clearly and individually identify with the common name of the material on all working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies.

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

25. The Department has assessed a total civil penalty in the amount of 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.

195) Order Type and Number: Consent Order 22-150-FOOD
Order Date: September 15, 2022
Individual/Entity: **Spice Palette Indian Cuisine**
Facility: Spice Palette Indian Cuisine
Location: 1220 Ben Sawyer Boulevard, Suite 1
Mount Pleasant, SC 29464
Mailing Address: 4 Darrens Way
Albany, NY 12205
County: Charleston
Previous Orders: None
Permit Number: 10-206-13506
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Spice Palette Indian Cuisine (Individual/Entity) operates a restaurant located in Charleston County, South Carolina. The Department conducted inspections on July 13, 2022, July 22, 2022, and July 29, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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.

196) Order Type and Number: Consent Order 22-162-FOOD
Order Date: September 15, 2022
Individual/Entity: **Myrtle Beach Fries**
Facility: Myrtle Beach Fries
Location: 918 North Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: 409 Patterson Drive
Myrtle Beach, SC 29572

County: Horry
Previous Orders: None
Permit Number: 26-206-08194
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Myrtle Beach Fries (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on September 21, 2021, August 5, 2022, and August 15, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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.

197) Order Type and Number: Consent Order 22-105-FOOD
Order Date: September 16, 2022
Individual/Entity: **Circle K #3105**
Facility: Circle K #3105
Location: 2220 Broad River Road
Columbia, SC 29210
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-07370
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Circle K #3105 (Individual/Entity) operates a restaurant located in Richland County, South Carolina. The Department conducted inspections on June 20, 2022, June 27, 2022, and July 5, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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.

198) Order Type and Number: Consent Order 22-144-FOOD
Order Date: September 16, 2022
Individual/Entity: **Pop Pops Pit BBQ**
Facility: Pop Pops Pit BBQ
Location: 3552 Highway 17 Business
Murrells Inlet, SC 29576
Mailing Address: Same
County: Georgetown
Previous Orders: None
Permit Number: 22-206-06469
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pop Pops Pit BBQ (Individual/Entity) operates a restaurant located in Georgetown County, South Carolina. The Department conducted inspections on February 4, 2022, June 30, 2022, July 8, 2022, July 18, 2022, and July 25, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

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

199) Order Type and Number: Consent Order 22-89-FOOD
Order Date: September 19, 2022
Individual/Entity: **The Country Store and Grill**
Facility: The Country Store and Grill
Location: 3966-A Clarence Coker Highway
Turbeville, SC 29162
Mailing Address: Same
County: Clarendon
Previous Orders: None
Permit Number: 14-206-00572
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: The Country Store and Grill (Individual/Entity) operates a restaurant located in Clarendon County, South Carolina. The Department conducted inspections on May 27, 2022, June 3, 2022, June 10, 2022, and June 20, 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 maintain the premises free of insects, rodents, and other pests.

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

200) <u>Order Type and Number:</u>	Consent Order 22-91-FOOD
<u>Order Date:</u>	September 19, 2022
<u>Individual/Entity:</u>	Root
<u>Facility:</u>	Root
<u>Location:</u>	919 Front Street Georgetown, SC 29440
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	22-206-06492
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Root (Individual/Entity) operates a restaurant located in Georgetown County, South Carolina. The Department conducted inspections on July 7, 2021, May 3, 2022, and May 11, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food 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.

201) Order Type and Number: Consent Order 22-133-FOOD
Order Date: September 19, 2022
Individual/Entity: **La Carreta Mexican Restaurant**
Facility: La Carreta Mexican Restaurant
Location: 335 Folly Road
Charleston, SC 29412
Mailing Address: 1580 A Old Trolley Road
Summerville, SC 29485
County: Charleston
Previous Orders: 2017-206-07-030 (\$1,600.00)
Permit Number: 10-206-05928
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: La Carreta Mexican Restaurant (Individual/Entity) operates a restaurant located in Charleston County, South Carolina. The Department conducted inspections on April 11, 2022, April 21, 2022, June 9, 2022, June 17, 2022, June 27, 2022, and July 6, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; failed to use effective methods to cool cooked time/temperature control for safety foods; and failed to ensure that time/temperature control for safety food 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 four thousand seven hundred fifty dollars (\$4,750.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand seven hundred fifty dollars (**\$4,750.00**).

Update: The Individual/Entity is current on their payment plan. The final payment of the payment plan is due July 19, 2023.

202) Order Type and Number: Consent Order 22-143-FOOD
Order Date: September 19, 2022
Individual/Entity: **Sol Y Luna**
Facility: Sol Y Luna
Location: 4270 River Oaks Drive, Suite B
Myrtle Beach, SC 29579
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13641
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Sol Y Luna (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on January 6, 2022, January 14, 2022, and July 8, 2022. 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.

203) <u>Order Type and Number:</u>	Consent Order 22-161-FOOD
<u>Order Date:</u>	September 19, 2022
<u>Individual/Entity:</u>	Pawleys Island Tavern
<u>Facility:</u>	Pawleys Island Tavern
<u>Location:</u>	10635 Ocean Highway Pawleys Island, SC 29585
<u>Mailing Address:</u>	67 Old Tram Way Pawleys Island, SC 29585
<u>County:</u>	Georgetown
<u>Previous Orders:</u>	2017-206-06-020 (\$1,350.00)
<u>Permit Number:</u>	22-206-05734
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Pawleys Island Tavern (Individual/Entity) operates a restaurant located in Georgetown County, South Carolina. The Department conducted inspections on July 9, 2021, July 10, 2021, June 14, 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 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.

204) Order Type and Number: Consent Order 22-118-FOOD
Order Date: September 20, 2022
Individual/Entity: **Nick's House of Pizza**
Facility: Nick's House of Pizza
Location: 1082 A Sunset Boulevard
West Columbia, SC 29169
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: 32-206-02633
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Nick's House of Pizza (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on April 29, 2022, June 27, 2022, and July 11, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands.

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.

205) Order Type and Number: Consent Order 22-123-FOOD
Order Date: September 20, 2022
Individual/Entity: **Pittsburgh Pizza Pub**
Facility: Pittsburgh Pizza Pub
Location: 730 Highway 17 South
North Myrtle Beach, SC 29582
Mailing Address: 3699 Sea Mountain Highway
Little River, SC 29566
County: Horry
Previous Orders: None
Permit Number: 26-206-14339
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pittsburgh Pizza Pub (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on June 9, 2021, January 31, 2022, and July 6, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature

control for safety food 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.

206)	<u>Order Type and Number:</u>	Consent Order 22-157-FOOD
	<u>Order Date:</u>	September 20, 2022
	<u>Individual/Entity:</u>	Capriccio's of SC
	<u>Facility:</u>	Capriccio's of SC
	<u>Location:</u>	1285 38 th Avenue North Myrtle Beach, SC 29577
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	2019-206-06-167 (\$800.00)
	<u>Permit Number:</u>	26-206-10595
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Capriccio's of SC (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on February 10, 2022, July 26, 2022, and August 5, 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.

207)	<u>Order Type and Number:</u>	Consent Order 22-158-FOOD
	<u>Order Date:</u>	September 20, 2022
	<u>Individual/Entity:</u>	Sonic Drive In @ Camden
	<u>Facility:</u>	Sonic Drive In @ Camden

Location: 125 East DeKalb Street
Camden, SC 29020
Mailing Address: 5623 Fairfield Road
Columbia, SC 29203
County: Kershaw
Previous Orders: None
Permit Number: 28-206-00673
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Sonic Drive In @ Camden (Individual/Entity) operates a restaurant located in Kershaw County, South Carolina. The Department conducted inspections on July 25, 2022, August 4, 2022, and August 12, 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; and failed to keep equipment food contact surfaces and utensils clean to sight and touch.

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

208) Order Type and Number: Consent Order 22-167-FOOD
Order Date: September 23, 2022
Individual/Entity: **Stop-A-Minit #26**
Facility: Stop-A-Minit #26
Location: 8091 Abbeville Highway
Iva, SC 29655
Mailing Address: P. O. Box 1347
Anderson, SC 29622
County: Anderson
Previous Orders: None
Permit Number: 04-206-04361
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Stop-A-Minit #26 (Individual/Entity) operates a restaurant located in Anderson County, South Carolina. The Department conducted inspections on August 1, 2022, August 5, 2022, and August 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the permit holder was the person in charge or to designate a person in charge and ensure that a person in charge is present at the retail food establishment during all hours of operation; and failed to maintain the premises free of insects, rodents, and other pests.

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

209) Order Type and Number: Consent Order 22-147-FOOD
Order Date: September 27, 2022
Individual/Entity: **Food Lion #2254**
Facility: Food Lion #2254
Location: 2916 Emanuel Church Road
West Columbia, SC 29170
Mailing Address: 2110 Executive Drive
Salisbury, NC 28147
County: Lexington
Previous Orders: None
Permit Number: 32-206-07118
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Food Lion #2254 (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on July 14, 2022, July 22, 2022, and August 1, 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.

210) Order Type and Number: Consent Order 22-149-FOOD
Order Date: September 29, 2022
Individual/Entity: **Marcos Pizza**
Facility: Marcos Pizza
Location: 1815 East Greenville Street
Anderson, SC 29621

Mailing Address: P. O. Box 588
Needham Heights, MA 02494
County: Anderson
Previous Orders: None
Permit Number: 04-206-04699
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Marcos Pizza (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on June 15, 2022, June 24, 2022, June 30, 2022, July 8, 2022, and July 18, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

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

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

On-Site Wastewater Enforcement

211) Order Type and Number: Administrative Order 22-015-OSWW
Order Date: August 5, 2022
Individual/Entity: **Donovan King DBA King & Son Masonry Construction, Inc.**
Facility: Donovan King DBA King & Son Masonry Construction, Inc.
Location: 262 Olbon Road
Westminster, SC 29693
Mailing Address: Same
County: Oconee
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Donovan King DBA King & Son Masonry Construction, Inc. (Individual/Entity) installed OSWW systems in Oconee County, South Carolina. The Department conducted a review of documents on July 20, 2021, and determined that the required documents for five self-inspections of the installed OSWW systems were not submitted to the Department within the required two business days. The Individual/Entity

has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure all OSWW systems they were responsible for installing fulfilled all requirements of the permit, specifically the Special Instructions section.

Action: The Individual/Entity is required to fulfill all the requirements of the permit to construct, specifically the items specified in the Special Instructions section. 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.

212) <u>Order Type and Number:</u>	Administrative Order 22-041-OSWW
<u>Order Date:</u>	August 5, 2022
<u>Individual/Entity:</u>	Pamela West, Barbara Gurley, Roger Johnson; Potential Heirs to the Estate of Norma Firebaugh
<u>Facility:</u>	Pamela West, Barbara Gurley, Roger Johnson; Potential Heirs to the Estate of Norma Firebaugh
<u>Location:</u>	460 Pleasant Valley Road Spartanburg, SC 29307
<u>Mailing Address:</u>	P. O. Box 552 Mayo, SC 29368
<u>County:</u>	Spartanburg
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Pamela West, Barbara Gurley, Roger Johnson; Potential Heirs to the Estate of Norma Firebaugh (Individual/Entity) owns property located in Spartanburg County, South Carolina. The Department conducted an investigation on May 27, 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, including all associated plumbing, within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the 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.

213) Order Type and Number: Administrative Order 22-043-OSWW
Order Date: August 5, 2022
Individual/Entity: **Tri County Mobile Home Sales, Inc.**
Facility: Tri County Mobile Home Sales, Inc.
Location: 3159 Camden Drive, Lot 3
Anderson, SC 29624
Mailing Address: P.O. Box 13021
Anderson, SC 29624
County: Anderson
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Tri County Mobile Home Sales, Inc. (Individual/Entity) owns property located in Anderson County, South Carolina. The Department conducted an investigation on April 26, 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.

214) Order Type and Number: Administrative Order 22-044-OSWW
Order Date: August 9, 2022
Individual/Entity: **Heirs and Assigns of Lenoria Smith**
Facility: Heirs and Assigns of Lenoria Smith
Location: 103 Old Hurricane Road
Westminster, SC 29693

Mailing Address: Same
County: Oconee
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Heirs and Assigns of Lenoria Smith (Individual/Entity) own property located in Oconee County, South Carolina. The Department conducted an investigation on April 22, 2022, and observed an RV parked on the corner of the site. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: allowing a dwelling unit, building, business, or other structure to be occupied more than two hours per day without an approved method for the treatment and disposal of domestic wastewater.

Action: The Individual/Entity is required to apply for a permit to construct an OSWW system for the RV within five (5) days, and install the permitted OSWW system within ten (10) days of the issuance of the permit to; or immediately vacate or move the RV. 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 October 7, 2022, a referral was made to the Office of General Counsel to have the Administrative Order enforced in the Administrative Law Court.

215) Order Type and Number: Administrative Order 22-047-OSWW
Order Date: August 9, 2022
Individual/Entity: **USDA Rural Development**
Facility: USDA Rural Development
Location: 28941 US-76
Kinard, SC 29355
Mailing Address: 4300 Goodfellow Boulevard, Building 105F
St. Louis, MO 63120
County: Newberry
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: USDA Rural Development (Individual/Entity) owns property located in Newberry County, South Carolina. The Department conducted an investigation on June 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.

216) <u>Order Type and Number:</u>	Administrative Order 22-051-OSWW
<u>Order Date:</u>	August 9, 2022
<u>Individual/Entity:</u>	Charles Johnson and Mike Johnson, Individually and d/b/a MJ's Plumbing and Remodeling
<u>Facility:</u>	Charles Johnson and Mike Johnson, Individually and d/b/a MJ's Plumbing and Remodeling
<u>Location:</u>	1464 Scotts Crossing Winnsboro, SC 29180
<u>Mailing Address:</u>	7 Larkin Court Columbia, SC 29203
<u>County:</u>	Fairfield
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Charles Johnson and Mike Johnson, individually and d/b/a MJ's Plumbing and Remodeling (Individual/Entity) installed an OSWW system at a property located in Fairfield County, South Carolina. The Department conducted an investigation on June 29, 2022, and determined that the Individual/Entity was not licensed by the Department to install or repair OSWW systems. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: they have engaged in the business of constructing and repairing onsite sewage treatment systems without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as required by the Department.

Action: The Individual/Entity is required to cease and desist installing or repairing OSWW systems until they receive a Department issued license to perform such work. 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.

217) Order Type and Number: Administrative Order 22-053-OSWW
Order Date: August 26, 2022
Individual/Entity: **Tiara Latrice Gray**
Facility: Tiara Latrice Gray
Location: 5787 Buist Hanahan Road
Hollywood, SC 29449
Mailing Address: Same as Location
County: Charleston
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Tiara Latrice Gray (Individual/Entity) owns property located in Charleston County, South Carolina. The Department conducted an investigation on July 27, 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.

218) Order Type and Number: Administrative Order 22-055-OSWW
Order Date: August 26, 2022
Individual/Entity: **Evelyn King**
Facility: Evelyn King
Location: 24 Woodbine Trail
Easley, SC 29640
Mailing Address: 308 Antioch Road
Easley, SC 29640
County: Pickens
Previous Orders: None

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

Summary: Evelyn King (Individual/Entity) owns property located in Pickens County, South Carolina. The Department conducted an investigation on June 3, 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: On October 27, 2022, the Department issued a legal demand letter to the Individual/Entity.

219) Order Type and Number: Administrative Order 22-056-OSWW
Order Date: September 7, 2022
Individual/Entity: **Anyor Land & Timber, LLC**
Facility: Anyor Land & Timber, LLC
Location: 364 Jamie Road
Galivants Ferry, SC 29544
Mailing Address: 613 Main Street
Conway, SC 29526
County: Horry
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Anyor Land & Timber, LLC (Individual/Entity) owns property located in Horry County, South Carolina. The Department conducted an investigation on July 27, 2022, and observed a camper at the site 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: allowing a dwelling unit, building, business, or other structure to be occupied more than two hours per day without an approved method for the treatment and disposal of domestic wastewater.

Action: The Individual/Entity is required to apply for a permit to construct an OSWW system within five (5) days and install any permitted OSWW system within ten

(10) days of the issuance of a permit to construct; or immediately vacate the camper. 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.

220) <u>Order Type and Number:</u>	Consent Order 22-040-OSWW
<u>Order Date:</u>	August 3, 2022
<u>Individual/Entity:</u>	Edward Sullivan/E.J. Sullivan Company, LLC
<u>Facility:</u>	Edward Sullivan/E.J. Sullivan Company, LLC
<u>Location:</u>	411 Olde Pucketts Ferry Road Greenwood, SC 29649
<u>Mailing Address:</u>	101 Spencer Court Greenwood, SC 29649
<u>County:</u>	Greenwood
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Edward Sullivan/E.J. Sullivan Company, LLC (Individual/Entity) installed an OSWW system at a property located in Greenwood County, South Carolina. The Department conducted an investigation on April 22, 2022, and determined that the OSWW system was installed outside the permitted area. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure there was at least seven feet of undisturbed earth between the wastewater infiltration trenches and failed to ensure that the invert or the outlet of the septic tank was at the same height or higher than the elevation of the top of the aggregate in the highest wastewater infiltration trench.

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

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

221) Order Type and Number: Consent Order 22-048-OSWW
Order Date: August 24, 2022
Individual/Entity: **Douglas Hayes, Individually and d/b/a DHG**
Facility: Douglas Hayes, Individually and d/b/a DHG
Location: 735 Watson Road
Enoree, SC 29335
Mailing Address: 200 Shady Acres
Spartanburg, SC 29307
County: Spartanburg
Previous Orders: 21-032-OSWW
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Douglas Hayes, Individually and d/b/a DHG (Individual/Entity) installed an OSWW system at a property located in Spartanburg County, South Carolina. The Department conducted an investigation on June 14, 2022, and determined that the OSWW system was installed outside the permitted area and documentation of the installation was submitted to the Department after the deadline stated on the permit. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that all systems for which the licensee is responsible are constructed, repaired, and cleaned in accordance with S.C. Regulation 61-56 and permits issued by the Department.

Action: The Individual/Entity is required to cease and desist installing OSWW systems outside the parameters specified in S.C. Code Ann. Regs. 61-56 and by the permit to construct. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

Update: On October 25, 2022, the Department issued a payment demand letter to the Individual/Entity.

222) Order Type and Number: Consent Order 22-046-OSWW
Order Date: September 7, 2022
Individual/Entity: **Walter Hank Taylor, individually and d/b/a Taylors Plumbing, LLC**
Facility: Walter Hank Taylor, individually and d/b/a Taylors Plumbing, LLC
Location: 178 Freeman Bridge Road
Marietta, SC 29661
Mailing Address: Same as location
County: Greenville
Previous Orders: None
Permit Number: None

Violations Cited:

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

Summary: Walter Hank Taylor, individually and d/b/a Taylors Plumbing, LLC (Individual/Entity) owns property located in Greenville County, South Carolina. The Department conducted an investigation on June 1, 2022, and observed oily rags and other debris consistent with domestic wastewater on the ground and going into the creek. 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 cease and desist allowing septic tank effluent, domestic wastewater, or sewage to discharge to the surface of the ground without an appropriate permit from the Department. 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.

223) <u>Order Type and Number:</u>	Consent Order 22-049-OSWW
<u>Order Date:</u>	September 7, 2022
<u>Individual/Entity:</u>	John Peevey, individually and d/b/a Peevey, Inc. and Roto-Rooter of Columbia
<u>Facility:</u>	John Peevey, individually and d/b/a Peevey, Inc. and Roto-Rooter of Columbia
<u>Location:</u>	760 Madera Road Batesburg, SC 29006
<u>Mailing Address:</u>	P.O. Box 5719 Columbia, SC 29250
<u>County:</u>	Lexington
<u>Previous Orders:</u>	20-62-OSWW
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: John Peevey, individually and d/b/a Peevey, Inc. and Roto-Rooter of Columbia (Individual/Entity) repaired an OSWW system on a property located in Lexington County, South Carolina. The Department conducted an investigation on June 28, 2022, and determined the Individual/Entity is not licensed to construct or repair OSWW systems. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: they have engaged in the business of constructing and repairing onsite sewage treatment systems without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as required by the Department.

Action: The Individual/Entity is required to cease and desist engaging in the business of constructing and repairing onsite sewage treatment systems without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as required by the Department. 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.



Date: November 10, 2022

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

From: Bureau of Vital Statistics

Re: Public Hearing for Notice of Final Regulation Amending Regulation 61-19, Vital Statistics, Document No. 5118

I. Introduction

The Bureau of Vital Statistics proposes the attached Notice of Final Regulation for amending R.61-19, Vital Statistics. Legal authority resides in South Carolina Code Section 44-63-20, which provides that the Department of Health and Environmental Control (“Department”) shall establish the Bureau of Vital Statistics and formulate, promulgate, and enforce regulations regarding registration and certification of Vital Statistics. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

II. Facts

1. The purpose of this proposed revision to R.61-19 is to make general updates that will make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment of vital records; and to bring the regulation into conformity with changes in South Carolina law.
2. The Department had a Notice of Drafting published in the April 22, 2022, *State Register*.
3. Appropriate Department staff conducted an internal review of the proposed amendment on May 25, 2022.
4. Department staff conducted a general stakeholder meeting on May 19, 2022, to receive comments on the proposed amendments. Additional targeted stakeholder meetings were held via Microsoft Teams on April 29, May 3, May 5, May 11, May 13, and May 16, 2022, to address specific sections that impact these groups, including funeral home personnel, medical certifiers for death certificates, Induced Termination of Pregnancy (ITOP) facilities, LGBTQ advocacy groups, surrogacy providers, and attorneys. A total of approximately 120 individuals attended these various stakeholder meetings online, and three stakeholders attended the general in-person meeting on May 19, 2022. Overall feedback from all meetings was positive. The most frequent concern raised regarded new sections related to administrative penalties related to death registrations (Section 700). However, it was discussed that the statute is very clear on what these fines are and when they are to be administered. The proposed regulations are simply defining the process for individuals to be notified and to have an opportunity to respond, as well as to receive a reduction of the fines if paid in a timely manner. The meeting for LGBTQ groups (May 11) to discuss the regulations relating to amending the sex marker on certificates, as well as parental titles, did not have any stakeholders in attendance. The meeting to discuss the sections relating to surrogacy (May 13) had two attorneys in attendance, who offered very valuable insight into the court processes and procedures that influenced our drafting of the sections relating to surrogacy and gestational carriers.

5. Upon receiving approval during the August 11, 2022, Board meeting, the Bureau had a Notice of Proposed Regulation published in the August 26, 2022, *State Register*. The Department received public comments from 29 people by the September 26, 2022, close of the public comment period. Attachment B presents a summary of these public comments received and Department responses.

6. After consideration of all timely received comments, staff has made substantive changes to the regulatory text of the Notice of Proposed Regulation approved by the Board in the August 11, 2022, Board meeting and published in the August 26, 2022, *State Register*. Descriptions of the changes appear in Attachment A, Summary of Public Comments and Department Responses.

III. Request for Approval

The Bureau of Vital Statistics respectfully requests the Board to find need and reasonableness of the attached proposed amendment of R.61-19, Vital Statistics, for submission to the General Assembly.



Caleb N. Cox
Bureau Chief



Edward D. Simmer
Director

Attachments:

- A. Notice of Final Regulation
- B. Summary of Public Comments and Department Responses
- C. Letters of Support for Sections 1111 and 1112

ATTACHMENT A

**STATE REGISTER NOTICE OF FINAL REGULATION
FOR R.61-19, *Vital Statistics***

November 10, 2022

Document No. 5118

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

Statutory Authority: 1976 Code Sections 44-63-10 et seq.

61-19. Vital Statistics.

Synopsis:

Pursuant to S.C. Code Sections 44-63-10, et seq., the Department of Health and Environmental Control (“Department”) is tasked with establishing a Bureau of Vital Statistics and formulating, promulgating, and enforcing regulations for administering the program. The Department amends R.61-19 to make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment to vital records; and to bring the regulation into conformity with changes in South Carolina law.

The Department had a Notice of Drafting published in the April 22, 2022, South Carolina State Register.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
100	Revision Addition Reorganization	Amended and recodified existing definitions to update terminology. Added applicable definitions for clarity.
200	Revision Reorganization	Amended to designate the role of Assistant State Registrar, and to recodify sections.
300	No Changes	
301	Addition	Added language to clarify access to the vital statistics system by users “as allowed by law.”
302	No changes	
303	Revision Addition	Updated language to clarify that vital records are not subject to FOIA and other clarifications to avoid conflicts with existing laws.
304	Revision Addition/Deletion	Updated language to clarify and simplify data release protocol.
400	No Changes	
401	Revision	General clarification to role of State Registrar.

Section	Type of Change	Purpose
402	Revision	General clarification to role of State Registrar.
403	Technical Correction	General clarification.
404	Revision Addition	General clarification to role of State Registrar.
405	Revision	General clarification to role of State Registrar.
500	No Changes	
501	Revision Addition Technical Corrections	General clarification to role of State Registrar. Added language for the process for surrogacy and gestational carriers. Clarify that only two parents may be listed on a certificate. Update language addressing father to second parent except in cases of a Paternity Acknowledgment. Specify that a child's name may not include more characters or characters that are not allowed by the Vital Statistics system.
502	Revision Addition	General clarifications to the evidences required to file an out-of-institution birth and allow the State Registrar more latitude to accept evidence.
503	Revision Addition	Clarified to align with statute regarding abandoned infants. Specified when certificates of this nature may be issued.
600	No Changes	
601	Revision	Updated language to reflect father/parent. Other general clarifications.
602	No changes	
603	Revision Addition	Updated rules regarding delayed certificate for children under ten (10) to be seventeen (17). Added examples of commonly used documents by the Department.
604	Revision Addition	General clarification to role of State Registrar. Language to allow destruction of copies of the accepted documents rather than retain them.
605	Revision	General clarifications.
606	Revision	General clarification to role of State Registrar
607	Revision	General clarifications.

Section	Type of Change	Purpose
608	New Section	Clarified that an applicant may petition a court for a delayed birth certificate in accordance with law.
700	No Changes	
701	Revision Addition Technical Corrections	Updated language referring to physicians, coroners, etc., to medical certifier. Prohibits transport companies from filing certificates. Codifies process for "natural burials." Specifies rules for medical certifiers and funeral directors related to the timely filing of certificates as required by law and the process for administering administrative penalties. Allows for date found to be listed as date of death. Clarifies process for coroners or medical examiners to submit non-medical information.
702	Revision	General clarifications.
800	Revision	Amended to provide general clarifications.
900	No Changes	
901	Revision Addition/Deletion	Updated language regarding Burial-Removal-Transit Permits and updated rules for filing to allow for capabilities of new system. Removed language referring to obsolete processes.
902	Revision	General clarifications.
903	Revision Addition	Specified that a body being reinterred in the same plot does not need a Disinterment permit. Specified that the disinterment must be performed within one (1) year of the permit being issued. Added language to govern release of information of a disinterment permit.
904	Technical Corrections	
1000	Revision Addition	Amended to provide general clarifications. Added a section to allow for reduction of fines assessed if paid within 30 days.
1100	No Changes	
1101	Revision Additions	General clarifications to specify that sealed files may not be

Section	Type of Change	Purpose
		copies or photographed. New section to clarify that the name of the father on a birth certificate will not be removed if paternity is rescinded unless ordered by a court.
1102	Revision Addition	Amended to give authority to the State Registrar for acceptance of evidence. Added language to allow demographic language to be corrected when it was originally submitted by the coroner who was not able to contact the family.
1103	Revision Addition	Specifies that affidavit forms must be created by Vital Statistics. Specifies rules for who must sign when a registrant is 18 or older to amend a record. Other general clarifications.
1104	Revision Addition	Clarifies requirements for evidences to amend vital records. Gives latitude to the State Registrar for accepting documents.
1105	Revision Addition	Updated language to allow persons over 1 year old to amend an unnamed certificate with evidence rather than to go to court.
1106	Revision Addition	Updated requirements to amend a date of birth on a birth certificate.
1107	Deletion	Retitled section and moved the last section to a more appropriate location (Section 1104).
1108	Addition/Deletion	Moved language to new section (1113) and replaced with new language regarding a/k/a/ names.
1109	Revision Addition	General clarifications regarding sealed amendment processes. Included language for surrogacy or gestational carrier agreements.
1110	Revision	Clarified that the form is to be developed by the Department. General clarifications. Specified that when parent's rights are terminated the parent will not be

Section	Type of Change	Purpose
		removed unless specified in the court order.
1111	New Section	New section to address amendments to a registrant's sex.
1112	New Section	New section to address amendments to parental titles on vital records.
1113	New Section	Includes language from former section 1108 and specifies that once a court order or parentage amendment has been applied to a record, no other amendments may be made without a court order.
1200	Revision Addition/Deletion Technical Corrections Reorganization	Amended to provide general clarifications, added the informant as an entitled party to receive a death certificate for 1 year after date of death, defined minimum certification fields for a birth certification, recodified the section specifying that amended and delayed certificates be marked, specified that verifications for government agencies are subject to the fee schedule, clarified that applications for requests of vital events are not to be released, and specified that certifications will be issued in the electronic format unless it does not correctly reflect the information from the original record.
1300	Addition/Deletion	Added a clarifying identifier for non-refundable fees, and deleted language requiring a split in the funding.

Instructions:

Replace R.61-19 in its entirety with this amendment.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

61-19. Vital Statistics.

Statutory Authority: 1976 S.C. Code Sections 44-63-10 et seq.

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100. DEFINITIONS

For the purpose of this regulation, the following definitions shall apply:

A. Amendment. A change to a certification item.

(1) Administrative Amendment. ~~A change to correct a mistake on a certification item on a vital record using documentary evidence and an affidavit of correction. An amendment to a certification item on a vital record without the need of a court order, using documentary evidence, an affidavit form created by the Bureau of Vital Statistics, and other administrative requirements of the Bureau of Vital Statistics.~~

(2) Sealed Amendment. A change to a birth record after an adoption, statutory maternity or paternity process, or other amendment required by law to be placed in a sealed file. A replacement record is created and the original record is sealed.

(3) Amendment by Court Order. A change to a certification item on a vital record based on a court order.

B. Birth Mother. The woman who gives live birth to a child.

C. Book Copy. A certified image of the original birth certificate.

~~BD. Certification. The document issued by the State Registrar Department and containing all or a part of the exact information contained on the original vital record, and which, when issued by the State Registrar Department, has the full force and effect of the original vital record.~~

~~CE. Certification Item. Any item of information that appears on a certification.~~

~~DF. Certifier. A person required to attest to the accuracy of the information submitted on a vital event report.~~

~~EG. Correction. A change to rectify a mistake on a birth or death record or a report of fetal death based on the original information used to register the record or report.~~

(1) Administrative Correction. A correction to a certification item on a vital record without the need of a court order, using documentary evidence and an application approved by the Bureau of Vital Statistics.

(2) Correction by Court Order. A change to a certification item on a vital record based on a court order.

FH. Court of Competent Jurisdiction. A court within the United States with jurisdiction over the subject matter and over the necessary parties.

GI. Date of Registration. The month, day, and year a vital event is incorporated into the official records of the Bureau of Vital Statistics.

HJ. Dead Body. A human body or such parts of a human body from the condition of which it reasonably may be concluded that death has occurred.

K. Department. The South Carolina Department of Health and Environmental Control (DHEC).

IL. Disclosure. Making available or making known personally identifiable information contained in a vital record or vital report, by any means of communication.

JM. Electronic Signature. An electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to attest to the accuracy of the facts in the record.

KN. Facts of Live Birth. The child's name, date of birth, place of birth and sex, and the name(s) of parent(s) appearing on the record of live birth.

LO. Fetal Death. Death prior to the complete expulsion or extraction from its birth mother or gestational carrier of a product of human conception, irrespective of the duration of pregnancy and which is not an induced termination of pregnancy. The death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

MP. Final Disposition. The burial, interment, cremation, removal from the Sstate, or other authorized disposition of a dead body or fetus.

Q. Gestational Carrier. A woman carrying and delivering a child through a formal written agreement for assisted reproduction and when she is not the intended parent of the child.

NR. Government Agency. A unit of local, state, federal, or tribal government.

OS. Health Research. A systematic study to gain information and understanding about health with the goal of finding ways to improve human health, conducted in accordance with generally accepted scientific standards or principles and designed to develop or contribute to generalizable scientific knowledge.

PT. Human Remains. A dead body, or any part of the body of a human being from the condition of which it reasonably can be concluded that death occurred but does not include human ashes recovered after cremation.

QU. Individual. A natural person.

RV. Induced Termination of Pregnancy. The purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant, and which does not result in a live birth. This definition excludes management of prolonged retention of products of conception following fetal death.

SW. Informant. The person who provides demographic and personal information as required for the

report of death.

~~FX~~. Institution. Any establishment, public or private, which provides:

- (1) in-patient or out-patient medical, surgical, or diagnostic care or treatment;₂ or
- (2) nursing, custodial, or domiciliary care;₂ or
- (3) to which persons are committed by law.

~~UY~~. Interment. The disposition of human remains by entombment or burial.

~~VZ~~. Legal Representative. A licensed attorney representing the registrant or other entitled applicant.

~~WAA~~. Live Birth. The complete expulsion or extraction from its birth mother or gestational carrier of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

BB. Medical Certifier. A licensed physician, physician assistant (PA), advanced registered nurse (APRN), coroner, medical examiner, or other officer authorized by S.C. law or regulation to certify the cause and manner of death on a death certificate who has treated the decedent through examination, medical advice, or medications within the twelve (12) months preceding the death for the illness or condition which resulted in death as defined in S.C. Code Section 44-63-74(3).

CC. Midwife. A person licensed by the State of South Carolina who provides midwifery services as defined in Regulation 61-24, Licensed Midwives.

DD. Natural Burial. The interment of the body of a dead person in the soil in a manner that does not inhibit decomposition but allows the body to be naturally recycled. The body is neither cremated nor prepared with chemicals such as embalming fluids. The body may be placed in a biodegradable coffin or shroud and interred without a concrete burial vault.

EE. Next of Kin/Immediate Family Member. The decedent's surviving spouse, adult children, parents, siblings, grandparents, or grandchildren.

FF. Original Birth Certificate for Adoptees. A copy of the sealed original birth certificate issued to adoptees according to S.C. Code Section 44-63-140. The non-certified copy is issued on plain white paper and may not be used for legal purposes.

GG. Person Serving as Funeral Director (Other Agent). An individual who chooses to handle final disposition and filing of the death record of a deceased family member or friend without compensation and without the services of a licensed funeral director. Transportation companies cannot serve as a funeral director or other agent unless specified by the State Registrar or Assistant State Registrar.

~~XHH~~. Personally Identifiable Information. Information that can be used to distinguish or trace an individual's identity, such as, but not limited to, his or her name, Social Security number, biometric records or address, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as, but not limited to, date and place of live birth or mother's name

prior to first marriage.

~~YII.~~ Person in Charge of an Institution. The officer or employee who is responsible for administration and includes, but is not limited to, a person holding the title of chief executive officer, administrator, superintendent, director or executive director.

~~ZJJ.~~ Physician. A person authorized or licensed to practice medicine or osteopathy pursuant to the laws of this State.

~~AAKK.~~ Record. A report of a vital event that has been registered by the ~~State Registrar~~ Department.

~~BBLL.~~ Registration. The process by which reports are accepted and incorporated into the official records of the Bureau of Vital Statistics.

~~CCMM.~~ Report. A document, paper or electronic, containing information related to a vital event submitted by a person or entity required to submit the information in accordance with this regulation to the Bureau of Vital Statistics for the purpose of registering a vital event.

~~DDNN.~~ Sealed File. The original record of a vital event that has been sealed after amendment and the evidence submitted to support the change. Sealed files shall not be subject to inspection, except upon order of the Family Court.

~~EE.~~ State. ~~A State of the United States, the District of Columbia, New York City, American Samoa, the Commonwealth of the Mariana Islands, the Commonwealth of Puerto Rico, Guam and the U.S. Virgin Islands.~~

~~FFOO.~~ State Registrar. ~~The State Registrar of Vital Statistics officer tasked by state law with carrying into effect the regulations and orders of the Department related to Vital Statistics. All duties and responsibilities relating to Vital Statistics may be delegated at his discretion to the Assistant State Registrar.~~

~~GG.~~ Department. ~~The South Carolina Department of Health and Environmental Control (DHEC).~~

~~HHPP.~~ System of Vital Statistics. The collection, registration, preservation, amendment, certification, verification, and the maintenance of the security and integrity of vital records; the collection of other reports required by this regulation; and activities related thereto including the tabulation, analysis, publication, and dissemination of vital statistics.

~~QQ.~~ User. Any individual with access to or responsibility for data entry into the Vital Statistics system.

~~HRR.~~ Verification. A confirmation of the information contained in a vital record.

~~JSS.~~ Vital Event. A live birth, death, fetal death, marriage, divorce, annulment, or induced termination of pregnancy.

~~KKTT.~~ Vital Records. Reports of live birth, death, marriage, divorce, or annulment and data related thereto which have been accepted for registration and incorporated into the official records of the Bureau of Vital Statistics.

~~LLUU.~~ Vital Reports. Reports of fetal death and induced terminations of pregnancy which have been accepted for registration and incorporated into the Department's vital statistics.

~~MMVV~~. Vital Statistics. The aggregated data derived from the records and reports of live birth, death, fetal death, induced termination of pregnancy, marriage, divorce, or annulment and supporting documentation and related reports.

200. SYSTEM OF VITAL STATISTICS

201. General

A. The State Registrar may establish, designate, or eliminate offices in the state to aid in the efficient administration of the system of vital statistics. The Assistant State Registrar shall be the Director of the Bureau of Vital Statistics.

B. The State Registrar and Assistant State Registrar may delegate such functions and duties vested in them to employees of the Bureau of Vital Statistics and to employees of any office established or designated under Section 200.A.

~~AC~~. The System of Vital Statistics shall:

- (1) be directed and supervised by the State Registrar who shall be custodian of its records.
- (2) be uniform in policy and procedure throughout the ~~S~~state.

~~BD~~. Public health programs within the Department may be provided copies of or data derived from vital records and vital reports required under ~~thesethis~~ regulations, as the State Registrar determines are necessary for public health planning and program activities. The copies or data shall remain the property of the Bureau of Vital Statistics, and the uses shall be governed by the State Registrar as allowed by law.

~~C. The State Registrar may establish, designate or eliminate offices in the State to aid in the efficient administration of the system of vital statistics.~~

~~D. The State Registrar may delegate such functions and duties vested in him or her to employees of the Bureau of Vital Statistics and to employees of any office established or designated under Section 201C.~~

300. SECURITY AND CONFIDENTIALITY OF SYSTEM OF VITAL STATISTICS

301. General

All users of the system of vital statistics shall:

A. complete authentication procedures as required by the Bureau of Vital Statistics and only access the components of the system necessary for their official roles and duties and as allowed by law;

B. maintain specified levels of training related to security and acknowledge in writing security procedures and penalties;

C. allow validation of data provided in reports submitted for registration through site visits by Department staff at a frequency specified by the State Registrar to maximize the integrity of the data reported;

D. secure their workplace, storage and technology environments to protect all personally identifiable information; and

E. acknowledge in writing the procedures to identify and report to the Department any breach of the system of vital statistics.

302. Preservation of Vital Records and Vital Reports.

Records or reports registered with the Department shall be reproduced and preserved as determined appropriate by the State Registrar. Such reproductions when verified and approved by the State Registrar shall be accepted as the original vital record documents. The original vital record documents from which permanent reproductions have been made may be disposed of as provided by retention schedules.

303. Confidentiality.

A. Vital records, vital reports, indices, related documents, and data or information contained therein shall be confidential and shall not be considered public records subject to disclosure under state or federal Freedom of Information Acts or public records laws except as otherwise specified in law.

1. No person shall permit inspection of, or disclose data or information contained in vital records, vital records related documents, or in vital reports, except as specifically allowed by law.

2. No person shall ~~or~~ copy or issue a copy of all or part of any such record or report except as specifically allowed by ~~state~~ law.

B. To protect the confidentiality and security of vital records and vital reports, access to or disclosure of information contained in vital records for sale or release to the public, for direct or indirect marketing of goods or services, for ~~other non-research~~ solicitation of registrants or families of registrants (unless explicitly allowed by law), or for other commercial or speculative purposes shall not be deemed a proper purpose.

304. Disclosure of Information from Vital Records or Vital Reports for Health Research.

A. Each request for vital records and reports data to be used for health research or other informational purposes shall be submitted in accordance with the Department's public health data release protocol developed by the Department policies and procedures.

B. ~~The Data Release Protocol shall~~ Any requestor will be required to sign a data release agreement that:

~~(1) require the requestor to sign a data release agreement;~~

~~(2) prohibits~~ the re-release of any information, unless specifically allowed in the data release agreement;

~~(3) restricts~~ use of the data for the specified purpose; ~~and~~

~~(4) specifies~~ that ownership of vital records and vital report data provided under the data release agreement remains with the Bureau of Vital Statistics;

(4) specifies applicable data suppression rules to protect confidentiality when the number of cases is small enough that reidentification is possible; and

(5) defines variables classified as confidential and non-releasable variables.

Variables will be classified as restricted, confidential, or non-releasable by the Director of the Bureau of Vital Statistics.

~~C. To insure the confidentiality of registrants, health care facilities, and health care professionals, certain data elements shall be classified as Restricted, Confidential, or Never Releasable data elements.~~

~~(1) Restricted data are those data elements that require approval for release pursuant to the Data Release Protocol. Elements include, but are not limited to, health care facility identifiers, health care professional identifiers, patient medical record number or chart number, and state file number.~~

~~(2) Confidential data elements are those that shall be released only if authorized by law and include, but are not limited to, name and address.~~

~~(3) Never releasable data elements are those that may be used for statistical linking purposes only. Elements include, but are not limited to, social security number, and any other personal identifying information protected from release by law. All identifiers may be released back to the entity providing the data.~~

~~D. Other data elements not specified in Section 304C, shall be considered restricted data and shall be subject to the Data Release Protocol.~~

400. RECORDS AND REPORTS

401. Forms, Records, Reports, and Electronic Data Files.

All forms, records, electronic data files, reports, and supporting documentation used in the system of vital statistics are the property of the Department and shall be surrendered upon demand. The forms prescribed and distributed by the ~~State Registrar Department~~ for reporting vital events shall be used only for official purposes. Only those forms, including worksheets used in the preparation of records or reports, furnished or approved by the State Registrar shall be used for the submission of records and reports or in certifications thereof. Electronic data records will be accepted only when standards set by the State Registrar are met. Only computer programs specified and provided or otherwise authorized by the State Registrar shall be used for the submission of records and reports.

402. Requirements for Preparation of Records and Reports.

A. All individuals preparing, submitting, or certifying a vital event shall be trained or approved by the Bureau of Vital Statistics.

B. All forms, records, and reports relating to vital events must either be computer printed, typewritten, or printed legibly in black, unfading ink, or generated using electronic media approved by the State Registrar.

C. All signatures required shall be either electronic or entered in black, unfading ink.

D. Unless otherwise directed by the State Registrar, a report shall only be acceptable for registration when it:

- (1) contains the certifier's name computer printed, typed, or printed legibly;
- (2) supplies all items of information or satisfactorily accounts for their omission;

- (3) does not contain alterations or erasures;
- (4) does not interfere with document imaging;
- (5) contains signatures as required;
- (6) has no marks or flags such as “copy” or “duplicate”;
- (7) is an original;
- (8) is prepared on the proper form;
- (9) does not contain improper or inconsistent data;
- (10) does not contain an indefinite cause of death₂ which denotes only symptoms of disease or conditions resulting from disease;
- (11) is prepared in conformity with regulations or instructions issued by the ~~State Registrar~~ Department; and
- (12) does not contain false information.

403. Persons Required to Retain Documentation.

A. Every person in charge of an institution shall retain documentation of personal data as required for the reports of live birth, death, fetal death₂ or induced termination of pregnancy required by this regulation. The documentation shall include information provided by the person being admitted or confined, but when it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the documentation.

B. Any licensed health care provider shall retain documentation of personal data concerning each person under the provider’s care for a condition that results in a reportable vital event when such documentation is not maintained by an institution described in Section 403₂A. The documentation shall include such information as required for the provider to submit a report of live birth, death, fetal death₂ or induced termination of pregnancy required by this regulation. The documentation shall include information provided by the person being treated. If the person being treated cannot provide the information, then the licensed health care provider shall obtain the information from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the documentation.

C. When a dead body or fetus is released or disposed of by an institution, the person in charge of the institution shall retain documentation showing the name of the decedent, date of death, name and address of the person to whom the body or fetus is released, and the date of removal from the institution. If final disposition is made by the institution, the date, place, and manner of disposition shall also be documented.

D. A funeral director, embalmer, or other person who removes from the place of death, transports, or makes final disposition of a dead body or fetus, in addition to filing any record or other report required by law or regulations, shall retain documentation which shall identify the body, and the following information pertaining to his or her receipt, removal, delivery, burial, or cremation of such body:

- (1) The date, place, and time of receipt;

(2) The date, place, and manner of disposition;

(3) If the dead body or fetus is delivered to another funeral director, the date of such delivery and the name and address of the funeral director to whom delivered; and

(4) The demographic and personal data collected from the informant as required by the report of death for those deaths for which the funeral director was required to register the report.

E. Documentation maintained under this section shall be retained for a period of not less than one (1) years and shall be made available for inspection by the State Registrar or his or her representative upon demand.

404. Duties to Furnish Information.

A. Upon demand of the ~~State Registrar Department~~, any person having knowledge of the facts shall furnish such information as he or she may possess regarding any live birth, death, fetal death, induced termination of pregnancy, marriage, ~~or divorce~~, or annulment. Any person required to report shall provide to the ~~State Registrar Department~~ information that was required to be reported, but that was not so reported, within five (5) calendar days of that person receiving that information.

B. Within five (5) calendar days of receipt of any autopsy results or other information that would provide pending or missing information or correct errors in a reported cause of death, the physician, medical examiner, or coroner required to report the death shall register a supplemental report of the cause of death to amend the record.

C. The State Registrar or designee shall have the authority to require alternative documentation from the data provider of the occurrence of vital events for the purpose of quality assurance.

405. Content of Vital Records and Vital Reports.

A. In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of vital records and vital reports required by law, or by regulations, shall include as a minimum the items recommended by the National Center for Health Statistics or its successor agency.

B. Each vital record, vital report, and other document required by this regulation shall be prepared in the format approved by the State Registrar.

C. All vital records and vital reports shall contain the date of registration.

D. Information required in forms, vital records, or vital reports authorized by this regulation may be submitted, verified, registered, and stored by photographic, electronic, or other means as prescribed by the ~~State Registrar Department~~.

500. LIVE BIRTH REGISTRATION

501. General.

A. A report of live birth for each live birth which occurs in this ~~S~~state shall be submitted to the Bureau of Vital Statistics, or as otherwise directed by the State Registrar, within five (5) calendar days after such live birth and shall be registered if it has been completed and submitted in accordance with this section.

B. The physician, institution, or other person providing prenatal care shall provide the prenatal care information required for the report to the institution where the delivery is expected to occur not less than thirty (30) calendar days prior to the expected delivery date. Any subsequent prenatal care information shall be submitted to the institution prior to submission of report of live birth.

C. When a live birth occurs in an institution or en route thereto, the person in charge of the institution or his or her authorized designee shall obtain all data required by the ~~State Registrar Department~~, prepare the report, certify that the child was born alive at the place and time and on the date stated either by signature or by an approved electronic process, and submit the report within the required five (5) calendar days.

D. In obtaining the information required for the report, all institutions shall use information gathering procedures, including worksheets, provided or approved by the State Registrar. Institutions may establish procedures to transfer, electronically or otherwise, information required for the report from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested for the report.

E. When a live birth occurs outside an institution:

(1) the information for the report of live birth shall be submitted in the format specified by the ~~State Registrar Department~~ and in the following order of priority within five (5) calendar days of the live birth by:

(a) the medical institution at which the birth mother or gestational carrier and child are examined within five (5) calendar days of the live birth; or

(b) a licensed midwife or physician in attendance at the live birth; or

(c) the birth mother with documentary evidence as described in Section 502; or

(d) the ~~C~~oroner in cases where investigation is required.

(2) an order from ~~the~~ South Carolina Family Court in this State shall be required to register a live birth when the report submitted does not include the minimum acceptable documentation required in the regulations or the State Registrar has cause to question the validity or adequacy of the documentary evidence.

F. When a live birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this ~~S~~state, the live birth shall be registered in this ~~S~~state and the place where it is first removed shall be considered the place of live birth. When a live birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this ~~S~~state, the live birth shall be registered in this State, but the report shall show the actual place of live birth insofar as can be determined.

G. For purposes of live birth registration and maternity determination:

(1) The woman who gives live birth to the child shall be recorded as the birth mother and the information required by the report of live birth shall be that of the birth mother, except as required by Section 501.G(4);

(2) ~~Thereafter,~~ a court of competent jurisdiction may determine that a woman other than the live

birth mother is the biological or genetic mother and order that the original live birth record be so ~~amended~~ replaced in accordance with Section 1109. The original live birth record shall then be placed under seal.

(3) In the context of birth through gestational carrier, Sections 501.G(1) and G(2) above shall apply for recording the parentage information, unless the intended parent or parents have obtained a pre-birth order from a court of competent jurisdiction. The pre-birth order establishing parentage may be acceptable when the order is issued no more than six (6) months prior to the expected due date and contains all of the following information:

(a) The full name and date of birth of the gestational carrier;

(b) The expected due date and intended name of the child;

(c) The intended hospital of birth;

(d) A finding of no parental rights to the child of the gestational carrier and her spouse, if married;
and

(e) The full names (including names prior to first marriage), dates of birth, state of birth (or country, if foreign born), and any other necessary information of the intended parents to create the birth certificate.

(4) In the context of birth through a gestational carrier agreement in which a pre-birth order is obtained, the institution will record information from both the gestational carrier and the intended parent(s) when filing the birth certificate.

~~H. For the purposes of live birth registration and paternity determination~~ Up to two (2) individuals may be listed as the parents on a certificate of live birth. Paternity/second parent shall be determined as follows:

(1) If the birth mother was married at the time of either conception or live birth, or between conception and live birth, the name of the ~~husband~~ spouse shall be entered on the report as the ~~father~~ second parent of the child.

(2) If the birth mother was not married at the time of either conception or live birth or between conception and live birth, the name of the father shall not be entered on the report without an ~~a~~ Acknowledgment of p Paternity on a form developed by the Department and as prescribed by ~~S~~ state law and signed by the birth mother and the person to be named as the father. The ~~a~~ Acknowledgment shall be filed with the ~~State Registrar~~ Department.

(3) If the ~~father~~ second parent is not named on the report of live birth, ~~non-identifiable information about the father may not be entered on the report~~ no information about that second parent will be entered on the report.

(4) Thereafter, paternity or second parentage of a child may be determined by a court of competent jurisdiction pursuant to South Carolina law. The name of the father or second parent and surname of the child shall be entered on the report of live birth in accordance with the finding of the court when a valid court order is submitted to the Bureau of Vital Statistics. The original live birth record shall then be placed under seal.

I. The birth mother of the child or, in the case of a gestational carrier, the intended parents and gestational carrier shall verify the accuracy of the personal data to be entered on the report to permit the submission of the report within the five (5) calendar days as prescribed in Section 501.A.

(1) If the birth mother or gestational carrier is incapacitated or deceased, the legal ~~father-spouse~~, or other informant as determined appropriate by the State Registrar shall provide and verify the accuracy of the information.

(2) If the birth mother, the legal spouse, or other informant does not verify the accuracy of the personal data entered within the prescribed five (5) days, the report of live birth shall be filed without verification.

(3) A child's name may not include more characters than is allowed in the system for registration and may not include types of characters not allowed by the system for registration utilized by the Bureau of Vital Statistics for the purpose of registering birth records.

J. Reports of live birth submitted after five (5) calendar days, but within one (1) year from the date of live birth shall be registered in the standard format of live birth reports in the manner prescribed above. Such reports shall not be marked or flagged "Delayed."

K. The State Registrar may require additional evidence in support of the facts of live birth.

502. Out-of-Institution Live Birth.

A. When a live birth occurs in this ~~S~~state outside of an institution, and there is found to be no live birth registration and the report of live birth is to be registered before the first birthday, additional evidence in support of the facts of live birth may be required.

B. For an unattended birth when the birth mother is responsible for submitting the report of live birth, the following documentary evidence is required:;

(1) Evidence of pregnancy from a licensed medical professional;

(2) Evidence created within (5) calendar days of the date of live birth from a licensed medical professional showing that the infant was born alive;

(3) Evidence of the birth mother's presence in this ~~S~~state on the date of the live birth; and

(4) Other evidence acceptable to the State Registrar.

C. When the State Registrar has cause to question the validity or adequacy of the documentary evidence submitted for an out-of-institution live birth, the report of live birth shall not be registered without an order from ~~the~~ South Carolina Family Court establishing the facts of birth.

503. Abandoned Infants of Unknown Parentage; Foundling Registration.

A. When an abandoned infant up to 30 days of age and of unknown parentage, including a baby surrendered pursuant to S.C. Code Section 63-7-40, is brought to an emergency room or ~~admitted to an~~ institution, the person in charge of the institution shall submit the report of live birth within five (5) calendar days of discovery to the Bureau of Vital Statistics with the following information:

(1) The date and city and/or county of ~~finding~~ discovery;

(2) Sex and approximate live birth date of child as determined by a physician or licensed health care provider;

- (3) Name and address of the person or institution submitting this report;
- (4) Name given to the child by the custodian of the child, if applicable; and
- (5) Other data required by the State Registrar.

B. The place where the child was found or discovered shall be entered as the place of live birth.

C. Information submitted under this section shall constitute the basis for the report of live birth for the child.

D. The report for an abandoned infant of unknown parentage shall be registered in the current format for live births and shall:

- (1) have foundling plainly marked or flagged on the report;
- (2) show the required facts as determined by approximation and have parentage data left blank; and
- (3) show the name and title of the person or institution submitting the report under section 503_A.

E. If the child is identified and a live birth registration is found or obtained, the report submitted under this Section and any live birth registration resulting from that report shall be voided and placed in a sealed file and shall not be subject to inspection except upon order of ~~the~~ the South Carolina Family Court or by the ~~State Registrar Department~~ for purposes of administering the vital statistics program.

F. For purposes of this section, ~~When an infant over 30 days of age and of unknown parentage is found abandoned child does not meet the definition of "infant" in S.C. Code Section 63-7-40,~~ a court order shall be required to file a report of live birth. The court order shall establish the facts of birth in Section 503_A.

G. Birth Records registered under this Section that contain the parents' information shall not be issued except to the S.C. Department of Social Services for the purposes of adoption or care for the child.

600. DELAYED REGISTRATION OF BIRTHS

601. General.

A. The following minimum facts must be established by documentary evidence:

- (1) the full name of the person at the time of live birth;
- (2) the date of live birth;
- (3) that the live birth occurred in South Carolina;
- (4) the full name of the birth mother prior to first marriage; and
- (5) the full name of the father/parent if parents were married at the time of birth. Otherwise, the name of the father/parent shall not be entered on the delayed certificate unless:
 - (a) the child has been adopted or legitimated/legitimized, or

(b) ~~the~~ paternity has been determined by ~~the~~ a court of competent jurisdiction or ~~an~~ paternity acknowledgment of Paternity accompanies the establishment of the delayed certificate.

B. All delayed births are to be filed on a special “delayed certificate of birth” form adopted by the ~~State Registrar~~ Department.

C. Each delayed certificate of birth established administratively shall be signed by the person whose birth is to be filed if of legal age and is competent to swear to the accuracy of the facts stated therein; otherwise, the certificate shall be signed by a parent or legal guardian.

602. Documentary Evidence Requirements.

To be acceptable for registration, the name of the person at the time of the live birth and the date and place of live birth entered on a delayed registration of live birth shall be supported by at least:

A. Three (3) pieces of acceptable documentary evidence that will establish to the satisfaction of the State Registrar the facts and date of live birth as alleged in the application; and

B. Facts of parentage shall be supported by at least one (1) document.

603. Documentary Evidence Acceptability.

A. The acceptability of all documentary evidence submitted shall be determined by the State Registrar.

B. Documents must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document.

C. All documents submitted in evidence:

(1) For persons more than ~~ten~~ seventeen (17) years of age, must have been established at least ~~ten~~ (10) years prior to the date of application;

(2) For persons ~~ten~~ seventeen (17) years of age or younger, must be dated at least one (1) year prior to the date of application ~~or within the first year of life; and~~

(3) Shall not be contradictory.

D. Documents may include, but are not limited to:

(1) Census Records;

(2) Hospital or Medical Records;

(3) Military Records;

(4) Social Security Numident Reports;

(5) Voter registration application;

(6) School records; or

(7) Other documents as designated by the State Registrar.

~~DE.~~ When the State Registrar finds reason to question the validity or adequacy of any evidence submitted, he or she may reject the evidence and advise the applicant of the reasons for this action.

604. Abstraction of Documentary Evidence.

A. ~~The State Registrar or his or her designated representative~~ The Vital Statistics employee preparing the certificate shall abstract on the delayed registration of live birth a description of each document submitted to support the facts. This description shall include:

- (1) the title or description of the document;
- (2) the name and address of the custodial organization;
- (3) the creation date of the original document; and
- (4) all live birth facts required by Section 601 contained in each document accepted as evidence.

B. Original documents submitted in support of the delayed live birth registration shall be returned to the applicant after review. ~~Copies of all accepted documents shall be maintained by the State Registrar. After a delayed birth certificate has been registered with the state, convenience copies of all accepted documents on file with the Bureau of Vital Statistics shall be destroyed.~~

605. Verification by the State Registrar.

The State Registrar, or his or her designated representative, shall verify:

- A. That no prior report of live birth is registered in this ~~S~~state for the person whose live birth is to be recorded;
- B. That he or she has reviewed the evidence submitted to establish the facts of live birth; and
- C. That the abstract of the evidence appearing on the delayed ~~record of live birth~~ certificate accurately reflects the nature and content of the document.

606. Dismissal After One Year.

An application for a delayed registration of live birth certificate that has not been completed within one (1) year from the date of application may be dismissed at the discretion of the State Registrar. ~~Upon dismissal,~~ ¶The State Registrar Department shall so advise the applicant and documents submitted in support of such application shall be returned to the applicant.

607. Delayed Birth Records Amended by Court Order.

A live birth originally registered as a delayed live birth shall remain in the ~~delayed registration birth certificate~~ format, regardless of subsequent legal change of status or amendment. The amended certificate will clearly indicate the information changed by court order and be marked as amended by court order. Any certification of such record shall ~~contain a summary of the court order submitted to substantiate the amended delayed registration.~~ notate the items changed by the court order and the date the change was made.

608. Establishment of Delayed Birth Certificate by Court Order.

When the evidence submitted does not satisfy the above requirements, the applicant may petition a court of competent jurisdiction to establish a delayed birth certificate pursuant to S.C. Code Section 44-63-100.

700. DEATH REGISTRATION

701. General.

A. A report of death for each death which occurs in this ~~S~~state shall be submitted to the Bureau of Vital Statistics, or as otherwise directed by the State Registrar, within five (5) calendar days after death or the finding of a dead body ~~and prior to final disposition,~~ and shall be registered if it has been completed and submitted in accordance with this section.

(1) If the place of death is unknown but the dead body is found in this ~~S~~state, the report of death shall be completed and submitted in accordance with this section. The place where the body is found shall be noted as the place of death.

(2) When death occurs in a moving conveyance within the United States and the body is first removed from the conveyance in this State, the death shall be registered in this ~~S~~state and the place where it is first removed shall be deemed the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this State, the death shall be registered in this State, but the report shall show the actual place of death insofar as can be determined.

(3) If the date of death is unknown, the medical certifier shall determine the date by approximation. If the date cannot be determined by approximation, the date found shall be entered and identified as date found.

B. The funeral director or person acting as such who first assumes custody of the dead body shall submit the report of death to the Bureau of Vital Statistics. In cases where there is no funeral director or person acting as such, the coroner shall submit the report of death. In no event shall a transport company file a death record.

(1) ~~He or she~~The funeral director or person acting as such shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible, therefore.

(2) The funeral director or person acting as such shall provide the report of death containing sufficient information to identify the decedent to the medical certifier within forty-eight (48) hours after death unless the medical certification has already been submitted.

(3) In cases where the family chooses not to engage the services of a licensed funeral director, they may dispose of the body by way of a natural burial as defined in Section 100 of this regulation. In such cases, the person listed on the Burial-Removal-Transit Permit (BRTP) as first assuming custody or handling the final disposition of the body shall also be responsible for submitting the report of death to the Bureau of Vital Statistics. If no report is filed within thirty (30) calendar days after the date of death and the Bureau has been unsuccessful in contacting the person listed as responsible for the disposition of the body via the means of contact listed on the BRTP form, they shall file the certificate with the available information.

(4) Medical certifiers or their staff should review cases of deceased individuals designated to them at least once each business day. The medical certification shall be completed within forty-eight (48) hours, excluding weekends and federal or state holidays, after receipt of notice of the death by the decedent's primary or attending physician, except when inquiry is required by S.C. Code Section 44-43-720. In the absence or inability of said medical certifier, or with his or her approval, the report may be completed by his or her associate physician, physician's assistant, or APRN, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, and death is due to natural causes. The person completing the cause of death shall attest to its accuracy either by signature or by an approved electronic process.

(5) When inquiry is required by S.C. Code Section 44-43-720, the coroner or medical examiner in the jurisdiction where death or injury occurred or where the body was found shall determine the cause and manner of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case. If the cause and/or manner of death cannot be determined within forty-eight (48) hours, the cause and/or manner of death shall be entered as pending and a supplemental medical amendment shall be submitted when the cause and/or manner of death is determined.

(6) Administrative penalties as defined in S.C. Code Section 44-63-74 shall be assessed whenever a death certificate is filed more than five (5) calendar days after the date of death. The Department shall review each record filed late to determine whether the funeral home or director, medical certifier (excluding coroners and medical examiners), or both are at fault for the delay of registration.

(a) When fault for the delay of registration is determined by the Department, the party or parties determined to be at fault shall be emailed a notice of violation by the Department and informed of the total amount of the administrative penalty. The funeral home, funeral director, or medical certifier may submit a statement or evidence showing good cause for the delay up to fifteen (15) calendar days after the notice is sent from the Department. If no statement or evidence of good cause is submitted within fifteen (15) calendar days, the party determined at fault will be sent an official notice of the fine assessed via certified mail.

(b) If a statement or evidence is submitted claiming good cause for the delay, the Department shall make a determination within fifteen (15) calendar days whether the good cause is justified. Good cause shall include, but not be limited to, the following: (1) a natural disaster, (2) an emergency declaration from the Governor, (3) a verified system malfunction or error reported within the specified timeframe, (4) when significant but unsuccessful efforts were made to file the record on time, or (5) when the funeral director is unable to obtain information pursuant to S.C. Code Section 44-63-74(A)(2)(a). In cases where there were significant but unsuccessful efforts to file the record on time, the person responsible for registration shall notify the Department via email within the specified timeframe with the cause of the delay. In cases where the decedent's information cannot be obtained pursuant to S.C. Code Section 44-63-74(A)(2)(a), a statement from the informant listed on the death certificate must be submitted stating the reason for the inability to collect the information for good cause to be considered. The Department shall notify the party whether or not good cause is determined within fifteen (15) calendar days after final review of the evidence. If the Department determines good cause is present, fines will be reduced or removed.

(c) If the Department determines that the evidence submitted does not establish good cause for the delay, the party or parties determined at fault will receive a final notice of violation via email and certified mail that the evidence for good cause has been denied and the fines will be due. Administrative penalties assessed should be paid within thirty (30) calendar days of the final notice being sent. If the fines are paid within the thirty (30) calendar days of the final notice, the party at fault will be eligible for a fifty percent (50%) reduction of fines. If the fees are not paid within thirty (30) calendar days of the final notice, the

entire amount due must be paid.

C. When a ~~death is presumed to have~~ court of competent jurisdiction determines a death has occurred within this ~~S~~state but the body cannot be located, a death certificate may be prepared by the ~~State Registrar Department~~ upon receipt of an order of a ~~the court of competent jurisdiction~~, which shall include the finding of facts required to complete the death record, including, but not limited to, the county of death. Such a death record shall be marked “presumptive” and shall show on its face the date of filing and shall identify the court and the date of the decree.

D. When a death occurring in this ~~S~~state has not been registered as prescribed by this ~~S~~section, a report of death may be submitted to the ~~State Registrar Department~~ using the current format of the report of death provided the ~~physician medical certifier~~ at the time of death ~~or the medical examiner or coroner~~ and the funeral director or person acting as such are available to complete the report of death. If the ~~physician medical certifier~~ at the time of death, ~~county coroner or medical examiner~~ and the funeral director or person acting as such are unavailable or decline then the death shall not be registered except upon receipt of an order from a court with competent jurisdiction ~~over the Department~~. If the report of death is submitted more than one (1) year after the date of death, the record shall be marked as “delayed” and any certified copy shall be marked as such. If the date of death cannot be determined, the record shall be filed with the date the body was found as the date of death.

E. In obtaining the information required for the report, funeral directors or persons acting as such shall use information gathering procedures, including worksheets, provided or approved by the ~~State Registrar Department~~. ~~Physicians, coroners or institutions~~ Medical Certifiers may establish procedures to transfer, electronically or otherwise, information required for the medical certification from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested for the report.

F. In cases where the coroner or medical examiner is providing the non-medical information for report of death, any supplemental non-medical information shall be submitted by the coroner or medical examiner on the approved worksheet form with the Department within five (5) calendar days after such information is obtained. The supplemental information shall be incorporated into the existing death record in accordance with S.C. Code Section 44-63-74.

702. Judicial Procedures to Register a Death.

A death may be registered by the ~~State Registrar Department~~, upon receipt of an order of a court of competent jurisdiction within this state.

A. The court order to establish a death record shall include all of the following information:

- (1) decedent’s legal name (first, middle, surname and suffix, if any);
- (2) date of death as determined from the evidence presented;
- (3) place of death, including county, as determined from the evidence presented;
- (4) decedent’s date of live birth, ~~S~~state or country of live birth, sex and parent(s) name(s) prior to first marriage;
- (5) decedent’s residence, including county and ~~S~~state, at time of death;

(6) decedent's marital status at time of death;

(7) name, prior to first marriage, of surviving spouse (if any); and

(8) the information necessary to complete the medical certification including the cause and manner of death. If the death occurred from an injury, information on how and when the injury occurred. If such information is unknown, the order shall indicate such.

B. All certifications issued shall show the date of the court order and the name of the court issuing that order.

C. If the death was registered pursuant to Section 701.C, the record shall be marked or flagged "Presumptive."

800. FETAL DEATH REGISTRATION

801. General

A. A report of each fetal death of 350 grams or more, or if weight is unknown, of twenty (20) completed weeks gestation or more, based on clinical estimate of gestation at delivery, which occurs in this ~~S~~state shall be submitted within five (5) calendar days after delivery to the Bureau of Vital Statistics or as otherwise directed by the State Registrar and shall be registered if it has been completed and submitted in accordance with this Section. All induced terminations of pregnancy shall be reported in the manner prescribed in Section 1000 and shall not be reported as fetal deaths.

B. When a fetus is delivered in an institution or en route thereto, the person in charge of the institution, or his or her designated representative, shall obtain all data required by the ~~State Registrar Department~~ to prepare and submit the report. In obtaining the information required by the fetal death report, all institutions shall use information-gathering procedures including worksheets provided or approved by the State Registrar. Institutions may establish procedures to transfer, electronically or otherwise, information required by the fetal death report from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested on the fetal death report.

C. When a fetus is delivered outside an institution and then taken to an institution, the ~~physician in attendance at or immediately after delivery institution~~ shall prepare and submit the report.

D. When a fetal death required to be reported by this Section occurs ~~without medical attendance at or outside of an institution and the fetus is not taken to an institution~~ immediately after the delivery or when inquiry is required by state law, the coroner shall investigate the cause of fetal death and shall prepare and submit the fetal death report within five (5) calendar days of notification.

E. If the cause of fetal death is unknown or pending investigation, the cause of fetal death shall be noted as such on the fetal death report.

F. When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this ~~S~~state or when a fetus is found in this ~~S~~state and the place of fetal death is unknown, the fetal death shall be reported in this ~~S~~state. The place where the fetus was first removed from the conveyance or the fetus was found shall be considered the place of fetal death.

G. Reports of fetal death are statistical reports to be used only for public health purposes. Such reports

shall be disposed of when all statistical processing of the reports has been accomplished. However, the ~~State Registrar Department~~ may establish a data file of such reports so they will be available for future research and such file may be retained for as long as the State Registrar deems necessary.

900. DISPOSITION AND TRANSPORTATION OF HUMAN REMAINS

901. Permits Governing the Disposal or Transportation of Dead Human Bodies.

A. The subregistrar or the coroner in the county in which the death occurred shall issue a ~~Burial-Removal-Transit permit~~ Burial-Removal-Transit permit (BRTP) within forty-eight (48) hours after death ~~or the next business day.~~ If the body is found more than forty-eight (48) hours after death, the BRTP shall be filed within forty-eight (48) hours after the body is found.

B. The funeral director, or person acting as such, who first assumes custody of a dead body or fetus shall obtain a ~~burial-removal-transit permit~~ BRTP prior to final disposition or removal of the body or fetus from the State. BRTPs may be emailed, hand delivered, or faxed to a funeral home or company that first takes possession of the body. If a funeral home or transportation company is not participating in the electronic system to receive the BRTP via email, the permit must be printed and delivered to them via one of the aforementioned methods.

~~C. In cases where disposition is handled by an institution or coroner, the subregistrar or coroner shall complete a Burial Removal Transit permit with the exception of the funeral home information and signature of the funeral director and shall forward to the Bureau of Vital Statistics no later than forty eight hours after death.~~

~~D. Permits must be submitted by the subregistrar or the coroner to the Bureau of Vital Statistics.~~

~~EC. A burial-removal-transit permit BRTP issued under the law of another state which accompanies a dead body or fetus into this state shall be authority for final disposition of the body or fetus in this State.~~

902. Removal of Body.

Before taking charge of a dead human body or fetus, the funeral director or person acting as such shall:

A. ~~e~~Contact the attending physician-medical certifier and receive assurance from him or her that death is from natural causes and that the ~~physician-medical certifier~~ physician-medical certifier will assume responsibility for certifying to the cause of death; or

B. ~~e~~Contact the coroner if the case comes within his or her jurisdiction and receive authorization from him or her to remove the body.

903. Authorization for Disinterment and Reinterment.

A. Except as otherwise provided by statute, a permit for disinterment and reinterment of human remains shall be required prior to disinterment of a dead body or fetus. If the dead body or fetus is being reinterred in the same plot where it was originally interred, a permit shall not be required.

B. A disinterment permit shall be issued only upon receipt of the form prescribed by the State Registrar signed by the next of kin and the person who is to perform the disinterment or upon receipt of an order of a court of competent jurisdiction directing such disinterment. The permit shall be permission for disinterment, transportation, and reinterment. The disinterment must be performed within one (1) year of

the date permission was granted by the State Registrar or designee, otherwise the applicant must apply for a new permit. The Department may destroy any copies of permits issued but not returned within one (1) year of the date permission was granted.

C. Human remains deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.

D. The funeral director to whom the permit is issued shall retain a copy. A copy shall be used during transportation and filed with the sexton or person in charge of the cemetery of reinterment. The funeral director shall return a copy to the Bureau of Vital Statistics showing the date of reinterment.

E. The permit requirement of this section shall not apply to disinterment or reinterment of a dead body or fetus when death occurred before 1915.

F. Certified copies of completed disinterment permits may be issued to any next of kin of the deceased or the firm authorized to perform the disinterment upon receipt of an application and payment for a record search as defined in Section 1300. No other parties shall be issued copies of the completed disinterment permit except upon order from a court of competent jurisdiction.

904. Disposition of Body or Fetus by Hospital Officials Authorized by Next of Kin.

Hospital officials who dispose of bodies of persons or fetuses dead of natural causes, with legal permission of the next of kin and not for hire or profit, are responsible for filing the record of fetal death or of death. In all cases, including a reportable fetal death, a ~~Burial-Removal-Transit~~ Permit must be obtained for the disposition of the remains.

1000. REPORTS OF INDUCED TERMINATION OF PREGNANCY

~~1001. General~~

A. Each induced termination of pregnancy which occurs in this ~~S~~state, regardless of the length of gestation, shall be reported to the Bureau of Vital Statistics within seven (7) calendar days by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, it shall be reported by the attending medical provider.

B. Reports of induced termination of pregnancy are statistical reports to be used only for public health purposes. Such reports shall be disposed of when all statistical processing of the reports has been accomplished. However, the ~~State Registrar-Department~~ may establish a data file of such reports so they will be available for future research and such file may be retained for as long as the State Registrar deems necessary.

C. When a late fee is assessed pursuant to S.C. Code Section 44-41-460(D), the institution shall be eligible for a fifty percent (50%) reduction of fees if the fee is paid in full within thirty (30) calendar days. If the fee is not paid in full within thirty (30) calendar days, the full amount due must be paid.

1100. CORRECTION AND AMENDMENT OF VITAL RECORDS

1101. General.

A. Live birth records are presumed to contain accurate information on the facts of live birth when they

are registered. Live birth records will be amended or corrected only to rectify errors in the facts of live birth, except as provided for in ~~these~~this regulations.

B. A delayed record of live birth placed on file with supporting documentation or by judicial procedure shall not be amended except to reflect changes upon receipt of a certified court order.

C. Certificates of marriage and reports of divorce must be corrected by the custodian of the official record from which the report was prepared. The custodian shall submit the amended certificate to the Department with a statement listing the items changed and evidence presented to support each certification item changed. Any corrected records shall be marked amended when issued by the Department.

D. Except as specifically allowed by law, sealed records and their accompanying documents are not subject to reproduction by any means, including, but not limited to, photography or photocopying, and shall not be subject to inspection except upon order of the Family Court. The sState rRegistrar or their designee may inspect such information for purposes of properly administering the vital statistics program.

E. Changes to birth or death records must be requested by a person entitled by law to obtain a certified copy of the record to be amended.

F. If paternity is rescinded pursuant to S.C. Code Section 63-17-50, the signatory's name will not be removed from the record of live birth except upon receipt of an order from a court of competent jurisdiction terminating the parental rights of the father and ordering the Department to remove the father's information.

1102. Correction of Birth and Death Records.

A. Any certification item on a live birth or death record may be corrected by the Bureau of Vital Statistics within one (1) year of the event if the Bureau of Vital Statistics becomes aware of incorrect information on a record. Any ~~facility-institution~~ or individual responsible for the original submission of data shall assist in the collection of evidence of the error and correct information upon request of the Bureau of Vital Statistics. Evidence submitted in support of a correction is subject to approval by the State Registrar.

B. When the demographic portion of a death certificate is filed by a coroner due to the inability to contact the family to select a funeral home, the death certificate may be corrected to update any incorrect demographic information and to list the funeral home selected upon submission of a funeral home worksheet and the signed contract with the family.

~~BC.~~ Correction of items that do not appear on certifications may be made by the Bureau of Vital Statistics upon identification or query.

~~CD.~~ When such corrections are made by the Bureau of Vital Statistics, a notation as to the source of the information, the date the change was made, and the identity of the authorized vital statistics employee making the change shall be made on the record in such a way as not to become a part of any certification issued. Any certified copy shall not be marked as "Amended."

1103. Administrative Amendment of Vital Birth and Death Records.

A. Unless otherwise provided in ~~these~~this regulations or in ~~the~~ statute, all administrative amendments to live birth and death records shall be supported by documentary evidence and a notarized affidavit. The notarized affidavit shall be on a form created by the Bureau of Vital Statistics setting forth:

(1) information to identify the record;

- (2) the items to be amended;
- (3) the incorrect information as it appears; and
- (4) the correct information as it should appear and supported by documentary evidence.

B. To amend a live birth record, an ~~affidavit of correction application~~ shall be initiated and signed by the parents, the legal guardian, or the registrant if eighteen (18) years of age. Amendments to the registrant's information on a birth record, if eighteen (18) years of age or older, must be signed by the registrant unless the registrant is incapacitated or deceased. Affidavits to amend the information on a birth record for deceased individuals may be signed by the decedent's next of kin with adequate supporting documentation.

C. To amend ~~personally identifiable information demographic certification items~~ on a death record, an affidavit of ~~correction amendment~~ shall be signed by the informant or, in the case of the death or incapacity of the informant, the adult next of kin of the deceased.

D. The medical certification items on a death record may only be amended upon receipt of a signed statement or approved electronic notification from the ~~physician or medical examiner, or coroner certifier~~ who originally certified the cause of death. In the absence or inability of the ~~physician medical certifier~~, the cause of death may be amended upon receipt of a signed statement or an approved electronic notification from his or her duly authorized medical associate, or the chief medical officer of the institution in which death occurred, or a medical examiner, or coroner who assumes jurisdiction of the case. The ~~State Registrar Department~~ may require documentary evidence to substantiate the requested amendment.

E. Upon acceptance of the requested amendment by the ~~State Registrar Department~~, records of live birth and death shall be amended by the ~~State Registrar Department~~ by adding the new information to the record in a manner that preserves the existing information for audit purposes.

F. ~~A notation indicating the Amended records was amended shall be shown marked as "Amended" on certifications of the record. The date of the change and what item was changed shall also be shown on certifications of the record except on certifications of the record in cases of sealed amendments as described in Section 1109.~~

1104. Documentary Evidence Required to Amend ~~or Correct~~ Vital Birth and Death Records.

A. With the exception of corrections as outlined in Section 1102, or an amendment to the medical certification, one or more items of documentary evidence must be presented that support the alleged facts. All documents presented must contain sufficient information to clearly indicate that they pertain to the registrant on the record for which the amendment or correction has been requested.

(1) Documents presented must be from independent sources. Family documents that are not independently filed by a government entity, such as records from bibles or genealogical records, are not acceptable.

(2) Documents must be in the form of the original record or must be a duly certified copy or excerpt thereof from the original custodian of the record and may not contain alterations of any kind, including strike out, whiteout, or other forms of alteration unless approved by the State Registrar.

(3) For live birth records, the earliest evidence available is preferable to show consistency of use. In general, documents submitted must have been established prior to the registrant's eighteenth (18th) birthday

or at least ten (10) years prior to the date of application for the amendment unless otherwise specified by the State Registrar. For amendments to the registrant's information, the evidence submitted must contain the full name of the registrant and at least one (1) other identifier such as the date of birth or age.

(4) For death records, the ~~documents~~ evidence submitted to support an address change must have been established at least 10 within one (1) years prior to death unless otherwise specified by the State Registrar. For amendments to other certification items on the death record:

(a) Signatures and signatories shall not be amended;

(b) Other personal and statistical items on the death record shall be amended with supporting documentary evidence that is acceptable to the State Registrar.

(c) The informant's name may only be amended to correct minor errors in spelling without an order from a court of competent jurisdiction.

B. Documents for other certification items will be accepted at the discretion of the State Registrar or their designee.

BC. The State Registrar or their designee shall evaluate the evidence submitted in support of any amendment, and when he or she finds reason to doubt its validity or adequacy, the amendment may be rejected and the applicant advised of the reason(s) for this action.

1105. Addition of Registrant's ~~First or Middle~~ Names on Live Birth Records.

A. Until the registrant's first birthday, ~~first or middle~~ names may be added for unnamed registrants upon receipt of an affidavit of amendment form created by the Bureau of Vital Statistics and signed by the parents named on the record or the legal guardian of the registrant.

B. ~~After one year from the date of live birth, a legal change of name order must be submitted from a court of competent jurisdiction to amend or add a first or middle name. For a person aged one (1) to ten (10) years of age, names may be added for unnamed registrants upon presentation of one (1) piece of documentary evidence in accordance with Section 1104.~~

C. For a person older than ten (10) years of age, names may be added for unnamed registrants upon presentation of two (2) pieces of documentary evidence in accordance with Section 1104. At least one (1) of the documents must have been created within the first eighteen (18) years of life.

D. Section 1105 applies to the addition of names only for unnamed registrants. Changes to names already included on a birth record, with the exception of corrections or amendments, or adding names to an already named child, shall be accomplished in accordance with Section 1110.

1106. Date of Birth Amendments to Live Birth Records.

A. The date of live birth cannot be ~~corrected~~ changed to a date that is after the date the live birth record was registered.

B. The date of live birth may be ~~corrected up to 30 calendar days~~ amended with a certified copy of ~~the a~~ record from the hospital of birth ~~or with two supporting documents provided that date is not after the date the live birth record was registered. At least one of the documents must have been created within 90 calendar days of the alleged date of live birth and an affidavit created by the Department and signed by a party listed~~

in Section 1103(B).

C. Other administrative ~~corrections~~ amendments to the date of live birth may be made provided that a ~~minimum of three documents~~ an affidavit created by the Department and signed by a party listed in Section 1103.B presents a minimum of two (2) documents that adequately support that the registrant has consistently used the date from childhood and the change does not make the live birth date after the date the live birth record was registered. At least one (1) of the documents must have been created within ~~seven~~ eighteen (18) years of the alleged date of live birth. The change cannot be made if that change would conflict with any live birth record registered in the Bureau of Vital Statistics for other children of the same birth mother.

1107. Amendments to Marital Status on Death Records.

A. When the marital status is shown as married and a surviving spouse is listed on the death record of the decedent then the marital status shall be changed to:

(1) widowed and the spouse removed if a death certification for the spouse is submitted documenting that the spouse died prior to the death of the decedent.

(2) divorced or never married and the spouse removed if a certification of divorce/annulment is submitted documenting that the event occurred prior to the death of the decedent.

B. If the marital status is shown as married and surviving spouse is listed as unknown or is blank on the death record, then a marriage certification must be provided to add the name of the surviving spouse.

C. If the marital status is shown as married and the surviving spouse is listed on the death record then an order from a court of competent jurisdiction will be needed to change that spouse to a different person.

D. When the marital status is shown as divorced, widowed, or never married and no surviving spouse is listed on the death record of the decedent then the marital status shall be amended to married and the surviving spouse added upon receipt of:

(1) a certified copy of a marriage record showing that the person to be listed as surviving spouse was married to the decedent and an affidavit of correction signed by the informant and the alleged surviving spouse; or

(2) an order from a court of competent jurisdiction finding that the person was married to the decedent at the time of the decedent's death.

E. Other changes to marital status and surviving spouse will be made only upon the finding of a court of competent jurisdiction in an order that determined the marital status of the decedent and identifies the surviving spouse, if appropriate.

~~F. Amendment to other items on the death record:~~

~~(1) Signatures shall not be amended.~~

~~(2) Other personal and statistical items on the death record shall be amended with supporting documentary evidence that is acceptable to the State Registrar.~~

1108. ~~Amendment of the Same Item More than Once~~ Amendments to Also Known As ("a/k/a")

Names on Death Certificates.

~~Once an amendment of an item is made on a vital record, except for cause and manner of death to be amended by the physician, medical examiner, or coroner or clerical error on the part of the State Registrar, that item shall not be amended again except upon receipt of an order from a court of competent jurisdiction.~~

Addition of a/k/a name(s) to a death certificate that were not present at the time the record was filed may be made if a document is produced that contains both names and another identifier that clearly identifies the decedent as using both names. An a/k/a for the decedent's name prior to first marriage may be made if a marriage license is provided that shows the name prior to marriage and matches the surname listed on the death certificate.

1109. Sealed Amendments and Replacement Records of Live Birth.

A. The replacement record of live birth prepared pursuant to state law shall be on the form in use at the time of its preparation and shall include the following items and such other information necessary to complete the record of live birth:

- (1) the name of the child;
- (2) the date, city, and county of live birth as transcribed from the original report of live birth;
- (3) the names and personal information of the parents after establishment of parentage;
- (4) the ~~State~~ file number assigned to the original record of live birth unless it has been changed through the amendment process; and
- (5) the original date of registration.

B. The information necessary to locate the existing report of live birth and to complete the replacement report of live birth shall be submitted to the ~~State Registrar~~ Department on forms prescribed or approved by ~~him or her~~ the State Registrar.

C. After preparation of the replacement record of live birth, the prior record of live birth and the evidence upon which the replacement record of live birth was based ~~are to shall~~ shall be placed in a sealed file. ~~Such file shall not be subject to inspection except upon order of the Family Court or by the State Registrar for purposes of properly administering the vital statistics program.~~

D. With the exception of an adoption of an adult, certifications ~~issued~~ of birth records of adopted children shall not be marked amended.

E. Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files. The adoptive certificate and evidence shall ~~not be subject to inspection except upon order of the Family Court~~ placed in a sealed file.

F. If no certificate of birth is on file for the person for whom a replacement record is to be established under this section, a delayed certificate of birth must be filed with the ~~State Registrar~~ Department before a new record of live birth is established. ~~A Evidence for~~ A Evidence for a delayed certificate of birth shall not be required when the date and place of birth and parentage have been established in an adoption proceeding.

G. When a child is born through a gestational carrier agreement, and a pre-birth order from a court of

competent jurisdiction establishing parentage was not obtained in accordance with Section 501.G, a post-birth order is acceptable when the order contains all of the following information and it matches the information that was provided to register the birth certificate:

- (1) The full name and date of birth of the gestational carrier;
- (2) The date of birth and name listed on the child's birth certificate;
- (3) The hospital or place of birth;
- (4) A finding of no parental rights to the child of the gestational carrier and her spouse, if married; and
- (5) The full names (including names prior to first marriage), dates of birth, state of birth (or country, if foreign born), and any other necessary information of the intended parents to create the replacement certificate.

1110. Amendments by Court Order.

A. Upon receipt of a certified copy of a court order changing a birth or death record on file in the Bureau of Vital Statistics and upon request of an entitled person, the Bureau of Vital Statistics shall record the changes by completion of a special form developed by the Department. Such form shall include the original information as it appears on the original certificate, the information as changed by the court order, identification of the court which issued the order and the date of the order, and sufficient information about the registrant or decedent to link the special form to the original record. Upon completion of the amendment, the certified order will be maintained in a sealed file as defined in Section 1101.D.

B. When an electronic certification is issued, the items amended by the court and the date of the amendment must be noted. When a certified copy of the original record is issued, a copy of the special form must be attached.

C. Birth and death records amended by court order shall be marked "Amended by Court Order," except in parentage amendments made pursuant to S.C. Code Section 44-63-163.

D. When a parent's rights are terminated pursuant to an order from a court of competent jurisdiction, a special form is prepared by the Bureau of Vital Statistics indicating that the rights have been terminated and the certificate will not be issued to that parent after the order is received. The name of the parent will not be removed from the certificate unless it is specifically stated in the order.

1111. Amendments to Registrant's Sex.

A. If a person's biological sex at birth was reported or recorded incorrectly on a birth certificate and was not corrected pursuant to Section 1102, the registrant may amend the sex listed on his or her birth certificate with an affidavit created by the Department and supporting documentation acceptable to the State Registrar, or with an affidavit created by the Department, signed by the registrant and a licensed physician attesting to the registrant's actual biological sex at birth.

B. If an adult's sex has changed from their biological sex at birth, he or she may amend the sex on the certificate via an affidavit created by the Department, signed by the registrant and a licensed medical physician attesting that the registrant has undergone treatment and as a result:

- (1) there is a physical change to the registrant's sex;

(2) treatment for the transition is complete with the result being that the registrant is now a different sex from his or her biological sex at birth and he or she is not merely in the process of transitioning (although additional procedures or treatment may still be continuing and life-long);

(3) the change in sex is permanent in nature; and

(4) the change in sex is made with the intent to change permanently for all purposes.

C. Subsequent amendments to the registrant's sex can only be made pursuant to an order from a court of competent jurisdiction.

D. A decedent's sex on a death certificate may be amended pursuant to an affidavit created by the Department that is signed by the informant and a minimum of two (2) documents acceptable to the Department that show the decedent's sex consistently used on legal documents during the decedent's life.

E. Court Ordered Amendments. If a person is a minor or is unable to produce sufficient evidence to administratively amend the sex listed on his or her birth certificate, the Department will amend the sex field on a birth certificate only upon receipt of an order from a court of competent jurisdiction, supported by a statement of a licensed physician, finding sufficient evidence to establish the below criteria:

(1) That there is medical certification of a physical change related to the Petitioner's sex;

(2) That the licensed physician and the court are satisfied the Petitioner's medical treatment has been completed with the result being that the Petitioner is now a different sex from the Petitioner's biological sex at birth and is not merely in the process of transitioning (although additional procedures or treatment may still be continuing and life-long);

(3) That the change is permanent in nature; and

(4) That the change in sex is made with the intent to change permanently and for all purposes.

In the case of a minor, the Court shall appoint a *guardian ad litem* to represent the interests of the minor child.

1112. Administrative Amendments to Parental Titles.

A. Parental titles on a birth certificate may be designated as mother, father, or parent. Upon request of the parent listed on the certificate of a minor child, the title may be changed one (1) time for each parent upon receipt of an affidavit created by the Department and signed by the parent whose title is to be changed, stating the title the parent would prefer to be listed for their name only on the certificate.

B. Subsequent changes to the parental titles will require an order from a court of competent jurisdiction.

C. If the affidavit is completed within the first year of life, no special filing fee will be charged for creation of the affidavit and no notation will be made on the face of the certificate.

D. For certificates of adults, the affidavit must also be signed by the registrant showing consent to the parental title change.

E. Parental titles on a death certificate may be designated as mother, father, or parent. Upon request of

the informant or a parent listed on the certificate, the title may be changed one (1) time for each parent upon receipt of an affidavit created by the Department and signed by the informant and the parent.

1113. Amendment of the Same Certification Item More than Once.

A. Once there has been an administrative amendment to a certification item on a vital record, except for cause and manner of death to be amended by the medical certifier or clerical error on the part of the Department, that same certification item shall not be amended again except upon receipt of an order from a court of competent jurisdiction.

B. Once an amendment by court order or parentage amendment is made to a vital record, no other amendments may be made to the same record without a subsequent order from a court of competent jurisdiction.

1200. CERTIFICATIONS FROM THE SYSTEM OF VITAL STATISTICS

1201. General

A. A certification of a live birth, death, marriage, or report of divorce, or any part thereof, issued in accordance with this Section, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

B. The applicant for a certification shall be required to submit a signed application, proof of identity, and evidence of entitlement. Upon receipt of an application and before issuing a certification:

(1) Proof of identity must be acceptable to the Bureau of Vital Statistics;

(2) Evidence of entitlement must demonstrate that the applicant is qualified to receive a certification;
and

(3) The Bureau of Vital Statistics may verify with originating agencies the proof of identity documents and evidence of entitlement submitted in support of an application.

C. All certifications of vital records registered in the State system shall be issued from the State's central database.

D. For the purpose of obtaining certified copies of death records on behalf of the deceased's family at the time of registration, a funeral director or person acting as such, or the informant, shall be deemed a legal representative for up to one (1) year from the date of death.

E. No certification shall be issued without a first name for the registrant except by subpoena or to a government agency for adoption or custody purposes.

F. Information listed on live birth, death, marriage, or divorce records as administrative, statistical, medical, or health use only shall not be included in a certification of the vital record. The minimum fields of information that will be included on a birth certification are:

(1) Registrant's full name, date of birth, place of birth, and sex;

(2) The parent's names and places of birth if listed on the original certificate; and

(3) The dates of registration and issuance.

G. Each certification issued shall be certified as a true representation of the facts on file, the date issued, the state file number, and the registrar's signature or an authorized facsimile thereof. Each copy issued shall show the date of filing and copies issued from records marked "Delayed," "Amended," or "Amended by Court Order" shall be similarly marked and show the effective date.

GH. Verification of the facts contained in a vital record may be furnished by the Bureau of Vital Statistics to any government agency in the conduct of its official duties. The request for verification must:

(1) include an application listing the facts of birth the event including, at a minimum, names and dates and be in a format prescribed or approved by the Bureau of Vital Statistics; or

(2) be submitted electronically through an automated system approved by the Bureau of Vital Statistics if the requester attests to having the certification and can provide the ~~S~~state file number and date of registration.

(3) Verifications are subject to the record search fee schedule in Section 1300, except in cases where the verification is needed for an active criminal investigation by a verified law enforcement agency.

HI. When the ~~Bureau of Vital Statistics~~ State Registrar receives information that a record may have been registered, corrected, or amended through fraud or misrepresentation, he or she may withhold issuance of any certification of that record pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(1) If upon conclusion of the inquiry no fraud or misrepresentation is found, certifications shall be issued upon the request of a qualified applicant.

(2) If upon conclusion of the inquiry there is reasonable cause to suspect fraud or misrepresentation, the Bureau of Vital Statistics shall give the person named in the record notice in writing of his or her intention to void said record or cancel the amendment. The notice shall give such person an opportunity to appear and show cause why the record should not be voided or the amendment cancelled. The notice may be served on such person or, in the case of a minor, on his or her parent or legal guardian by registered mail to his or her last known address.

(3) Unless such person or his or her parent or legal guardian shall, within thirty (30) calendar days after the date of mailing, show cause why the certificate shall not be voided or the amendment cancelled, the record shall be so voided or the amendment cancelled.

(4) The voided record or amendment and evidence shall be retained but shall not be subject to inspection or copying except upon order of a court with competent jurisdiction over the Department or by the Bureau of Vital Statistics for purposes of administering the vital statistics program.

IJ. When the ~~Bureau of Vital Statistics~~ State Registrar receives information that an application for a certification may have been submitted for purposes of fraud or misrepresentation, he or she may withhold issuance of the certification requested pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(1) If upon conclusion of the inquiry no fraud or misrepresentation is found, certification shall be issued.

(2) If upon conclusion of the inquiry there is reasonable cause to suspect fraud or misrepresentation, the requested certification shall not be issued and the Bureau of Vital Statistics shall provide copies of the application and evidence to appropriate authorities for further investigation.

(3) The application and evidence shall be retained but shall not be subject to inspection or copying except upon order of a court with competent jurisdiction over the Department or by the Bureau of Vital Statistics for purposes of administering the vital statistics program.

~~J.K.~~ All applications and supporting documentation submitted for the purpose of issuing certifications of vital records shall be confidential and shall not be released without acceptable authorization provided to the Department by the person listed as the applicant, except upon receipt of an order from a ~~South Carolina~~ court of competent jurisdiction.

~~K.L.~~ Certifications of vital records ~~may be made by mechanical, electronic, or other reproductive processes.~~ will be issued in electronic format unless the electronic format does not accurately reflect information contained in the original record as determined by the State Registrar. If the electronic format of the certification cannot be produced, a book copy will be issued when the record is requested by an entitled party.

~~L.~~ Each certification issued shall be certified as a true representation of the facts on file, the date issued, the state file number, and the registrar's signature or an authorized facsimile thereof. Each copy issued shall show the date of filing and copies issued from records marked "Delayed", "Amended" or "Amended by Court Order" shall be similarly marked and show the effective date.

1300. FEES

Fees generated by the following fee schedule shall be retained and expended by the Department to offset the cost of operation of the Vital Records System.

FEE SCHEDULE	
a.	*Records Search (includes one certification, if located) \$ 12.00
b.	Additional Similar Certifications of the Same Record ordered \$ 3.00
c.	Expedited Service (additional to other required fees) \$ 5.00
d.	*Index Verification for Government Agencies \$ 2.00
e.	*Special Filing Fees (additional to search fee)
	(1) Correction of certificate by affidavit \$ 15.00
	(2) Amended certificate (adoption, legitimation court order, paternity acknowledgment) \$ 15.00
	(3) Delayed Registration of Birth \$ 15.00
f.	Fees collected at the county health departments for record searches, amendments of records, delayed birth registration and additional copies of the same record requested at the same time shall be distributed as follows: 50% to the county health departments and 50% to the Vital Records Central office. Any fee increase above the State Fiscal Year 1997 fee structure shall be returned to the Vital Records Central office (Office of Public Health Statistics and Information Systems, Division of Vital Records)

* Indicates a non-refundable fee

Fiscal Impact Statement

Most of the regulation updates will have minimal, if any, fiscal impact on the Department. The impact of the administrative penalties and fines, which are required by statute, will assist the Department in the timely filing of certificates, and any revenue will be used for the upkeep and improvement of the program.

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: 61-19, Vital Statistics.

Purpose: The Department amends R.61-19, Vital Statistics, to provide general updates to make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment of vital records; and to bring the regulation into conformity with changes in South Carolina law.

Legal Authority: 1976 Code Sections 44-63-10, et seq.

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

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

The revisions are needed to clarify Department processes that are performed but not codified in law or regulation, such as surrogacy/gestational carrier agreements, changes to a registrant or decedent's sex, and other more minor amendments. It also establishes processes for laws that were passed in recent years, such as administrative penalties for death certifiers/verifiers and fines for Induced Termination of Pregnancy (ITOP) providers. The amendments will also update and improve policies that presently cause significant hardship for our customers, such as elderly citizens attempting to add their names to unnamed certificates and persons trying to amend their dates of birth. These cases often require court intervention, which is expensive and time-consuming. Other amendments such as to parental titles and regulations governing changes to a registrant's sex are intended to reduce risk to the agency, particularly as it pertains to out-of-state orders. Finally, all of the updates and general clarifications will allow the Department to carry out its role more effectively as stewards of vital records.

DETERMINATION OF COSTS AND BENEFITS:

Although the need for court-required action can never be eliminated completely, the amendments aim to remove this need as much as possible to benefit customers who currently have to pay attorney fees and complete the challenging steps of obtaining a court order to amend vital records. The administrative penalties process will bring some additional revenue to the Department. However, it is difficult to gauge the exact fiscal impact as the Department will be working with providers over the coming years to help them improve processes for filing certificates in a timely fashion once enforcement does take effect.

UNCERTAINTIES OF ESTIMATES:

As discussed above, the implementation of administrative penalties is unclear how severely it will impact the state or stakeholders.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments will not have a significant impact on the environment. The impact to public health will be providing clearer requirements and guidelines to the public for the processes they need to obtain their vital records. This will allow for more timely submission of documents and reduce the challenges caused by amendment processes to registrants.

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

The amendments will not have a significant impact on the environment. The impact to public health if these amendments are not implemented will be a continuation of having to go to court for many basic amendments that could be done administratively. This can cause financial and emotional stress, which are negative indicators of public health. The timely filing of death certificates also impacts the Department's vital statistics data, which is used to influence many public policies and research requests in the state and nation. Additionally, important aspects of the vital statistics program will continue to go undefined under current regulations and will perpetuate ambiguity and legal risk for the Department.

Statement of Rationale:

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

The Department amends R.61-19 to provide general updates that will improve clarity of processes and functions of the Department related to vital statistics, as well as provide more customer-friendly and efficient processes to achieving constituent goals. The amendments update and improve language that more easily relate to the updated system of vital statistics and add much-needed definitions. Finally, it defines processes that were passed into law that the Department was unable to implement previously. Overall, the amendments are designed to fully implement the law while improving the functions of the Department.

ATTACHMENT B

SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES

**Document No. (XXXX)
R.61-19**

As of 9/26/22, close of the Notice of Proposed Regulation comment period:

Name	Section
Pamela Defanit Robinson Director, Pro Bono Program Manager, Palmetto Leader Project USC School of Law	All
<p>Comment: If these changes get through they would make many of our challenges much easier and would certainly reduce the stress on court time.</p> <p>Well done my friends. Now the fight begins, hopefully the legislature doesn't get bogged down in the "parents" label! I do not envy you with this challenge in this climate.</p> <p>Department Response: Thank you for the support.</p>	
Name	Section
James Fletcher Thompson, Attorney at Law Thompson Dove Law Group, LLC Stephanie Brinkley, Attorney at Law Brinkley Law Firm, LLC Allison Bullard McNair, Attorney at Law Building Families	501 (G)(2) & (3) 1109(G) 1110 1112(A), 7(B)
<p>Comment: Three areas of concern:</p> <ol style="list-style-type: none"> 1. <u>"Court of Competent Jurisdiction" language</u> is referenced throughout the regulations. It will decrease legal protections for all members of the assisted reproductive technology (ART) agreement including the resulting child. It opens the door for the Intended Parents to seek an order in another state that is pre-birth (with no post-birth order as is currently required in SC). Recommendation is to specify that the court order is from a South Carolina Family Court. 2. <u>Definition of Gestational Carrier:</u> Proposed definition includes "traditional surrogates" as well as "gestational carrier." The definition from the American Society for Reproductive Medicine (ARM) makes it clear that a "gestational carrier" does not have a genetic relationship with the child, as her ova/eggs are not used. The proposed definition could inadvertently undermine a legal argument when petitioning the court. Most states that have looked at traditional surrogacy have refused to enforce the contracts, which makes us hesitant to introduce traditional surrogacy into the South Carolina system, we propose the following revisions to the definition: 	

Gestational Carrier. A woman carrying and delivering a child through a formal written agreement for assisted reproduction and when she is not the genetic or intended parent of the child.

3. Requirement to name the child in pre-birth orders. Naming the child: 501(G) requires the prebirth order to include the ‘intended name of the child.’ Many Intended Parents do know the name pre-birth, and some choose not to know the gender until birth. If this information is required in the pre-birth temporary consent order, and the parents change their minds or the baby is a different gender than they were expecting, the legal process would be delayed because a legal name change would be required. The name of the child is included in the post-birth order.

Department Response:

Not adopted. The verbiage of a court of competent jurisdiction is intentional and consistent with the intent of the language throughout the regulations. It is not the intent of the Bureau of Vital Statistics to prevent orders from other states to be honored in South Carolina so long as they meet the requirements set forth in these regulations.

Partially adopted. The department agrees with the addition of the clarification about a written agreement. However, it is not the intent of the department to exclude couples who choose to pursue a traditional surrogate approach from being able to use a pre-birth order. Such couples should have the same access as gestational carrier agreements. If a judge is uncomfortable with such an agreement they can always pursue a post birth order outlined in 1109G.

Not adopted. Having the name in the order is a critical point of identifying the correct child that the order is intended to change. The department is not comfortable removing this requirement from the pre-birth orders. Again, if a couple does not want to name their child in the pre-birth order, they can still choose to pursue a post-birth order as outlined in 1109G

Name	Section
<p>Jaymi S. Meyers, MD Assistant Medical Director Hospice of the Foothills/Oconee Palliative Medicine</p> <p>Edward Behling, MD Chief Medical Officer, Hopehealth Inc.</p> <p>Jarret Brown, MD</p> <p>R. Andrew “Drew” Phillip, II MD HMSS Medical Director Self Regional Healthcare</p> <p>Daniel M. Smith, Jr., MD Division Chief, Palliative Medicine- Prisma Upstate Medical Director of Hospice and Ambulatory Palliative Medicine, Prisma Health</p>	<p>701(B)(4)</p>

Comment:

Five (5) doctors submitted comments requesting to include language from Vital Statistics Laws, Section 44-63-74: “If the forty-eight-hour period terminates on a weekend, federal holiday, or state holiday, the physician must file the certification by the end of the next business day.” The

proposed language did not include this language about weekends and holidays. This language should be added to this section to comply with the law. Some suggested increasing it to 72 hours. Support and opposition was also voiced for the language asking them to review their cases daily.

Department Response:

Adopted. SC Code of Law 44-63-74 does have the exemption for weekends and holidays and that should have been included in the language for the proposed regulation. The regulation would not be able to establish a standard different than what is set forward in law and that was not our intent. We will add language that makes it clear that the 48 hour does not include weekends or holidays to match with the law.

Name	Section
<p>Hugh Jackson Leakis "Lea" Moore Wils Funeral Home, LLC</p>	<p>701 (B) (4)</p>

Comment:

There have been a few issues with death certificates. When a funeral director gets a call , goes to hospital and does the removal and then learns family is out of country; how is the funeral director suppose to get death certificate done in 5 days Dhec says worksheet is to be signed first. Is funeral director suppose not just put unknown on everything?? Again Dhec worksheet would not be signed.

Department Response:

Not adopted at this time. SC Code of Law 44-63-74 (A)(5)(b) gives provision that the department must not assess an administrative penalty for the failure of the family to provide the personal data of the decedent. The proposed regulations specify that the funeral home may submit a statement from the family stating the cause for the delay that would be excepted as good cause in such a situation.

Name	Section
<p>H Jackson Thompson Funeral Home</p>	<p>900</p>

Comment:

I am in concern about some Coroners requiring funeral directors to fill out a B RTP request form. The forms have to be filled out completely and the funeral director should not have to get the information that they require. Section 900 says the Coroners are responsible to initiate the B RTP. I understand the Coroners are to notified of each death but filling out a request form is something that funeral directors should not be doing. The information that the Coroners require a funeral director to fill out they should not know. Such as the doctor, time of death, diagnosis and a few other questions. This is not all Coroners.

Is there a way to get all the Coroners to be the same state wide with issuing a B RTP?

Department Response:

Not adopted at this time. The department agrees that the method of getting funeral homes to gather this information for the B RTP is not the correct method that is intended for these record. However, after careful review of the regulations and laws, it is the opinion of the department that a statute change would be more appropriate to address this issue.

Name	Section
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Tammy Chandler McAfee Funeral Home	900
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Comment:
Often times we do not know when a facility is approved to issue their own BRTPs until we send the request to the Coroner's office and they inform us. At that point, we have lost time with the Death Certificate entry process and would not be able to Register the Death nor provide to the medical certifier within 48 hours. Sometimes the nurse, calling in the death, does not know either. Since few people in the office are approved to enter the B RTP details in the system, we are left waiting.

Department Response:
Not adopted at this time. The department agrees that the method of getting funeral homes to gather this information for the B RTP is not the correct method that is intended for these record. However, after careful review of the regulations and laws, it is the opinion of the department that a statute change would be more appropriate to address this issue.

Name	Section
Amber Boiter Autumn Bible Kimberly Brown Charleston Pride Jerrica Lee Dylan Gunnels Founder/Equity Designer The Agape Table Cathy Lafever Elaine M. Apperson, MD Chief, Division of Pediatric Endocrinology Prisma Health Upstate Associate Professor/University of South Carolina -Greenville Attending Physician – Prisma Health Children’s Hospital – Upstate Deb Foreman, Executive Director Uplift and Outreach Center Wynston Sanders SC United for Justice and Equality Coalition Ashley Crary Lidow, MPH Director of Policy and Government Relations Women’s Rights and Empowerment Network Ray Saputelli, MBA, CAE Executive Director, SC Chapter American Academy of Pediatrics Elizabeth H. Mack, MD, MS President, SC Chapter American Academy of Pediatrics Martha Edwards, MD Vice President, SC Chapter	1111 & 1112

American Academy of Pediatrics Ramkumar Jayagopalan, MD Secretary, SC Chapter American Academy of Pediatrics Mike Guyton-Nunley, MD, FAAP, FACP	
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Comment:

Fifteen (15) comments were received in support of the sections 1111 and 1112 including individuals, LGBTQ groups, and medical doctors offering various versions of support such as: I am writing concerning the new proposed regulations for the SC Department of Vital Records. In particular, Sections 1111 and 1112 concerning birth certificate amendments for change of sex, and allowing "parent" language instead of "father" and "mother" only. Transgender people and same sex couples are some of our state's most underserved populations. Their rights to self expression and parentage should be innate and represented in our state's institutions.

While I wish the amendments did not require a medical affidavit for change of sex, I applaud the department for being willing to streamline this amendment process for transgender individuals - as they often face hatred from all fronts in our society.

It is my hope that the amendments written into sections 1111 and 1112 remain as written and become enacted in the department's regulations as soon as possible. Thank you for your time.

Many cited statistics or professional expertise that demonstrate their desire to see this section adopted in regulation. Many sent letters of support addressed to the DHEC Board. They have been attached as Attachment C

Department Response:

Thank you for the support.

Name	Section
Maria Garcia Guyre	1300

Comment:

Supports search fee for each request being increased from \$12 to \$15. Additional copy fees should be raised from \$3 to \$6 for each additional copy of a certification

Department Response:

Not adopted at this time. Thank you for your comment regarding section 1300. We had not intended to address fees in this regulation update. However, if sufficient public support for a fee increase is expressed during the comment period, we may take it under advisement to revisit this decision. Please let me know if you have additional comments or questions regarding the proposed regulations.

ATTACHMENT C

LETTERS OF SUPPORT FOR SECTIONS 1111 AND 1112



September 26, 2022

To the members of the DHEC Board,

Thank you for the opportunity to submit written testimony. My name is Ashley Lidow and I am the Director of Policy and Government Relations for the Women's Rights and Empowerment Network (WREN) a nonpartisan, nonprofit organization with a mission to build a movement to advance the health, economic well-being, and rights of South Carolina's women, girls, gender-expansive people, and their families. We have more than 40,000 people in our statewide network. I am writing on behalf of our organization in support of the proposed regulation change regarding gender marker changes on birth certificates; 1111-Amendments to Registrant's Sex.

Accurate and consistent identification documents are important for the health and economic well-being of all people. Identification is needed to open bank accounts, start new jobs, vote, enroll in school, and travel. Inconsistent ID documents – such as a birth certificate showing a sex assigned at birth and a driver's license showing a person's lived gender – can lead to daily headaches and challenges. Imagine if every time you tried to travel, open a bank account or start a new job, someone harassed you about your ID. Is it fake? Are you pretending to be someone you are not? When a person's ID is called into question, whether on suspicion of lying or out of an inappropriate interest in finding out whether they have had sex reassignment surgery (SRS), it amounts to harassment and discrimination and, in many cases, reveals their transgender status, which is private information. Providing accurate ID markers contribute to better mental health outcomes for transgender people. Right now in South Carolina, nearly two-thirds of transgender residents report "fair" or "poor" mental health, according to the 2019 Southern LGBTQ Health Survey.



WREN

Women's Rights & Empowerment Network

There are a range of different reasons someone may need to change the "sex" field listed on their birth certificate. These could include a mistake on the original birth certificate, a transgender person's transition later in life, or a child being born intersex. However, the name and gender change process is complicated and sometimes prohibitively expensive.

Right now, transgender and intersex South Carolinians face inconsistency with regard to how the courts handle requirements to correct the sex field on birth certificates. Correcting these inconsistencies and inaccuracies should not require hiring an attorney, enduring a lengthy court process, relying on a specific judge's understanding of SC policy, and paying thousands of dollars. Approving these regulations will streamline the process for everyone in the state and allow a trained team at DHEC to address a change that all people should be able to access.

We applaud the board for reviewing such a change and ask that you pass the new regulation so that all people in South Carolina can live with dignity and respect.

Ashley Crary Lidow, MPH

Director of Policy and Government Relations
Women's Rights & Empowerment Network
1201 Main Street, Suite 1820
Columbia, SC 29201
Cell: 803-800-2630
scWREN.org

South Carolina Chapter

INCORPORATED IN SOUTH CAROLINA

American Academy of Pediatrics
DEDICATED TO THE HEALTH OF ALL CHILDREN™



September 22, 2022

South Carolina Department of Health and Environmental Control (DHEC)
SC Vital Statistics
ATTN: Caleb Cox
2600 Bull Street
Columbia, SC 29201

Via Email - vrreq@dhec.sc.gov

Dear DHEC board:

On behalf of children, we are writing in support of the proposed changes to SC Vital Statistics. Specifically, regulation 1111 will improve the lives of South Carolinians and we applaud DHEC for considering this change. Physicians are expert in determining permanence and are happy to provide factual evidence in these cases as such when it is relevant. Pediatricians and pediatric subspecialists care for many children (~2000 children in this state annually) who are born with ambiguous genitalia and/or chromosomal combinations that are not consistent with the classic XX (female) or XY (male) assignments, and over time their identities become clearer with development. Suicide is the second leading cause of death among youth aged 10-24yo, and our LGBTQ+ youth are at even higher risk. We applaud these proposed changes which will save the lives of South Carolinians.

Sincerely,

Elizabeth Mack, MD

Elizabeth H. Mack, MD, MS
President, SC Chapter of the American
Academy of Pediatrics

Ramkumar Jayagopalan, MD

Ramkumar Jayagopalan, MD
Secretary, SC Chapter of the American
Academy of Pediatrics

Martha Edwards, MD

Martha Edwards, MD
Vice President, SC Chapter of the American
Academy of Pediatrics

P.O. Box 11188
Columbia, SC 29211
www.scaap.org
(803) 969-0900



Uplift and Outreach Center
PO Box 171375
Spartanburg, SC 29301
864-381-7234
<https://upliftoutreachcenter.org/>

September 22, 2022

The Office of Vital Statistics- South Carolina

Good afternoon, I'm writing this letter on behalf of the Uplift Outreach Center in Spartanburg, SC. We would support these proposed changes of having "Parent" on a birth certificate rather than "mother" or "father" as not all adult care givers fall into the category of parent or natural parent.

The Uplift Outreach Center would also like to support the gender marker/sex designation on birth certificates to be completed by an individual rather than to go through the court system, which is cost prohibitive for many folks, causes an even longer case load for our court system, and will undoubtedly improve the lives of many people here in South Carolina. This process will also undoubtedly uncomplicate a very complicated process of submitting paperwork, paying for fees, attorneys and waiting for court dates only to have them rescheduled multiple times.

I hope that these changes can make it through our state legislature without difficulty.

Thank you for your time,

Debra Foreman, Executive Director
upliftoutreachcenter@gmail.com

September 16, 2022

Dear DHEC board:

I appreciate all you do on behalf of SC children and families, and I am writing in support of the proposed changes to SC Vital Statistics, specifically regulation 1111. I am an adolescent medicine physician caring for most of the trans youth in the upstate and in the midlands. Note that according to the 2022 National Survey on LGBTQ Youth Mental Health survey, more than half of transgender and nonbinary youth are seriously considering suicide in the past year. Even just one child contemplating taking their own life, transgender or not, is one too many, and these children deserve our recognition, our attention, and every measure of help we can provide to them. Social support such as this significantly reduces that risk of suicide, unequivocally. Our office applauds your proposed change to support SC youth and we are more than ready to take part in this initiative with you in any manner that would be beneficial.

Sincerely,

Mike Guyton-Nunley, MD, FAAP, FACP
Adolescent Medicine Specialist, Internist, and Pediatrician
Greenville, SC

September 20, 2022

DHEC board:

I am writing in support of the proposed changes to SC Vital Statistics regulation 1111. As you may know, LGBTQ+ youth are 4x more likely to attempt suicide as compared to peers, and gender affirming care reduces this risk significantly. Additionally, families using surrogates will be better supported throughout the child's life with the proposed changes. Thank you for your support of children and families.

Sincerely,



Elaine M. Apperson MD
Chief | Division of Pediatric Endocrinology | Prisma Health-Upstate
Associate Professor | University of South Carolina School of Medicine-
Greenville
Attending Physician | Prisma Health Children's Hospital-Upstate

Date: November 10, 2022

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

From: Bureau of Water

Re: Public Hearing for Notice of Final Regulation Amending R.61-68, *Water Classifications and Standards*, Document No. 5119

I. Introduction

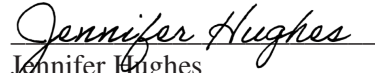
The Bureau of Water proposes the attached Notice of Final Regulation amending R.61-68, *Water Classifications and Standards*. Legal authority resides in S.C. Code Sections 48-1-10 et seq., which provides that the Department of Health and Environmental Control (“Department”) shall promulgate regulations to implement the South Carolina Pollution Control Act. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

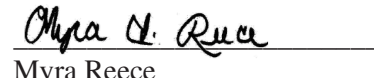
II. Facts

1. R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”) requires South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA.
2. The Department had a Notice of Drafting published in the February 25, 2022, *State Register*.
3. The Department met with stakeholders to discuss the Notice of Drafting and to receive stakeholder input on April 19, 2022, and May 24, 2022.
4. Appropriate Department staff conducted an internal review of the proposed amendment on July 13, 2022.
5. Upon receiving approval during the August 11, 2022, Board meeting, the Bureau had a Notice of Proposed Regulation published in the August 26, 2022, *State Register*. The Department received public comments from seven (7) people by September 26, 2022, the close of the public comment period. Attachment B presents a summary of these public comments received and Department responses.
6. The Department hosted a Staff Informational Forum on September 20, 2022, to answer stakeholder questions based on the Notice of Proposed Regulation.
7. After consideration of all timely received comments, staff has made substantive changes to the regulatory text of the Notice of Proposed Regulation approved by the Board in the August 11, 2022, Board meeting and published in the August 26, 2022, *State Register*. Descriptions of the changes appear in Attachment B, Summary of Public Comments and Department Responses.

III. Request for Approval

The Bureau of Water respectfully requests the Board to find need and reasonableness of the attached proposed amendment of R.61-68, *Water Classifications and Standards*, for submission to the General Assembly.


Jennifer Hughes
Chief, Bureau of Water


Myra Reece
Director of Environmental Affairs

Attachments:

- A. Notice of Final Regulation
- B. Summary of Public Comments and Department Responses

ATTACHMENT A

**STATE REGISTER NOTICE OF FINAL REGULATION
FOR R.61-68, *Water Classifications and Standards***

November 10, 2022

Document No. 5119

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

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

61-68. Water Classifications and Standards.

Synopsis:

Pursuant to S.C. Code Sections 48-1-10 et seq., the Department of Health and Environmental Control (“Department”) establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”) requires South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria. The Department amends R.61-68 to adopt the criteria the Department deems necessary to comply with federal regulatory recommendations and revisions.

In this revision and amendment of R. 61-68, the Department adopts a revised recreational water quality criteria for bacteria to reflect the most current final published criteria in accordance with the CWA. The Department also makes stylistic changes for overall improvement of the text of the regulation.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
A. Purpose and Scope	Technical Correction	Amend Code references and section references for accuracy.
B. Definitions	Technical Correction Addition	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting punctuation. Adding definitions for: Department and Environmental Protection Agency for clarity. Renumbering definitions.
C. Applicability of Standards	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting grammar and punctuation.

Section	Type of Change	Purpose
D. Antidegradation Rules	Technical Correction Reorganization Revision	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Reorganizing and revising D.2.a. and D.2.b. to clarify the requirements of an alternatives analysis.
E. General Rules and Standards Applicable to All Waters	Technical Correction Revision	Correcting grammar and punctuation. Correcting each of the following instances for accuracy: replacing mg/l with mg/L; replacing ml with mL; and replacing ug/l with µg/L. Correcting taxonomic classifications to italicized font. Clarifying the assessment of enterococci and E. coli for purposes of Section 303(d) listing determinations shall be based on the geometric mean with an allowable 10% exceedance. Correcting a description from 17 items to 19 items.
F. Narrative Biological Criteria	Technical Correction	Correcting grammar and punctuation.
G. Class Descriptions, Designations, and Specific Standards for Surface Waters	Technical Correction Revision	Correcting each of the following instances for accuracy: replacing mg/l with mg/L; and replacing ml with mL. Revising the following standards to add an allowable 10% exceedance to the geometric mean: E. coli, fecal coliform, and enterococci.
H. Class Descriptions and Specific Standards for Ground Waters	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting references and punctuation.
Appendix	Technical Correction	Correcting a reference from three attachments to four attachments.
Appendix – Priority Toxic Pollutants	Technical Correction	Correcting cadmium criteria from dissolved to total.
Appendix – Water Quality Criteria Additional Note 1	Technical Correction	Correcting the spelling of the word exceedance, and correcting punctuation. Correcting each instance of mg/l and replacing it with mg/L for accuracy.
Appendix Attachment 4	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L, and

Section	Type of Change	Purpose
		correcting CCC by replacing it with CMC for accuracy.

Instructions:

Replace R.61-68 in its entirety with this amendment.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

61-68. Water Classifications and Standards.

(Statutory Authority: ~~1976~~S.C. Code Sections 48-1-10 et seq.)

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SECTION A. PURPOSE AND SCOPE

SECTION B. DEFINITIONS

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SECTION D. ANTIDegradation RULES

SECTION E. GENERAL RULES AND STANDARDS APPLICABLE TO ALL WATERS

SECTION F. NARRATIVE BIOLOGICAL CRITERIA

SECTION G. CLASS DESCRIPTIONS, DESIGNATIONS, AND SPECIFIC STANDARDS FOR SURFACE WATERS

SECTION H. CLASS DESCRIPTIONS AND SPECIFIC STANDARDS FOR GROUND WATERS

SECTION I. SEVERABILITY

APPENDIX. WATER QUALITY NUMERIC CRITERIA FOR THE PROTECTION OF AQUATIC LIFE AND HUMAN HEALTH

A. PURPOSE AND SCOPE.

1. ~~These~~This regulations, promulgated pursuant to authority in the S.-C. Pollution Control Act, S.C. Code Sections 48-1-10 et seq., ~~1976 Code of Laws,~~ establishes a system and rules for managing and protecting the quality of South Carolina’s surface and ground water. They establish the State’s official classified water uses for all waters of the State, establish general rules and specific numeric and narrative criteria for protecting classified and existing water uses, and establish procedures for classifying waters of the State. The water quality standards include the uses of the waters, the numeric and narrative criteria, and the antidegradation rules contained in this regulation.

a. The uses of the waters of the State are defined and described in Sections B, C, E, F, G, and H of this regulation.

b. Numeric criteria for aquatic life and human health are numeric values for specific parameters and pollutants or water quality levels which have been assigned for the protection of the existing and classified uses for each of the classifications in South Carolina and are listed in Sections D, E, G, H, and the Appendix. Narrative criteria for aquatic life and human health are general goals and statements of attainable or attained conditions of biological integrity and water quality of the waterbody. These narrative criteria rely upon the use of standardized measures and data analyses to make qualitative determinations of the water quality and use attainment. The Department uses scientifically sound and, where applicable, EPA-approved methods in making these determinations. Narrative criteria are listed in Sections C, D, E, F, G, and H.

c. Antidegradation rules provide a minimum level of protection to all waters of the State and also include provisions and requirements necessary to determine when and if water quality degradation is allowed. Antidegradation rules are described in Section D of this regulation.

2. Waters which meet standards shall be maintained. Waters which do not meet standards shall be improved, wherever attainable, to achieve those standards. However, the Department cannot assure that classified waters shall at all times meet the numeric water quality standards for such uses.

3. Recognizing the technical and economic difficulty in restoring water quality, the Department shall emphasize a preventive approach in protecting waters of the State.

4. It is a goal of the Department to maintain and improve all surface waters to a level to provide for the survival and propagation of a balanced indigenous aquatic community of flora and fauna and to provide for recreation in and on the water. It is also a goal to provide, where appropriate and desirable, for drinking water after conventional treatment, shellfish harvesting, and industrial and agricultural uses.

5. It is a goal of the Department to maintain or restore ground water quality so it is suitable as a drinking water source without any treatment.

B. DEFINITIONS.

1. The definition of any word or phrase employed in this regulation shall be the same as given in the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10, et seq., ~~S.C. Code of Laws, 1976~~, hereafter referred to as the Act. Words or phrases which are not defined in the Act are defined as follows:

2. **7Q10** means the annual minimum seven (7)-day average flow rate that occurs with an average frequency of once in ten (10) years as published or verified by the U. S. Geological Survey (USGS) or an estimate extrapolated from published or verified USGS data.

3. **30Q5** means the annual minimum thirty (30)-day average flow rate that occurs with an average frequency of once in five (5) years as published or verified by the U.-S. Geological Survey (USGS) or an estimate extrapolated from published or verified USGS data.

4. **Acute** means a stimulus severe enough to rapidly induce an effect; in aquatic toxicity tests, an effect observed in ninety-six (96) hours or less typically is considered acute. When referring to aquatic toxicology or human health, an acute effect is not always measured in terms of lethality.

5. **Acute-to-chronic ratio (ACR)** means the ratio of the acute toxicity of an effluent or a toxicant to its chronic toxicity. It is used as a factor for estimating chronic toxicity on the basis of acute toxicity data, or for estimating acute toxicity on the basis of chronic toxicity data.
6. **Agricultural** means the use of water for stock watering, irrigation, and other farm purposes.
7. **Annual average flow** means the annual mean flow rate of a stream at a specific point as published or verified by the U.-S. Geological Survey (USGS) or an estimated annual mean flow rate extrapolated from published or verified USGS data.
8. **Aquaculture** means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.
9. **Aquatic farm** means the cultivation, production, or marketing of domestic aquatic organisms which are any fish, aquatic invertebrates, or aquatic plants that are spawned, produced, or marketed as a cultivated crop in the waters of the State.
10. **Aquatic toxicity test** mean laboratory experiments that measure the biological effect (e.g., growth, survival, and reproduction) of effluents or receiving waters on aquatic organisms.
11. **Aquifer** means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of ground water to wells or springs.
12. **Balanced indigenous aquatic community** means a natural, diverse biotic community characterized by the capacity to sustain itself through cyclic seasonal changes, presence of necessary food chain species, and by a lack of domination by pollutant tolerant species.
13. **Best management practice (BMP)** means a practice or combination of practices that are the most effective, practical ways of controlling or abating pollution from widespread or localized sources.
14. **Bioaccumulation** means the process by which a compound is taken up and retained by an aquatic organism, both from water and through food.
15. **Bioavailability** means a measure of the physiochemical access that a toxicant has to the biological processes of an organism. The less the bioavailability of a toxicant, the less its toxic effect on an organism.
16. **Bioconcentration** means the process by which a compound is absorbed from water through gills or epithelial tissues and is concentrated in the body.
17. **Bioconcentration factor (BCF)** means the ratio of a substance's concentration in tissue versus its concentration in water, in situations where the food chain is not exposed or represents equilibrium partitioning between water and organisms.
18. **Biological assessment** means an evaluation of the biological condition of a waterbody using biological surveys and other direct measurements of resident biota in surface waters and sediments.
19. **Biological criteria**, also known as biocriteria, mean narrative expressions or numeric values of the biological characteristics of aquatic communities based on appropriate reference conditions. Biological criteria serve as an index of aquatic community health.

20. **Biological monitoring**, also known as biomonitoring, means a description of the living organisms in water quality surveillance used to indicate compliance with water quality standards or permit effluent limits and to document water quality trends. Methods of biological monitoring may include, but are not limited to, toxicity testing such as ambient toxicity testing, whole effluent toxicity testing, and ambient assessment of the resident biological community.

21. **Chlorophyll *a*** means a photosynthetic pigment present in all types of green plants. It is used as a measure of algal biomass and is an indicator of nutrient enrichment.

22. **Chronic** means a stimulus that lingers or continues for a relatively long period of time, often one-tenth of the life span or more. Chronic should be considered a relative term depending on the life span of an organism. The measurement of a chronic effect can be reduced growth, reduced reproduction, etc., in addition to lethality.

23. **Classified uses** means those uses specified in Section G for surface waters and Section H for ground waters, whether or not those uses are being attained.

24. **Concentrated aquatic animal production facility** means a hatchery, fish farm, or other facility related to aquatic animal production which is not located in waters of the State and is subject to a National Pollutant Discharge Elimination System (NPDES) permit.

25. **Conventional treatment as applying to potable water supplies** means treatment including at least flocculation, sedimentation, filtration, and disinfection.

26. **Criterion continuous concentration (CCC)** means the highest instream concentration of a toxicant or an effluent to which the organisms can be exposed to protect against chronic (long-term) effects. EPA derives chronic criteria from longer term (often greater than twenty-eight (28) days) tests that measure survival, growth, reproduction, and, in some cases, bioconcentration.

27. **Criterion maximum concentration (CMC)** means the highest instream concentration of a toxicant or an effluent to which the organisms can be exposed for a brief period of time without causing an acute effect. EPA derives acute criteria from forty-eight (48) to ninety-six (96) hour tests of lethality or immobilization.

28. **Daily average** means the average of all samples taken during any twenty-four (24)-hour period.

29. **Daily maximum** (for bacterial indicators only) means the highest arithmetic average of bacterial samples collected [for each of the bacterial indicator species (i.e., *E. coli*, enterococci, and/or fecal coliform)] in any twenty-four (24) hour period during a calendar month.

30. **Deleterious substances** mean those substances which in sufficient concentrations or levels have a harmful effect on classified or existing water uses.

31. **Department** means the S.C. Department of Health and Environmental Control.

~~34.~~32. **Ecoregions** mean areas of general similarity in ecosystems and in the type, quality, and quantity of environmental resources and are designed to serve as a spatial framework for the research, assessment, management, and monitoring of ecosystems and ecosystem components. The EPA has published a document that outlines the Level III ecoregions (please refer to U.S. Environmental Protection Agency, 1999. Level III ecoregions of the continental United States (revision of Omernik, 1987). Corvallis, Oregon, U.S. E.P.A.-National Health and Environmental Effects Research Laboratory, Map M-1.) The following

are South Carolina Level III ecoregions: Blue Ridge Mountains, Piedmont, Southeastern Plains, and Middle Atlantic Coastal Plains.

33. **EPA** means the U.S. Environmental Protection Agency.

3234. **Ephemeral streams** mean streams that generally have defined natural watercourses that flow only in direct response to rainfall or snowmelt and in which discrete periods of flow persist no more than twenty-nine (29) consecutive days per event.

3335. **Existing uses** means those uses actually being attained in or on the water, on or after November 28, 1975, regardless of the classified uses.

3436. **Fishing** means the taking, harvesting, or catching of finfish or crustaceans for human consumption.

3537. **Full pool elevation** means the maximum lake level attained before water releases over a fixed weir, spillway, or other discharge structure. In larger lakes and reservoirs, the full pool elevation is the maximum level established for management.

3638. **Groundwater** means water below the land surface in a zone of saturation.

3739. **Hydrograph controlled release (HCRs)** means the onsite storage or holding of treated wastewater or the use of an alternative discharge option contained in Section D.2.a. of this regulation, during specified critical streamflow conditions and then discharging the treated wastewater to the stream when streamflow is sufficient to assimilate the wastewater.

3840. **Intermittent streams** means streams that generally have defined natural watercourses which do not flow year around, but flow beyond periods of rainfall or snowmelt.

3941. **Lake** means any water of the State that is a freshwater pond, reservoir, impoundment, or similar body of water located wholly or partially within the State.

4042. **LC₅₀** means the concentration of a toxicant at which lethality occurs to ~~50~~ fifty percent (50%) of the test organisms during a specified exposure time period.

4143. **Mixing zone** means:

a. For surface waters, an area where a discharge undergoes initial dilution and is extended to cover the secondary mixing in the ambient waterbody. A mixing zone is an allocated impact zone where water quality criteria can be exceeded as long as acutely toxic conditions are prevented (except as defined within a Zone of initial dilution) and public health and welfare are not endangered.

b. For ground waters, a hydrogeologically controlled three-dimensional flow path in the subsurface which constitutes the pathway for waste constituents to migrate from a source.

4244. **Monthly average** (for bacterial indicators only) means the calendar month (i.e., twenty-eight (28) days, twenty-nine (29) days, thirty (30) days, or thirty-one (31) days) geometric mean of all bacterial samples collected [for each of the bacterial indicator species (i.e., *E. coli*, enterococci, and/or fecal coliform)] during that calendar month.

4345. **Natural conditions** mean those water quality conditions unaffected by anthropogenic sources of pollution.

4446. **No discharge zone (NDZ)** means a waterbody (or a portion of a waterbody) so designated that no discharging Marine Sanitation Devices (MSDs) are allowed on vessels on waterbodies so designated. All vessels located on such designated waterbodies shall be equipped with MSDs which discharge to a holding tank which shall be pumped out at a designated pump-out location or shall discharge legally outside the boundary of the United States.

4547. **No observed effect concentration (NOEC)** means the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation and determined using hypothesis testing.

4648. **Nutrients** mean an element or chemical essential to life including, but not limited to, nitrogen and phosphorus.

4749. **Organoleptic effects** mean those sensory effects associated with taste and smell.

4850. **Outstanding recreational or ecological resource waters** means waters which are of exceptional recreational or ecological importance or of unusual value. Such waters may include, but are not limited to: waters in national or state parks or wildlife refuges; waters supporting threatened or endangered species; waters under the National Wild and Scenic Rivers Act or South Carolina Scenic Rivers Act; waters known to be significant nursery areas for commercially important species or known to contain significant commercial or public shellfish resources; or waters used for or having significant value for scientific research and study.

4951. **Practical quantitation limit (PQL)** means a concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed.

5052. **Prohibited area** means an area adjacent to point source discharges or other sources of potential contamination in shellfish growing waters where the gathering of clams, mussels, or oysters is prohibited to protect public health.

5153. **Primary contact recreation** means any activity with the intended purpose of direct water contact by the human body to the point of complete submergence, including, but not limited to, swimming, water skiing, and skin diving.

5254. **Propagation** means the continuance of species through reproduction and growth in the natural environment, as opposed to the maintenance of species by artificial culture and stocking.

5355. **Public water system** means any public or privately owned waterworks system which provides drinking water for human consumption, except those serving a single private residence or dwelling.

5456. **Recharge area** means an area where an underground source of drinking water is poorly confined, is under water table conditions, and has a downward component of flow from the water table into the underground source of drinking water.

5557. **Secondary contact recreation** means any activity occurring on or near the water which does not have an intended purpose of direct water contact by the human body to the point of complete submergence, including, but not limited to, fishing, boating, canoeing, and wading.

~~56~~58. **Shellfish** mean bivalve mollusks, specifically clams, mussels, or oysters.

~~57~~59. **Shellfish harvesting** means taking of bivalve mollusks, specifically clams, mussels, or oysters, for direct marketing or human consumption.

~~58~~60. **Source for drinking water supply** means any source of surface water which is used for domestic consumption, or used in connection with the processing of milk, beverages, food or for other purposes which required finished water meeting regulations (40 CFR Part 141 and 40 CFR Part 143) established pursuant to the Safe Drinking Water Act (Public Law 93-523, 95-190) applicable to public water systems.

~~59~~61. **Tidal conditions** mean conditions determined by the Department as appropriate for tidally influenced waters of the State to be analogous to the 7Q10 or the annual average flow for flowing waters of the State.

~~60~~62. **Tidal saltwaters** means those waters whose elevation is subject to changes due to oceanic tides and which have chloride ion content in excess of ~~250~~two hundred fifty milligrams per liter (~~mg~~250 mg/L) (salinity = 0.48 parts per thousand).

~~61~~63. **Toxic wastes** means those wastes or combinations of wastes including disease-causing agents which, upon discharge and ~~upon~~ exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), physical deformations, or restrict or impair growth in such organisms or their offspring.

~~62~~64. **Underground source of drinking water** (USDW) means an aquifer or its portion:

- a. Which supplies any public water system or individual residential well; or
- b. Which contains a sufficient quantity of ground water to supply a public water system or individual residential well; and
 - (1) Currently supplies drinking water for human consumption; or
 - (2) Contains water with less than ten thousand milligrams per liter (10,000 mg/L) total dissolved solids.

~~63~~65. **Variance** means a short-term exemption from meeting certain otherwise applicable water quality standards.

~~64~~66. **Water table** means that level below the land surface at which all the voids are filled with water at a pressure equal to atmospheric.

~~65~~67. **Weekly average** means the average of all samples taken during any consecutive seven (7)-day period.

~~66~~68. **Whole effluent toxicity** (WET) means the aggregate toxic effect of an aqueous sample measured directly by an aquatic toxicity test.

6769. **Zone of initial dilution (ZID)** means that minimal area of a mixing zone immediately surrounding the outfall where water quality criteria are not met, provided there is no acute toxicity to drifting organisms and public health and welfare are not endangered.

C. APPLICABILITY OF STANDARDS.

1. The water quality standards are applicable to both surface waters and ground waters.
2. Any exception specified in this regulation is to be applied exclusively to the situation for which it was incorporated and not as a general rule applicable to all situations or waters of the State.
3. Uses in all waters shall be protected, wherever attainable, regardless of flow and classification of waters.
4. Critical flows for determining permit effluent limitations and/or permit conditions or requirements, including permit development such as wasteload allocations or load allocations in total maximum daily loads (TMDL²s), will be calculated in accordance with the following:

a. Aquatic life numeric criteria.

(1) The applicable critical flow conditions for aquatic life criteria shall be defined as 7Q10 or tidal conditions as determined by the Department. The numeric criteria of this regulation are not applicable to waters of the State when the flow rate is less than 7Q10 except as prescribed below.

(2) The Department shall consider conditions that are comparable to or more stringent than 7Q10 where appropriate to protect classified and existing uses, such as below dams and in tidal situations. Only those situations where the use of 7Q10 flows are determined to be impracticable, inappropriate, or insufficiently protective of aquatic life uses shall be considered as a situation in which the Department may consider other flow conditions.

(3) NPDES Permit conditions shall be based on a critical condition analysis (e.g., critical flow, temperature or pH, or a combination of factors which would represent a critical conditions). ~~Regarding ambient water temperature as a component of a critical condition analysis, the Department may consider less stringent limits during November through February based on a critical ambient water temperature during November through February.~~

b. Human health and organoleptic numeric criteria.

(1) The applicable critical flow conditions for human health shall be defined as annual average flow for carcinogens, 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, or tidal conditions as determined by the Department. The applicable critical flow conditions for organoleptic criteria shall be defined as annual average flow or tidal conditions as determined by the Department. The numeric criteria of this regulation are not applicable to waters of the State when the flow rate is less than the annual average flow for carcinogens or 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, except as prescribed below.

(2) The Department shall consider conditions that are comparable to or more stringent than annual average flow, 7Q10, or 30Q5 (if provided by the applicant) where appropriate to protect the classified and existing uses, such as below dams and in tidal situations. Only those situations where the use of annual average flow, ~~or~~ 7Q10, or 30Q5 (if provided by the applicant) are determined to be impracticable, inappropriate, or insufficiently protective of human health uses shall be considered as a situation in which the Department may consider other flow conditions.

c. As described below, the Department may also consider conditions other than 7Q10 for use with an HCR.

(1) After a complete antidegradation review in compliance with Section D.2., an HCR for oxygen-demanding substances may be permitted by the Department for the following situations:

i. If other flow-related effluent conditions are allowed by federal effluent guidelines as specified in 40 CFR Parts 400-499 (Chapter I, Subchapter N) and when used the numeric criteria shall not be exceeded and all water quality standards are maintained and protected;

ii. For industrial discharges, after application of advanced wastewater treatment, as determined by the Department, for the type of wastewater discharged;

iii. For other discharges, after application of advanced wastewater treatment which will be defined, for this purpose, at or below the following permit effluent limitations of $BOD_5 = 10 \text{ mg/lmg/L}$, $NH_3-N = 1 \text{ mg/lmg/L}$, and $DO = 6 \text{ mg/lmg/L}$.

(2) In cases where an HCR may be allowed, the permit effluent limitations for toxics will not be variable and will be based on the critical flow conditions (chemical-specific or WET).

(3) In cases where an HCR may be allowed, new or proposed expansions of existing permits shall require instream biological assessments and existing permits may require instream biological assessments.

5. Intermittent streams and ephemeral streams shall be considered waters of the State. The water quality standards of the class of the stream to which intermittent and ephemeral streams are tributary shall apply, disregarding any site-specific numeric criteria for the named waterbody. This does not preclude the development of site-specific numeric criteria for intermittent and ephemeral streams.

6. The standards of adjacent waters must be maintained in basins excavated from high ground and constructed solely for berthing vessels. The standards of the adjacent waters must also be maintained with regard to impacts from created marina basins.

7. The existing and classified uses of downstream waters shall be maintained and protected and existing uses shall be protected regardless of the classification of the downstream waters. In tidally-influenced waters, the existing and classified uses of both upstream and downstream waters shall be maintained and protected and the existing uses shall be protected regardless of the classification of the upstream and downstream waters.

8. Where surface waters are not classified by name (unlisted) in R.61-69, Classified Waters, the water quality standards of the class of the stream to which they are tributary shall apply, disregarding any site-specific numeric criteria for the named waterbody. In tidal areas where an unlisted tributary may affect or flows between two (2) differently classified waterbodies, regardless of whether the location is upstream or downstream, the more stringent numeric criteria of the classified waters apply to the unlisted tributary, disregarding any site-specific numeric criteria for those waterbodies. This does not preclude the development of site-specific numeric criteria for unlisted tributaries.

9. Because of natural conditions some surface and ground waters may have characteristics outside the standards established by this regulation. Such natural conditions do not constitute a violation of the water quality standards; however, degradation of existing water quality is prohibited unless consistent with Section D.4. of this regulation.

10. A mixing zone for surface waters may be allowed by the Department. All water quality standards of the classification of the surface waters, including affected downstream waters, are applicable unless a mixing zone, setting forth certain conditions, is granted by the Department. When the Department grants a mixing zone, the mixing zone shall not be an area of waste treatment, nor shall it interfere with or impair the existing uses of the waterbody. The size of the mixing zone shall be minimized, as determined by the Department, and shall be based upon applicable critical flow conditions. Since mixing zones are allocated impact zones where human health and aquatic life numeric criteria can be exceeded, the Department shall restrict their use. The following prohibitions and restrictions are established in order to support these important uses of the waters of the State.

a. In order to protect human health, mixing zones are not allowed when: they would endanger public health and welfare, the mixing zone would adversely affect shellfish harvesting, or the mixing zone would be for bacteria (e.g., fecal coliform).

b. In order to protect aquatic life, mixing zones are not allowed when: a pollutant, excluding temperature or thermal, in a discharge would attract biota; the mixing zone would result in undesirable aquatic organisms or a dominance of nuisance species outside of the mixing zone; there is a reasonable expectation that a discharge would adversely affect a federally-listed endangered or threatened aquatic species, its habitat, or a proposed or designated critical habitat; the mixing zone would not allow safe passage of aquatic organisms when passage would otherwise be unobstructed; or the mixing zone would not allow for the protection and propagation of a balanced indigenous aquatic community in and on the water body.

c. In order to protect both human health and aquatic life, mixing zones are not allowed when: a discharge would not be predicted to or does not produce adequate mixing at the point of discharge; or a discharge would be to a waterbody where multiple discharges interact if the combined mixing zone would impair the waterbody outside the mixing zone. The Department may prohibit or limit mixing zones in waters of the State that may be considered a significant estuarine nursery habitat for resident species.

d. The size of the mixing zone shall be kept to a minimum and may be determined on an individual project basis considering biological, chemical, engineering, hydrological, and physical factors.

11. Mixing zones for ground waters may be allowed by the Department. In order to ensure the maintenance and protection of the uses of the waters of the State and in compliance with Section D of this regulation, any mixing zone granted by the Department shall be determined on an individual basis by the Department as prescribed below.

a. The numeric standards for Class GB ground water, Section H.9., are applicable unless a mixing zone solely within the bounds of the property, setting forth certain conditions, is granted by the Department. Such a mixing zone shall be granted upon satisfactory demonstration to the Department that:

(1) Reasonable measures have been taken or binding commitments are made to minimize the addition of contaminants to ground water and/or control the migration of contaminants in ground water;

(2) The ground water in question is confined to a shallow geologic unit which has little or no potential of being an Underground Source of Drinking Water, and discharges or will discharge to surface waters without contravening the surface water standards set forth in this regulation;

(3) The contaminant(s) in question occurs within the bounds of the property, and there is minimum possibility for ground water withdrawals (present or future) to create drawdown such that contaminants would flow off-site; and

(4) The contaminants or combination of contaminants in question are not dangerously toxic, mobile, or persistent.

b. [Reserved].

12. Site-specific numeric criteria for surface waters may be established by the Department to replace the numeric criteria of Sections E, G, and the appendix of this regulation or to add new numeric criteria not contained in this regulation. Establishment of such numeric criteria shall be subject to public participation and administrative procedures for adopting regulations. In addition, such site-specific numeric criteria shall not apply to tributary or downstream waters unless specifically described in the water classification listing in R.61-69, Classified Waters.

13. In classifying and adopting standards for the waters of the State, the Department considers:

a. The size, depth, surface area covered, volume, flow direction, rate of flow, stream gradient, and temperature of the water;

b. The character of the district bordering such water and its suitability for the uses and with a view to conserving it and encouraging the most appropriate use of the lands bordering on such water for residential, agricultural, industrial, or recreational purposes;

c. The uses which have been made, are being made, may be made or are desired to be made of such waters for transportation, domestic, and industrial consumption, irrigation, swimming, fishing, fish culture, fire prevention, sewage disposal, or other uses;

d. The present quality of such waters; and

e. Information, about the four (4) items above, from government agencies, interested groups, and the public.

D. ANTIDegradation Rules.

1. Existing water uses and the level of water quality necessary to protect these existing uses shall be maintained and protected regardless of the water classification and consistent with the policies below.

a. A new activity or expansion of an existing activity shall not be allowed in Class ONRW, Class ORW, or Shellfish Harvesting Waters if it would exclude, through establishment of a prohibited area, an existing shellfish harvesting or culture use. A new activity or expansion of an existing activity which will result in a prohibited area may be allowed in Class SA or Class SB waters when determined to be appropriate by the Department and would not remove or impair an existing use.

b. Existing uses and water quality necessary to protect these uses are presently affected or may be affected by instream modifications or water withdrawals. The stream flows necessary to protect classified and existing uses and the water quality supporting these uses shall be maintained consistent with riparian rights to reasonable use of water.

c. Existing or classified ground water uses and the conditions necessary to protect those uses shall be maintained and protected.

2. Where surface water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife, and recreation in and on the water, that quality shall be maintained and protected unless the Department finds, after intergovernmental coordination and public participation, that allowing lower water quality is necessary to important economic or social development in the areas where the waters are located. In allowing such lower water quality, water quality adequate to fully protect existing and classified uses shall be maintained. The highest statutory and regulatory requirements for all new and existing point sources shall be achieved and all cost-effective and reasonable best management practices for nonpoint source control shall be achieved within the State's statutory authority and otherwise encouraged. In order to fulfill these goals, the Department shall consider (a) ~~and (b) through (e)~~ below when evaluating any proposed expansion or new discharge to waters of the State that will lower water quality to a measurable effect. This includes, but is not limited to, the new or increased loading of any pollutant or pollutant parameter in the effluent regardless of whether the discharge flow changes.

a. An alternatives analysis, conducted by the applicant, must demonstrate to the Department that none of the following applicable alternatives that would minimize or eliminate the lowering of water quality are economically and technologically reasonable:

- (1) Water recycle or reuse;
- (2) Use of other discharge locations;
- (3) Connection to other wastewater treatment facilities;
- (4) Use of land application;
- (5) Product or raw material substitution; and
- (6) Any other treatment option or alternative.

~~b. After the alternatives analysis is completed, the Department shall evaluate whether a proposed discharge that will result in the lowering of water quality of a waterbody, and for which there are no economically or technologically reasonable alternatives, is necessary for important economic or social development. For this to be accomplished, several economic and social factors must be considered. If an evaluation of the economic and social factors reveals that affordable treatment options that, combined with any alternatives, would prevent the need for the lowering of water quality, the Department shall deny the request. Conformance of the proposed discharge with the applicable '208 Areawide Water Quality Management Plans may demonstrate importance to economic and social development as well as intergovernmental coordination and public participation. Activities requiring permits or certification by the Department shall provide for public participation through the Department's existing public notification processes. Economic and social factors to be considered may include the following:~~

- ~~(1) Employment (increases, maintenance, or avoidance of reduction);~~
- ~~(2) Increased industrial production;~~
- ~~(3) Improved community tax base;~~
- ~~(4) Improved housing; and/or~~
- ~~(5) Correction of an environmental or public health problem.~~

b. If an evaluation of the alternatives analysis reveals that economically and technologically reasonable treatment options, combined with any alternatives, would prevent the need for the lowering of water quality, the Department shall deny the request.

c. If there are no economically and technologically reasonable alternatives to a proposed discharge that will result in the lowering of water quality of a waterbody, the Department shall evaluate whether the proposed discharge is necessary for important economic or social development and may deny the request based upon this evaluation. For purposes of this evaluation, several economic and social factors may be considered, including, but not limited to, the following:

- (1) Employment (increases, maintenance, or avoidance of reduction);
- (2) Increased industrial production;
- (3) Improved community tax base;
- (4) Improved housing; and/or
- (5) Correction of an environmental or public health problem.

d. Conformance of the proposed discharge with the applicable 208 Areawide Water Quality Management Plans may demonstrate importance to economic and social development as well as intergovernmental coordination and public participation.

e. Activities requiring permits or certification by the Department shall provide for public participation through the Department's existing public notification processes.

3. The water quality of outstanding resource surface waters designated as Class ONRW or Class ORW shall be maintained and protected through application of the standards for these classifications as described in Section G.

4. Certain natural conditions may cause a depression of dissolved oxygen in surface waters while existing and classified uses are still maintained. The Department shall allow a dissolved oxygen depression in these naturally low dissolved oxygen waterbodies as prescribed below pursuant to the Act, S.C. Code Sections 48-1-83, et seq., 1976 Code of Laws:

a. For purposes of section D of this regulation, the term "naturally low dissolved oxygen waterbody" is a waterbody that, between and including the months of March and October, has naturally low dissolved oxygen levels at some time and for which limits during those months shall be set based on a critical condition analysis. The term does not include the months of November through February unless low dissolved oxygen levels are known to exist during those months in the waterbody. For a naturally low dissolved oxygen waterbody, the quality of the surface waters shall not be cumulatively lowered more than 0.1 mg/lmg/L for dissolved oxygen from point sources and other activities; or

b. Where natural conditions alone create dissolved oxygen concentrations less than ~~40~~one hundred ten percent (110%) of the applicable water quality standard established for that waterbody, the minimum acceptable concentration is ~~90~~ninety percent (90%) of the natural condition. Under these circumstances, an anthropogenic dissolved oxygen depression greater than 0.1 mg/lmg/L shall not be allowed unless it is demonstrated that resident aquatic species shall not be adversely affected pursuant to S.C. Code Section 48-1-83. The Department may modify permit conditions to require appropriate instream biological monitoring.

c. The dissolved oxygen concentrations shall not be cumulatively lowered more than the deficit described above utilizing a daily average unless it can be demonstrated that resident aquatic species shall not be adversely affected by an alternate averaging period.

E. GENERAL RULES AND STANDARDS APPLICABLE TO ALL WATERS.

1. The General Assembly of South Carolina in the Act has declared the following policy: “It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine fauna and flora, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this Act, the Department of Health and Environmental Control shall have authority to abate, control and prevent pollution.”

2. The classes and standards described in Sections G and H of this regulation implement the above State policy by protecting the waters of South Carolina. Consistent with the above policy, the Department adopts the following general standards in items 3-~~17~~19 for all waters of South Carolina.

3. No waters of the State shall be used for the sole or principal purpose of transporting or treating wastes.

4. a. Any discharge into waters of the State must be permitted by the Department and receive a degree of treatment and/or control which shall produce an effluent which is consistent with the Act, the Clean Water Act (P.L. 92-500, 95-217, 97-117, 100-4), this regulation, and related regulations. No permit issued by the Department shall be interpreted as creating any vested right in any person. Additionally, any discharge into waters of the State containing sanitary wastes shall be effectively disinfected as necessary to meet the appropriate standards of this regulation. The Department may require best management practices (BMPs) for control of stormwater runoff as part of the requirements of an NPDES permit, a State construction permit, or a State 401 Water Quality Certification.

b. When not specifically covered by permit reporting requirements, any unauthorized discharge into waters of the State which may cause or contribute to an excursion of a water quality standard must be reported by the responsible party to the Department orally within twenty-four (24) hours of becoming aware of such conditions. Further, written notification must be provided to the Department (Bureau of Water) within five (5) calendar days of becoming aware of such conditions and the written notice must include the following:

(1) A description of the discharge and cause;

(2) The duration of the discharge, including exact dates and times, and if not corrected, the time that the unauthorized discharge is expected to cease, and what steps are being taken to eliminate, minimize, and prevent recurrence of the discharge.

5. All ground waters and surface waters of the State shall at all times, regardless of flow, be free from:

a. Sewage, industrial waste, or other waste that will settle to form sludge deposits that are unsightly, putrescent, or odorous to such a degree as to create a nuisance, or interfere with classified water uses or existing water uses;

b. Floating debris, oil, grease, scum, and other floating material attributable to sewage, industrial waste, or other waste in amounts sufficient to be unsightly to such a degree as to create a nuisance or interfere with classified water uses or existing water uses;

c. Sewage, industrial, or other waste which produce taste or odor or change the existing color or physical, chemical, or biological conditions in the receiving waters or aquifers to such a degree as to create a nuisance, or interfere with classified water uses (except classified uses within mixing zones as described in this regulation) or existing water uses; and,

d. High temperature, toxic, corrosive, or deleterious substances attributable to sewage, industrial waste, or other waste in concentrations or combinations which interfere with classified water uses (except classified uses within mixing zones as described in this regulation), existing water uses, or which are harmful to human, animal, plant or aquatic life.

6. Waters where classified uses are not being attained can be reclassified for protection of an attainable use and standards designated for that use where:

a. Natural conditions prevent the attainment of the use; or

b. Natural, ephemeral, intermittent, low flow conditions, or water levels prevent the attainment of the use; or

c. Human caused conditions or sources prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

d. Dams, diversions, or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the use; or

e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, preclude attainment of aquatic life protection uses; or

f. Controls more stringent than those required by Sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

7. Before the Department may grant a variance for any water of the State, there must be a demonstration that one of the following factors for reclassifying uses has been satisfied:

a. Natural conditions prevent the attainment of the use; or

b. Natural, ephemeral, intermittent, low flow conditions, or water levels prevent the attainment of the use; or

c. Human caused conditions or sources prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

d. Dams, diversions, or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the use; or

e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, preclude attainment of aquatic life protection uses; or

f. Controls more stringent than those required by Sections 301(b) and 306 of the Clean Water Act would result in adverse social and economic impact, disproportionate to the benefits to the public health, safety, or welfare as a result of maintaining the standard.

8. If the demonstration necessary under Section E.7 above has been satisfied, the Department may then grant a variance provided the following apply:

a. The variance is granted to an individual discharger for a specific pollutant(s) or parameter(s) and does not otherwise modify water quality standards; and

b. The variance identifies and justifies the criterion that shall apply during the existence of the variance; and

c. The variance is established as close to the underlying criterion as is possible and, upon expiration of the variance, the underlying criterion shall become the effective water quality standard for the waterbody; and

d. The variance is reviewed every three (3) years, at a minimum, and extended only where the conditions for granting the variance still apply; and

e. The variance does not exempt the discharger from compliance with any applicable technology or other water quality-based permit effluent limitations; and

f. The variance does not affect permit effluent limitations for other dischargers.

9. Prior to removing any uses or granting a variance, notice and an opportunity for a public hearing shall be provided.

10. Discharge of fill into waters of the State is not allowed unless the activity is consistent with Department regulations and will result in enhancement of classified uses with no significant degradation to the aquatic ecosystem or water quality.

11. In order to protect and maintain lakes and other waters of the State, consideration needs to be given to the control of nutrients reaching the waters of the State. Therefore, the Department shall control nutrients as prescribed below.

a. Discharges of nutrients from all sources, including point and nonpoint, to waters of the State shall be prohibited or limited if the discharge would result in, or if the waters experience growths of, microscopic or macroscopic vegetation such that the water quality standards would be violated or the existing or classified uses of the waters would be impaired. Loading of nutrients shall be addressed on an individual basis as necessary to ensure compliance with the narrative and numeric criteria.

b. Numeric nutrient criteria for lakes are based on an ecoregional approach which takes into account the geographic location of the lakes within the State and are listed below. These numeric criteria are applicable to lakes of forty (40) acres or more. Lakes of less than forty (40) acres will continue to be protected by the narrative criteria.

(1) For the Blue Ridge Mountains ecoregion of the State, total phosphorus shall not exceed 0.02 ~~mg/L~~, chlorophyll *a* shall not exceed 10 ~~ug/L~~, and total nitrogen shall not exceed 0.35 ~~mg/L~~.

(2) For the Piedmont and Southeastern Plains ecoregions of the State, total phosphorus shall not exceed 0.06 ~~mg/L~~, chlorophyll *a* shall not exceed 40 ~~ug/L~~, and total nitrogen shall not exceed 1.50 ~~mg/L~~.

(3) For the Middle Atlantic Coastal Plains ecoregion of the State, total phosphorus shall not exceed 0.09 ~~mg/L~~, chlorophyll *a* shall not exceed 40 ~~ug/L~~, and total nitrogen shall not exceed 1.50 ~~mg/L~~.

c. In evaluating the effects of nutrients upon the quality of lakes and other waters of the State, the Department may consider, but not be limited to, such factors as the hydrology and morphometry of the waterbody, the existing and projected trophic state, characteristics of the loadings, and other control mechanisms in order to protect the existing and classified uses of the waters.

d. The Department shall take appropriate action, to include, but not be limited to: establishing numeric effluent limitations in permits, establishing Total Maximum Daily Loads, establishing waste load allocations, and establishing load allocations for nutrients to ensure that the lakes attain and maintain the above narrative and numeric criteria and other applicable water quality standards.

e. The criteria specific to lakes shall be applicable to all portions of the lake. For this purpose, the Department shall define the applicable area to be that area covered when measured at full pool elevation.

12. a. The water temperature of all Freshwaters which are free flowing shall not be increased more than 5°F (2.8°C) above natural temperature conditions and shall not exceed a maximum of 90°F (32.2°C) as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided in C.10. has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.

b. The weekly average water temperature of all Shellfish Harvesting, Class SA and Class SB waters shall not exceed 4°F (2.2°C) above natural conditions during the fall, winter or spring, and shall not exceed 1.5°F (0.8°C) above natural conditions during the summer as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided for in C.10 has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.

c. The weekly average water temperature of all Freshwaters which are lakes shall not be increased more than 5°F (2.8°C) above natural conditions and shall not exceed 90°F (32.2°C) as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided in C.10. has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.

13. Numeric criteria based on organoleptic data (prevention of undesirable taste and odor) are adopted herein. Those substances and their criteria are listed in the appendix. For those substances which have aquatic life and/or human health numeric criteria and organoleptic numeric criteria, the most stringent of the three (3) shall be used for derivation of permit effluent limitations.

14. Numeric criteria for the protection and maintenance of all classes of surface waters are adopted herein and are listed in Sections E, G, and the appendix. Footnotes that further describe the application of these numeric criteria are included in the appendix.

a. Application of numeric criteria to protect aquatic life.

(1) The stated CMC value shall be used as an acute toxicity number for calculating permit effluent limitations.

(2) The stated CCC value shall be used as a chronic toxicity number for calculating permit effluent limitations.

(3) If metals concentrations for numeric criteria are hardness-dependent, the CMC and CCC concentrations shall be based on 25 ~~milligrams/liter (mg/l-mg/L)~~ hardness (as expressed as CaCO₃) if the ambient hardness is less than 25 ~~mg/l-mg/L~~. Concentrations of hardness less than 400 ~~mg/l-mg/L~~ may be based on the actual mixed stream hardness if it is greater than 25 ~~mg/l-mg/L~~ and less than 400 ~~mg/l-mg/L~~ and 400 ~~mg/l-mg/L~~ if the ambient hardness is greater than 400 ~~mg/l-mg/L~~.

(4) If separate numeric criteria are given for fresh and salt waters, they shall be applied as appropriate. In transitional tidal and estuarine areas, the Department shall apply the more stringent of the criteria to protect the existing and classified uses of the waters of the State.

(5) The Department shall review new or revised EPA criteria for adoption by South Carolina when published in final form.

(6) If the State develops site-specific criteria for any substances for which EPA has developed national criteria, the site-specific criteria shall supersede the national criteria.

b. Application of numeric criteria to protect human health.

(1) If separate numeric criteria are given for organism consumption, water and organism consumption (W/O), and drinking water Maximum Contaminant Levels (MCLs), they shall be applied as appropriate. The most stringent of the criteria shall be applied to protect the existing and classified uses of the waters of the State.

(2) The Department shall review new or revised EPA criteria for adoption by South Carolina when published in final form by EPA.

(3) If the State develops site-specific criteria for any substances for which EPA has developed national criteria, the site-specific criteria shall supersede the national criteria.

(4) Adoption of EPA human health criteria does not preclude the Department from considering health effects of other pollutants or from considering new or revised EPA criteria when developing effluent permit conditions.

c. Application of criteria for the derivation of permit effluent limitations.

(1) Numeric criteria for substances listed in Sections E, G, and the appendix shall be used by the Department to derive NPDES permit effluent limitations at the applicable critical flow conditions as determined by the Department unless an exception is provided below.

(2) When the derived permit effluent limitation based on aquatic life numeric criteria is below the practical quantitation limit for a substance, the derived permit effluent limitation shall include an accompanying statement in the permit that the practical quantitation limit using approved analytical

methods shall be considered as being in compliance with the limit. Appropriate biological monitoring requirements shall be incorporated into the permit to determine compliance with appropriate water quality standards. Additionally, if naturally occurring instream concentration for a substance is higher than the derived permit effluent limitation, the Department may establish permit effluent limitations at a level higher than the derived limit, but no higher than the natural background concentration. In such cases, the Department may require biological instream monitoring and/or WET testing.

(3) When the derived permit effluent limitation based on human health numeric criteria is below the practical quantitation limit for a substance, the derived permit effluent limitation shall include an accompanying statement in the permit that the practical quantitation limit using approved analytical methods shall be considered as being in compliance with the limit. Additionally, if naturally occurring instream concentration for a substance is higher than the derived permit effluent limitation, the Department may establish permit effluent limitations at a level higher than the derived limit, but no higher than the natural background concentration.

(4) NPDES permit effluent limitations for metals shall normally be expressed on the permits as total recoverable metals, but the Department may utilize a federally-approved methodology to predict the dissolved fraction, partitioning coefficient, or the bioavailable portion of metals in calculating these limits.

(5) Except as provided herein, where application of MCLs or W/O numeric criteria using annual average flow for carcinogens, 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, or comparable tidal conditions as determined by the Department results in permit effluent limitations more stringent than limitations derived from other applicable human health criteria (organism consumption only), aquatic life criteria, or organoleptic numeric values, MCLs or W/O shall be used in establishing permit effluent limitations for human health protection. The Department may, after Notice of Intent included in a notice of a proposed NPDES permit in accordance with ~~Regulation 61-9.124.10, Procedures for Decision Making~~, determine that drinking water MCLs or W/O shall not apply to discharges to those waterbodies where there is: no potential to affect an existing or proposed drinking water source and no state-approved source water protection area. For purposes of this section, a proposed drinking water source is one for which a complete permit application, including plans and specifications for the intake, is on file with the Department at the time of consideration of an NPDES permit application; for a discharge that will affect or has the potential to affect the drinking water source.

(6) Except as provided herein, ~~where~~ the Department may determine that an NPDES permitted discharge will not cause, have reasonable potential to cause, or contribute to an ~~exceedence~~ exceedance of the numeric criterion for turbidity under the following conditions:

i. The facility withdraws its surface intake water containing turbidity from the same body of water into which the discharge is made;

ii. The facility does not significantly concentrate or contribute additional turbidity to the discharged water; or

iii. The facility does not alter the turbidity through chemical or physical means that would cause adverse water quality impacts to occur.

(7) Site-specific permit effluent limitations and alternate criteria less stringent than those derived in accordance with the above requirements may be derived where it is demonstrated that such limits and criteria shall maintain the existing and classified uses, adequate opportunity for public participation in such derivation process has occurred, and the effluent shall not cause ~~criteria for~~ human health criteria to be exceeded. Where a site-specific permit effluent limitation and alternate criterion has been derived, such

derivation shall be subject to EPA review as appropriate. Also, at a minimum, opportunity for input in derivation of a site-specific permit effluent limitation and alternate criterion shall be provided via public notice in NPDES permit notices.

(8) In order to protect recreational uses in freshwaters (including FW, and all types of Trout Waters) of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (E. coli)	126 MPN per 100 mL <u>mL</u>
ii. Daily Maximum (E. coli)	349 MPN per 100 mL <u>mL</u> (see c(12) below)
iii. Shellfish protection	Class SFH requirements for fecal coliform (see c(11)i. and c(11)ii. below) may be specified (in addition to the limits above) for the protection of downstream waters (regardless of their individual classification) with shellfish uses.
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.), compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(8)i. and c(8)ii. above) one or more bacterial limitations for fecal coliform, <i>E. coli</i> , and/or enterococci to protect both uses in the specific receiving water-body and also to protect any upstream and/or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

(9) In order to protect recreational uses in Class SA saltwaters of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (enterococci)	35 MPN per 100 mL <u>mL</u>
ii. Daily Maximum (enterococci)	104 MPN per 100 mL <u>mL</u> (see c(12) below)
iii. Shellfish protection	Class SFH requirements for fecal coliform (see c(11)i. and c(11)ii. below) may be specified (in addition to the limits above) for the protection of upstream and/or downstream waters (regardless of their individual classification) with shellfish uses.

iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.), compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(9)i. and c(9)ii. above) one or more bacterial limitations for fecal coliform, E. coli, and /or enterococci to protect both uses in the specific receiving water-body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above or below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

(10) In order to protect recreational uses in Class SB saltwaters of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (enterococci)	35 MPN per 100 mL
ii. Daily Maximum (enterococci)	104 MPN per 100 mL (see c(12) below)
iii. Class SA recreational daily maximum and/or shellfish protection	Class SA daily maximum (see c(9)ii. above) recreational use requirements for enterococci and/or Class SFH requirements (see c(11)i. and c(11)ii. below) for fecal coliform may be specified (in addition to the limits above) for the protection of upstream and/or downstream waters (regardless of their individual classification).
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.), compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(10)i. and c(10)ii. above) one or more bacterial limitations for fecal coliform, E. coli and /or enterococci to protect both uses in the specific receiving water-body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above or below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

(11) In order to protect for the consumption of shellfish, for any discharge either directly or indirectly in Class SFH waters or in Class SA, Class SB, ORW₂ or ONRW waters with existing and/or approved shellfish harvesting uses as described in Section C.7, including protection of shellfish upstream and/or downstream uses in all waters regardless of their classification, NPDES permit effluent limitations shall be specified as indicated below:

i. For protection of shellfish uses-Monthly Average (Fecal coliform)	14 MPN per 100 mL <u>mL</u>
ii. For protection of shellfish uses- Daily Maximum (Fecal coliform)	43 MPN per 100 mL <u>mL</u> (see c(12) below)
iii. For protection of recreational uses - Monthly Average (enterococci)	35 MPN per 100 mL <u>mL</u>
iv. For protection of recreational uses-Daily Maximum (enterococci)	104 MPN per 100 mL <u>mL</u> (see c(12) below)
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(11)i. through c(11)iv. above) one or more bacterial limitations for fecal coliform, E. coli and /or enterococci to protect both uses in the specific receiving water-body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above shall apply independently regardless of the water classification at the point of discharge.
vi. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) ₂ compliance with the bacterial standards shall be determined in accordance with c(13) below.

(12) Provided the permittee verifies in writing to the Department that conditions (12)i. through (12)iv. below have been met, the permittee would be in compliance with the daily maximum bacterial requirement. However, nothing in this regulation precludes the Department from taking action, depending on the individual circumstances₂ to protect public health and/or the environment.

i. If the facility exceeds the permitted Daily Maximum bacterial limitation listed above (for E. coli, enterococci₂ or fecal coliform) but two (2) additional samples collected within forty-eight (48) hours of the original sample result do NOT exceed the required Daily Maximum limit; and

(A) For all waters not involving shellfish protection (regardless of the specific water classification), the individual bacterial sample result has not exceeded 800 MPN per 100-~~mL~~ mL, and for those waters involving shellfish protection, the individual bacterial sample result for fecal coliform has not exceeded 200 MPN per 100-~~mL~~ mL; and

(B) There is neither an existing Consent Order nor Administrative Order associated with the facilities operation of their disinfection system; and

(C) Either:

1. For facilities that routinely collect ten (10) bacterial samples per month (or one hundred twenty (120) or more samples per calendar year), there were no more than four (4) total bacteria samples exceeding the daily maximum limit in the previous twelve (12) months); or

2. For facilities other than those listed in (C)-1. above (e.g., smaller facilities or those that do not routinely collect ten (10) samples or more per month), there was no more than one (1) bacterial sample exceeding the daily maximum limit in the previous twelve (12) months); and

ii. The permittee verifies that all disinfection equipment was fully functional, and the solids handling system was fully functional during that monitoring period; and

iii. Any additional bacterial sampling collected during the monthly monitoring period when the daily maximum exceedance occurred was reasonably distributed in time while maintaining representative sampling; and

iv. The permittee must provide sufficient laboratory data sensitivity (e.g., dilutions) to accurately represent the effluent bacterial concentration to utilize this procedure. Effluent bacterial results reported as greater than (>) do not meet this criteria, since the actual results are unknown.

(13) For waters of the State, where a permit has been issued pursuant to R.61-9.122.26 and R.61-9.122.34, the Department shall consider the permittee in compliance with the established bacterial (i.e., *E. coli*, enterococci, fecal coliform) criteria for recreational uses of the waterbody if the permittee is in compliance with their permit.

(14) TMDL(s), WLA(s), and LA(s) included in currently approved freshwater fecal coliform TMDL documents shall be converted to *E. coli* utilizing a translator equation established by the Department and shall be based upon existing targets included in approved freshwater fecal coliform bacteria TMDL documents.

(15) All effluent permit limitations which include WET shall require that the WET tests be conducted using ~~Ceriodaphnia dubia~~ *Ceriodaphnia dubia* (~~C. dubia~~ *C. dubia*), except as stated. If the salinity of a discharge to a saline waterbody is high enough to be toxic to ~~C. dubia~~ *C. dubia*, ~~Mysidopsis bahia~~ *Mysidopsis bahia* (~~M. bahia~~ *M. bahia*) shall be used. If the hardness of a waterbody is low enough to be toxic to ~~C. dubia~~ *C. dubia*, then ~~Daphnia ambigua~~ *Daphnia ambigua* (~~D. ambigua~~ *D. ambigua*) may be used. Low salinity discharges to saltwater may be tested using either ~~C. dubia~~ *C. dubia* or ~~M. bahia~~ *M. bahia* with salinity adjustment, as determined by the Department. The Department may consider an alternative species if it can be demonstrated that the proposed species meets the requirements of 40 CFR 136.4 and 5-, as approved by EPA. EPA test methods (40 CFR 136) for acute and chronic toxicity testing with freshwater organisms or marine and estuarine organisms must be followed. The Department may consider an alternative method if it can be demonstrated that the proposed method meets the requirements of 40 CFR 136; and is approved by EPA.

d. Evaluation of ambient water quality.

(1) If the numeric criterion for toxic pollutants is lower than the analytical detection limit, the criterion is not considered violated if the ambient concentration is below the detection limit and the instream indigenous biological community is not adversely impacted.

(2) If the ambient concentration is higher than the numeric criterion for toxic pollutants, the criterion is not considered violated if biological monitoring has demonstrated that the instream indigenous biological community is not adversely impacted.

(3) In order to appropriately evaluate the ambient water quality for the bioavailability of the dissolved portion of hardness dependent metals, the Department may utilize a federally-approved methodology to predict the dissolved fraction or partitioning coefficient in determining compliance with water quality standards established in this regulation.

(4) The assessment of fecal coliform for purposes of evaluating the shellfish harvesting use for South Carolina's Shellfish Management Units is conducted in accordance with provisions of ~~S.C. Regulation .61-47, Shellfish. R.61-47~~ also includes specific language describing the use of the allowable ten percent (10%) exceedance value in the shellfish program.

(5) The assessment of enterococci for purposes of issuing swimming advisories for ocean beaches for recreational use will be based on the single sample maximum of 104/100 ~~ml~~ mL.

(6) The assessment of enterococci and E. coli for purposes of Section 303(d) listing determinations for recreational uses shall be based on either the geometric mean with an allowable ten percent (10%) exceedance, where sufficient data exists to calculate a geometric mean. ~~In the absence of sufficient data to calculate a geometric mean, the assessment shall be based on,~~ or the single sample maximum with an allowable ten percent (10%) exceedance.

(7) The assessment of total microcystins for purposes of issuing a swimming advisory for freshwater recreational use will be based on the single sample maximum of 8 µg/L. Once issued, the swimming advisory will remain in effect until resample results indicate the toxin concentration falls below 8 µg/L.

(8) The assessment of total microcystins for purposes of Section 303(d) listing determinations for recreational uses shall be based on no more than three (3) swimming advisories in a three (3)-year assessment period.

(9) The assessment of cylindrospermopsin for purposes of issuing a swimming advisory for freshwater recreational use will be based on the single sample maximum of 15 µg/L. Once issued, the swimming advisory will remain in effect until resample results indicate the toxin concentration falls below 15 µg/L.

(10) The assessment of cylindrospermopsin for purposes of Section 303(d) listing determinations for recreational uses shall be based on no more than three (3) swimming advisories in a three (3)-year assessment period.

15. The Department may require biological or other monitoring in NPDES permits to further ascertain any bioaccumulative effects of pollutants. Such monitoring may include analyses of fish and shellfish, macroinvertebrates, macrophytes, and/or sediments in order to assess the accumulation of pollutants in tissues or sediments that:

a. May cause or have the potential to cause adverse impacts to the balanced indigenous aquatic community; and

b. May cause or have the potential to cause adverse impacts to human health and/or terrestrial flora and fauna.

16. The Department may consider other scientifically-defensible published data which are appropriate for use in developing permit limits and evaluating water quality for constituents for which EPA has not developed national criteria or South Carolina has no standards.

a. The Department shall apply a sensitivity factor to aquatic toxicity data unless, in the Department's judgment, the data represent a minimum of three (3) appropriately sensitive species representing three (3) taxonomic groups (plant, macroinvertebrate, and fish).

(1) If only an acute toxicity effect concentration for a number of species for a particular pollutant is given as an LC₅₀, the lowest concentration should be divided by an acute-to-chronic ratio (ACR) of ten (10) and a sensitivity factor of 3.3, for an acceptable instream concentration in order to protect against chronic toxicity effects.

(2) If a chronic toxicity effect concentration for a number of species for a particular pollutant is given as a no observed effect concentration (NOEC), the lowest concentration should be divided by a sensitivity factor of 3.3 in order to protect against chronic toxicity to the most sensitive species.

b. The Department must notify the permittee that other such data were used in developing permit limits and provide justification for their use.

17. Tests or analytical methods to determine compliance or non-compliance with standards shall be made in accordance with methods and procedures approved by the Department and the EPA. In making any tests or applying analytical methods to determine compliance or non-compliance with water quality standards, representative samples shall be collected in accordance with methods and procedures approved by the Department and the EPA. Consideration of representative sample methods shall include the following:

a. Surface water and ground water samples shall be collected so as to permit a realistic appraisal of quality and actual or potential damage to existing or classified water uses. For ground waters, consideration shall be given to, but shall not be limited to, depth to water table, flow direction, and velocity. For surface waters, time of day, flow, surface area, and depth shall be considered.

b. Biological assessment methods may be employed in appropriate situations to determine abnormal nutrient enrichment, trophic condition, LC₅₀, concentration of toxic substances, acceptable instream concentrations, or acceptable effluent concentrations for maintenance of a balanced indigenous aquatic community.

c. Temporal distribution of samples in tidally influenced waters shall cover the full range of tidal conditions.

d. Ambient toxicity tests used for screening purposes shall be conducted using *Ceriodaphnia dubia* (*C. dubia*), except as stated. If salinity of a waterbody is high enough to be toxic to *C. dubia*, *Mysidopsis bahia* (*M. bahia*) will be used. If the hardness of a waterbody is low enough to be toxic to *C. dubia*, then *Daphnia ambigua* (*D. ambigua*) may be used. The Department may consider an alternative species if it can be demonstrated that the proposed species meets the requirements of 40 CFR: Part 136.4 and 5, as approved by EPA. EPA test methods (40 CFR Part 136) for acute and chronic toxicity testing with freshwater organisms or marine and estuarine organisms must be followed. The Department may consider an alternative method if it can be demonstrated that the proposed method meets the requirements of 40 CFR: Part 136, and is approved by EPA.

18. For the protection of human health, methylmercury concentration in fish or shellfish shall not exceed 0.3 mg/kg in wet weight of edible tissue.

a. NPDES permit implementation for methylmercury will require mercury monitoring, assessment and minimization for discharges that meet the following conditions;

(1) The receiving stream is impaired for methylmercury in fish or shellfish tissue; and;

(2) The discharge or proposed discharge has consistently quantifiable levels of mercury.

b. The need for a total mercury effluent limit, for the protection of aquatic life and/or human health, pursuant to R.61-9.122.44(d), shall be based on a reasonable potential analysis of the discharge compared to the mercury standards for ambient waters.

19. The assessment of methylmercury in fish or shellfish for purposes of Section 303(d) listing determinations shall be based on the Department's Fish Consumption Advisories.

F. NARRATIVE BIOLOGICAL CRITERIA.

1. Narrative biological criteria are contained in this regulation and are described throughout the sections where applicable. The following are general statements regarding these narrative biological criteria.

a. Narrative biological criteria in Section A.4. describe the goals of the Department to maintain and improve all surface waters to a level that provides for the survival and propagation of a balanced indigenous aquatic community of fauna and flora. These narrative criteria are determined by the Department based on the condition of the waters of the State by measurements of physical, chemical, and biological characteristics of the waters according to their classified uses.

b. Section C.10. describes narrative biological criteria relative to surface water mixing zones and specifies requirements necessary for the protection and propagation of a balanced indigenous aquatic community.

c. Narrative biological criteria shall be consistent with the objective of maintaining and improving all surface waters to a level that provides for the survival and propagation of a balanced indigenous aquatic community of fauna and flora attainable in waters of the State, and in all cases shall protect against degradation of the highest existing or classified uses or biological conditions in compliance with the antidegradation rules contained in this regulation. Section D.1.a. describes narrative biological criteria relative to activities in Outstanding National Resource Waters, Outstanding Resource Waters, and Shellfish Harvesting Waters.

d. In order to determine the biological quality of the waters of the State, it is necessary that the biological component be assessed by comparison to a reference condition(s) based upon similar hydrologic and watershed characteristics that represent the optimum natural condition for that system. Such reference condition(s) or reaches of waterbodies shall be those observed to support the greatest variety and abundance of aquatic life in the region as is expected to be or would be with a minimal amount of disturbance from anthropogenic sources. Impacts from urbanization and agriculture should be minimal and natural vegetation should dominate the land cover. There should also be an appropriate diversity of substrate. Reference condition(s) shall be determined by consistent sampling and reliable measures of selected indicative communities of flora and fauna as established by the Department and may be used in conjunction with acceptable physical, chemical, and microbial water quality measurements and records judged to be appropriate for this purpose. Narrative biological criteria relative to activities in all waters are described in Section E.

e. In the Class Descriptions, Designations, and Specific Standards for Surface Waters Section, all water use classifications protect for a balanced indigenous aquatic community of fauna and flora. In addition, Trout Natural and Trout Put, Grow, and Take classifications protect for reproducing trout populations and stocked trout populations, respectively.

2. [Reserved].

G. CLASS DESCRIPTIONS, DESIGNATIONS, AND SPECIFIC STANDARDS FOR SURFACE WATERS.

1. All surface waters of the State, except as discussed in Section C., shall be identified within one of the classes described below. The Department may determine in accordance with Section 312 of the Clean Water Act that for some waterbodies (or portions of waterbodies), the designation of No Discharge Zone (NDZ) for Marine Sanitation Devices (MSDs) shall be enacted with application of the existing classified standards of the waterbody. Those waters classified by name shall be listed in Regulation 61-69, Classified Waters, along with the NDZ designation, if applicable.

2. Where a surface water-body is tributary to waters of a higher class, the quality of the water in the tributary shall be protected to maintain the standards of the higher classified receiving water.

3. For items not listed in each class, criteria published pursuant to Sections 304(a) and 307(a) of the Federal Clean Water Act or other documents shall be used as guides to determine conditions which protect water uses. Many of these criteria are listed in the appendix to this regulation. For consideration of natural conditions, refer to Sections: C.9., D.4., E.12., E.14.c.(2), E.14.c.(3), F.4.d., G.4., G.6., and G.9. For the following numeric criteria for turbidity (with the exception of Outstanding National Resource Waters, Outstanding Resource Waters, Trout Waters, and Shellfish Harvesting Waters), compliance with these turbidity criteria may be considered to be met as long as the waterbody supports a balanced indigenous aquatic community when land management activities employ Best Management Practices (BMPs). For consideration, BMPs must be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such BMPs and all applicable permit conditions and requirements must be met.

4. Outstanding National Resource Waters (ONRW) are freshwaters or saltwaters which constitute an outstanding national recreational or ecological resource.

Quality Standards for Outstanding National Resource Waters	
ITEMS	STANDARDS
a. Color, dissolved oxygen, fecal coliform, enterococci, <i>E. coli</i> , pH, temperature, turbidity, and other parameters.	Water quality conditions shall be maintained and protected to the extent of the Department's statutory authority. Numeric and narrative criteria for Class ONRW shall be those applicable to the classification of the waterbody immediately prior to reclassification to Class ONRW, including consideration of natural conditions.

5. In order to maintain the existing quality of Class ONRW waters the following additional standards apply:

ITEMS	STANDARDS
a. Discharge from domestic, industrial, or agricultural waste treatment facilities; aquaculture; open water dredged spoil disposal.	None allowed.
b. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	None allowed.
c. Dumping or disposal of garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
d. Activities or discharges from waste treatment facilities in waters upstream or tributary to ONRW waters.	Allowed if there shall be no measurable impact on the downstream ONRW consistent with antidegradation rules.

6. Outstanding Resource Waters (ORW) are freshwaters or saltwaters which constitute an outstanding recreational or ecological resource or those freshwaters suitable as a source for drinking water supply purposes with treatment levels specified by the Department.

Quality Standards for Outstanding Resource Waters	
ITEMS	STANDARDS
a. Color, dissolved oxygen, fecal coliform, enterococci, <i>E. coli</i> , pH, temperature, turbidity, and other parameters.	Water quality conditions shall be maintained and protected to the extent of the Department's statutory authority. Numeric and narrative criteria for Class ORW shall be those applicable to the classification of the waterbody immediately prior to reclassification to Class ORW, including consideration of natural conditions.

7. In order to maintain the existing quality of Class ORW waters the following additional standards apply:

ITEMS	STANDARDS
a. Discharge from domestic, industrial, agricultural waste treatment facilities; aquaculture; open water dredged spoil disposal.	None allowed.
b. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.

permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.

c. Dumping or disposal of None allowed. garbage, cinders, ashes, oils, sludge, or other refuse.

d. Activities or discharges Allowed if water quality necessary for existing and classified from waste treatment uses shall be maintained and protected consistent with facilities in waters upstream antidegradation rules. or tributary to ORW waters.

8. Trout Waters. The State recognizes three types of trout waters: Natural; Put, Grow, and Take; and Put and Take.

a. Natural (TN) are freshwaters suitable for supporting reproducing trout populations and a cold water balanced indigenous aquatic community of fauna and flora. Also suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.

b. Put, Grow, and Take (TPGT) are freshwaters suitable for supporting growth of stocked trout populations and a balanced indigenous aquatic community of fauna and flora. Also suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.

c. Put and Take (TPT) are freshwaters suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses. The standards of Freshwaters classification protect these uses.

9. The standards below protect the uses of Natural and Put, Grow, and Take trout waters.

Quality Standards for Trout Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to be injurious to reproducing trout populations in natural waters or stocked populations in put, grow, and take waters, or in any manner adversely affecting the taste, color, odor, or sanitary condition thereof or impairing the waters for any other best usage as determined for the specific waters which are assigned to this class.

Quality Standards for Trout Waters	
ITEMS	STANDARDS
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with A antidegradation R rules.
e. Dissolved oxygen.	Not less than 6 mg/L.
f. E. coli	Not to exceed a geometric mean of 126/100 mL based on at least four (4) samples collected from a given sampling site over a 30-day period, nor shall a single sample maximum more than ten percent (10%) of the total samples during any 30-day period exceed 349/100 mL.
g. pH.	Between 6.0 and 8.0.
h. Temperature.	Not to vary from levels existing under natural conditions, unless determined that some other temperature shall protect the classified uses.
i. Turbidity.	Not to exceed 10 Nephelometric Turbidity Units (NTUs) or <u>ten percent (10%)</u> above natural conditions, provided uses are maintained.
j. Total microcystins	Not to exceed 8 µg/L. For freshwater primary contact recreational use notifications and advisories samples shall not exceed 8 µg/L.
k. Cylindrospermopsin	Not to exceed 15 µg/L. For freshwater primary contact recreational use notifications and advisories samples shall not exceed 15 µg/L.

10. Freshwaters are freshwaters suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.

Quality Standards for Freshwaters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.

Quality Standards for Freshwaters	
ITEMS	STANDARDS
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with A antidegradation R rules.
e. Dissolved oxygen.	Daily average not less than 5.0 mg/L with a low of 4.0 mg/L.
f. E. coli	Not to exceed a geometric mean of 126/100 mL based on at least four (4) samples collected from a given sampling site over a 30-day period, nor shall a single sample maximum <u>more than ten percent (10%) of the total samples during any 30-day period</u> exceed 349/100 mL.
g. pH.	Between 6.0 and 8.5.
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity. Except for Lakes.	Not to exceed 50 NTUs provided existing uses are maintained.
Lakes only.	Not to exceed 25 NTUs provided existing uses are maintained.
j. Total microcystins	Not to exceed 8 µg/L. For freshwater primary contact recreational use notifications and advisories samples shall not exceed 8 µg/L.
k. Cylindrospermopsin	Not to exceed 15 µg/L. For freshwater primary contact recreational use notifications and advisories samples shall not exceed 15 µg/L.

11. Shellfish Harvesting Waters (SFH) are tidal saltwaters protected for shellfish harvesting and uses listed in Class SA and Class SB. Suitable for primary and secondary contact recreation, crabbing, and fishing. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Shellfish Harvesting Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.

Quality Standards for Shellfish Harvesting Waters	
ITEMS	STANDARDS
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to adversely affect the taste, color, odor, or sanitary condition of clams, mussels, or oysters for human consumption; or to impair the waters for any best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Daily average not less than 5.0 mg/l <u>mg/L</u> with a low of 4 mg/l <u>mg/L</u> .
f. Fecal coliform.	Not to exceed an MPN fecal coliform geometric mean of 14/100 ml <u>mL</u> ; nor shall <u>more than ten percent (10%)</u> of the samples exceed an MPN of 43/100 ml <u>mL</u> .
g. Enterococci.	Not to exceed a geometric mean of 35/100 ml <u>mL</u> based on at least four (4) samples collected from a given sampling site over a 30-day period; nor shall a single sample maximum exceed <u>more than ten percent (10%) of the samples exceed a single sample maximum of 104/100 ml mL during any 30-day period.</u> Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 ml <u>mL</u> .
h. pH.	Shall not vary more than <u>three tenths (3/10)</u> of a pH unit above or below that of effluent-free waters in the same geological area having a similar total alkalinity and temperature, but not lower than 6.5 or above 8.5.
i. Temperature.	As prescribed in E.12. of this regulation.
j. Turbidity.	Not to exceed 25 (NTUs) provided existing uses are maintained.

k. The Department may designate prohibited areas where shellfish harvesting for market purposes or human consumption shall not be allowed, consistent with the antidegradation rule, Section D.1.a. of this regulation.

12. Class SA are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption and uses listed in Class SB. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Class SA Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Daily average not less than 5.0 mg/l <u>mg/L</u> with a low of 4.0 mg/l <u>mg/L</u> .
f. Enterococci.	Not to exceed a geometric mean of 35/100 ml <u>mL</u> based on at least four (4) samples collected from a given sampling site over a 30-day period; nor shall a single sample maximum exceed more than ten percent (10%) of the samples exceed a single sample maximum of 104/100 ml during any 30-day period. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 ml <u>mL</u> .
g. pH.	Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity, and temperature, but not lower than 6.5 or above 8.5.
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.

j. The Department shall protect existing shellfish harvesting uses found in Class SA waters consistent with the antidegradation rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c(8), (9), (10), and (11) and Section G.11.f. of this regulation.

13. Class SB are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Class SB Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with A antidegradation R rules.
e. Dissolved oxygen.	Not less than 4.0 mg/L.
f. Enterococci.	Not to exceed a geometric mean of 35/100 mL mL based on at least four (4) samples collected from a given sampling site over a 30-day period; nor shall a single sample maximum exceed more than ten percent (10%) of the samples exceed a single sample maximum of 104/100 mL during any 30-day period. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 mL.
g. pH.	Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity, and temperature, but not lower than 6.5 or above 8.5
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.

j. The Department shall protect existing shellfish harvesting uses found in Class SB waters consistent with the antidegradation rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c(8), (9), (10), and (11) and Section G.11.f. of this regulation.

H. CLASS DESCRIPTIONS AND SPECIFIC STANDARDS FOR GROUND WATERS.

1. All ground waters of the State, except within mixing zones, shall be identified within one of the classes described below.

2. It is the policy of the Department to maintain the quality of ground water consistent with the highest potential uses. Most South Carolina ground water is presently suitable for drinking water without treatment and the State relies heavily upon ground water for drinking water. For this reason, all South Carolina ground water is classified Class GB effective on June 28, 1985.

3. The Department recognizes that Class GB may not be suitable for some ground water. Class GA is established for exceptionally valuable ground water and Class GC is established for ground water with little potential as an underground source of drinking water.

4. In keeping with this policy, the Department declares that effective June 28, 1985, all ground waters of the State shall be protected to a quality consistent with the use associated with the classes described herein. Further, the Department may require the owner or operator of a contaminated site to restore the ground water quality to a level that maintains and supports the existing and classified uses (except classified uses within mixing zones, as described in this regulation). For purposes of this section, the term operator means any person in control of, or having responsibility for, the operation of on-site activities or property and owner means a person or a previous person who has assumed legal ownership of a property through the provisions of a contract of sale or other legally binding transfer of ownership. The term owner also means any person who owned, operated, or otherwise controlled activities at such site before the title or control of which was conveyed to a unit of State or local government due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means. However, nothing in this section shall be construed to supersede specific statutory or regulatory provision that relieves owners or operators of certain contaminated sites from liability for restoration of groundwater, including, without limitation, S.C. Code ~~Section~~ 44-2-80 (b) and (c). The term does not include a unit of State or local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign. The exclusion provided under this paragraph shall not apply to any State or local government which has caused or contributed to the release or threatened release of a contaminant from the site, and such a State or local government shall be subject to these provisions in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity.

5. A ground water monitoring program approved by the Department may be required for any existing or proposed disposal system or other activities to determine the ground water quality affected by such systems or activities. Such monitoring program may be required through the Department's permitting and certification programs.

6. Those ground waters which are classified Class GA or Class GC after petition and proper administrative procedures other than Class GB shall be described by location and listed in ~~Regulation~~ 61-69.

7. Class GA are those ground waters that are highly vulnerable to contamination because of the hydrological characteristics of the areas under which they occur and that are also characterized by either of the following two factors:

a. Irreplaceable, in that no reasonable alternative source of drinking water is available to substantial populations; or

b. Ecologically vital, in that the ground water provides the base flow for a particularly sensitive ecological system that, if polluted, would destroy a unique habitat.

8. The standards below protect these ground waters:

Quality Standards for Class GA Ground Waters	
ITEMS	STANDARDS
a. Treated wastes, toxic wastes, deleterious substances, or constituents thereof.	None allowed.

9. Class GB. All ground waters of the State, unless classified otherwise, which meet the definition of underground sources of drinking water (USDW) as defined in Section B.

Quality Standards for Class GB Ground Waters	
ITEMS	STANDARDS
a. Inorganic chemicals.	Maximum contaminated levels as set forth in R.61-58, State Primary Drinking Water Regulations.
b. Organic chemicals.	Maximum contaminated levels as set forth in R.61-58, State Primary Drinking Water Regulations.
c. Man-made radionuclides, priority pollutant volatile organic compounds, herbicides, polychlorinated biphenyls, and other synthetic organic compounds not specified above, treated wastes, thermal wastes, colored wastes, or other wastes of constituents thereof.	Not to exceed concentrations or amounts such as to interfere with the use actual or intended, as determined by the Department.

10. Class GC are those ground waters not considered potential sources of drinking water and of limited beneficial use, i.e., ground waters that exceed a concentration of 10,000 ~~mg/l~~ mg/L total dissolved solids or are otherwise contaminated beyond levels that allow cleanup using methods reasonably employed in public water system treatment. These ground waters also must not migrate to Class GA or Class GB ground waters or have a discharge to surface water that could cause degradation.

Quality Standards for Class GC Ground Waters	
ITEMS	STANDARDS
a. Treated wastes, toxic wastes, deleterious substances, or constituents thereof.	None which interfere with any existing use of an underground source of drinking water.

I. SEVERABILITY.

Should any section, paragraph, or other part of this regulation be declared invalid for any reason, the remainder shall not be affected.

APPENDIX: WATER QUALITY NUMERIC CRITERIA FOR THE PROTECTION OF AQUATIC LIFE AND HUMAN HEALTH

This appendix contains three charts (priority pollutants, nonpriority pollutants, and organoleptic effects) of numeric criteria for the protection of human health and aquatic life. The appendix also contains ~~three~~ four attachments which address hardness conversions and application of ammonia criteria. Footnotes specific to each chart follow the chart. General footnotes pertaining to all are at the end of the charts prior to the attachments. The numeric criteria developed and published by EPA are hereby incorporated into this regulation. Please refer to the text of the regulation for other general information and specifications in applying these numeric criteria.

PRIORITY TOXIC POLLUTANTS

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
1	Antimony	7440360				5.6 B, ee	640 B, ee	6 ee	65FR66443 SDWA	
2	Arsenic	7440382	340 A, D, K	150 A, D, K	69 A, D, Y	36 A, D, Y	10 C	10 C	10 C	65FR31682 57FR60848 SDWA
3	Beryllium	7440417				J, ee	J, ee	4 ee	65FR31682 SDWA	
4	Cadmium	7440439	0.49 D, E, Y	0.256 D, E, Y	33 D, Y	7.98.0 D, Y	J, ee	J, ee	5 ee	81FR19176 SDWA
5a	Chromium III	16065831	580 D, E, K	28 D, E, K			J, ee	J, ee	100 Total ee	EPA820/B-96-001 65FR31682 SDWA
5b	Chromium VI	18540299	16 D, K	11 D, K	1,100 D, Y	50 D, Y	J, ee	J, ee	100 Total ee	65FR31682 SDWA
6	Copper	7440508	3.8 D, E, K, Z, ll	2.9 D, E, K, Z, ll	5.8 D, Z, Y, cc	3.7 D, Z, Y, cc	1,300 T, ee			65FR31682
7	Lead	7439921	14 D, E, Y	0.54 D, E, Y	220 D, Y	8.5 D, Y				65FR31682
8	Mercury	7439976	1.6 D, K, dd	0.91 D, K, dd	2.1 D, bb, dd	1.1 D, bb, dd	0.050 B, ee	0.051 B, ee	2 ee	65FR31682 SDWA

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
9	Nickel	7440020	150 D, E, K	16 D, E, K	75 D, Y	8.3 D, Y	610 B, ee	4, 600 B, ee	65FR31682	
10	Selenium	7782492	L, Q, S	5.0 S	290 D, aa	71 D, aa	170 Z, ee	4,200 ee	50 ee	65FR31682 65FR66443 SDWA
11	Silver	7440224	0.37 D, E, G		2.3 D, G				65FR31682	
12	Thallium	7440280					0.24	0.47	2 ee	68FR75510 SDWA
13	Zinc	7440666	37 D, E, K	37 D, E, K	95 D, Y	86 D, Y	7,400 T, ee	26,000 T, ee	65FR31682 65FR66443	
14	Cyanide	57125	22 K, P	5.2 K, P	1 P, Y	1 P, Y	140 ee, jj	140 ee, jj	200 ee	EPA820/B-96-001 57FR60848 68FR75510 SDWA
15	Asbestos	1332214						7 million fibers/L I, ee	57FR60848	
16	2, 3, 7, 8-TCDD (Dioxin)	1746016						0.046 ppq O, C	30ppq O, C	State Standard SDWA
17	Acrolein	107028	3	3			6 ee, nn	9 ee, nn	74FR27535 74FR46587	
18	Acrylonitrile	107131					0.051 B, C	0.25 B, C	65FR66443	
19	Benzene	71432					2.2 B, C	51 B, C	5 C	IRIS 01/19/00 65FR66443 SDWA
20	Bromate	15541454						10 C	SDWA	
21	Bromoform	75252					4.3 B, C	140 B, C	80 Total THMs C	65FR66443 SDWA

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:			
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)	
22	Bromoacetic acid	79083						60 Total HAA5 C,mm	SDWA
23	Carbon Tetrachloride	56235				0.23 B, C	1.6 B, C	5 C	65FR66443 SDWA
24	Chlorite	67481						100	SDWA
25	Chlorobenzene	108907				130T, ee	1,600 T, ee	100 T, ee	68FR75510 SDWA
26	Chlorodibromomethane	124481				0.40 B, C	13 B, C	80 Total THMs C	65FR66443 SDWA
27	Chloroform	67663				5.7 B, C, hh	470 B, C, hh	80 Total THMs C	62FR42160 SDWA
28	Dibromoacetic acid	631641						60 Total HAA5 C, mm	SDWA
29	Dichloroacetic acid	79436						60 Total HAA5 C,mm	SDWA
30	Dichlorobromomethane	75274				0.55 B, C	17 B, C	80 Total THMs C	65FR66443 SDWA
31	1, 2-Dichloroethane	107062				0.38 B, C	37 B, C	5 C	65FR66443 SDWA
32	1, 1-Dichloroethylene	75354				330 ee	7,100 ee	7 C	68FR75510 SDWA
33	1, 2-Dichloropropane	78875				0.50 B, C	15 B, C	5 C	65FR66443 SDWA
34	1, 3-Dichloropropene	542756				0.34 ee	21 ee		68FR75510

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:			
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)	
35	Ethylbenzene	100414				530 ee	2,100 ee	700 ee	68FR75510 SDWA
36	Methyl Bromide	74839				47 B, ee	1,500 B, ee		65FR66443
37	Methylene Chloride	75092				4.6 B, C	590 B, C	5 C	65FR66443 SDWA
38	Monochloroacetic acid	79118						60 Total HAA5 C,mm	SDWA
39	1, 1, 2, 2-Tetrachloroethane	79345				0.17 B, C	4.0 B, C		65FR66443
40	Tetrachloroethylene	127184				0.69 C	3.3 C	5 C	65FR66443 SDWA
41	Toluene	108883				1,300 ee	15,000 ee	1000 ee	68FR75510 SDWA
42	1,2-Trans- Dichloroethylene	156605				140 ee	10,000 ee	100 ee	68FR75510 SDWA
43	Trichloroacetic acid	79039						60 Total HAA5 C,mm	SDWA
44	1, 1, 1-Trichloroethane	71556				J, ee	J, ee	200 ee	65FR31682 SDWA
45	1, 1, 2-Trichloroethane	79005				0.59 B, C	16 B, C	5 C	65FR66443 SDWA
46	Trichloroethylene	79016				2.5 C	30 C	5 C	65FR66443 SDWA
47	Vinyl Chloride	75014				0.025 kk	2.4 kk	2 C	68FR75510 SDWA

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
48	2-Chlorophenol	95578				81 B, T, ee	150 B, T, ee		65FR66443	
49	2, 4-Dichlorophenol	120832				77 B, T, ee	290 B, T, ee		65FR66443	
50	2, 4-Dimethylphenol	105679				380 B, T, ee	850 B, T, ee		65FR66443	
51	2-Methyl- Di 4, 6-nitrophenol	534521				13 ee	280 ee		65FR66443	
52	2, 4-Dinitrophenol	51285				69 B, ee	5,300 B, ee		65FR66443	
53	Pentachlorophenol	87865	19 F, K	15 F, K	13 Y	7.9 Y	0.27 B, C	3.0 B, C, H	1 C	65FR31682 65FR66443 SDWA
54	Phenol	108952				10,000 T, ee, nn	860,000 T, ee, nn		74FR27535 74FR46587	
55	2, 4, 6-Trichlorophenol	88062				1.4 B, C, T	2.4 B, C		65FR66443	
56	Acenaphthene	83329				670 B, T, ee	990 B, T, ee		65FR66443	
57	Anthracene	120127				8,300 B, ee	40,000 B, ee		65FR66443	
58	Benzidine	92875				0.000086 B, C	0.00020 B, C		65FR66443	
59	Benzo (a) Anthracene	56553				0.0038 B, C	0.018 B, C		65FR66443	
60	Benzo (a) Pyrene	50328				0.0038 B, C	0.018 B, C	0.2 C	65FR66443 SDWA	

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
61	Benzo (b) Fluoranthene	205992				0.0038 B, C	0.018 B, C		65FR66443	
62	Benzo (k) Fluoranthene	207089				0.0038 B, C	0.018 B, C		65FR66443	
63	Bis-2-Chloroethyl Ether	111444				0.030 B, C	0.53 B, C		65FR66443	
64	Bis-2-Chloroisopropyl Ether	108601				1,400 B, ee	65,000 B, ee		65FR66443	
65	Bi-s-2-Ethylhexyl Phthalate (DEHP)	117817	v	v	v	v	1.2 B, C	2.2 B, C	6 C	65FR66443 SDWA
66	Butylbenzene Phthalate	85687	ii	ii	ii	ii	1,500 B, ee	1,900 B, ee		65FR66443
67	2-Chloronaphthalene	91587					1,000 B, ee	1,600 B, ee		65FR66443
68	Chrysene	218019					0.0038 B, C	0.018 B, C		65FR66443
69	Dibenzo(a,h)Anthracene	53703					0.0038 B, C	0.018 B, C		65FR66443
70	1, 2-Dichlorobenzene	95501					420 ee	1,300 ee	600 ee	68FR75510 SDWA
71	1, 3-Dichlorobenzene	541731					320 ee	960 ee		65FR66443
72	1, 4-Dichlorobenzene	106467					63 ee	190 ee	75 ee	68FR75510 SDWA
73	3, 3'-Dichlorobenzidine	91941					0.021 B, C	0.028 B, C		65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:			
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)	
74	Diethyl Phthalate	84662	ii	ii	ii	ii	17,000 B, ee	44,000 B, ee	65FR66443
75	Dimethyl Phthalate	131113	ii	ii	ii	ii	270,000 B, ee	1,100,000 B, ee	64FR66443
76	Di-n-butyl Phthalate	84742	ii	ii	ii	ii	2,000 B, ee	4,500 B, ee	65FR66443
77	2, 4-Dinitrotoluene	121142					0.11 C	3.4 C	65FR66443
78	1, 2-Diphenylhydrazine	122667					0.036 B, C	0.20 B, C	65FR66443
79	Fluoranthene	206440					130 B, ee	140 B, ee	65FR66443
80	Fluorene	86737					1,100 B, ee	5,300 B, ee	65FR66443
81	Hexachlorobenzene	118741					0.00028 B, C	0.00029 B, C	1 C 65FR66443 SDWA
82	Hexachlorobutadiene	87683					0.44 B, C	18 B, C	65FR66443
83	Hexachlorocyclopentadiene	77474					40 T, ee	1100 T, ee	50 ee 68FR75510 SDWA
84	Hexachloroethane	67721					1.4 B, C	3.3 B, C	65FR66443
85	Indeno 1,2,3(cd) Pyrene	193395					0.0038 B, C	0.018 B, C	65FR66443
86	Isophorone	78591					35 B, C	960 B, C	65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
87	Nitrobenzene	98953				17 B, ee	690 B, H, T, ee		65FR66443	
88	N-Nitrosodimethylamine	62759				0.00069 B, C	3.0 B, C		65FR66443	
89	N-Nitrosodi-n-Propylamine	621647				0.0050 B, C	0.51 B, C		65FR66443	
90	N-Nitrosodiphenylamine	86306				3.3 B, C	6.0 B, C		65FR66443	
91	Pyrene	129000				830 B, ee	4,000 B, ee		65FR66443	
92	1, 2, 4-Trichlorobenzene	120821				35 ee	70 ee	70 ee	68FR75510 SDWA	
93	Aldrin	309002	3.0 G, X		1.3 G, X	0.000049 B, C	0.000050 B, C		65FR31682 65FR66443	
94	alpha-BHC	319846				0.0026 B, C	0.0049 B, C		65FR66443	
95	beta-BHC	319857				0.0091 B, C	0.017 B, C		65FR66443	
96	gamma-BHC (Lindane)	58899	0.95 K		0.16 G	0.98 ee	1.8 ee	0.2 C	65FR31682 68FR75510 SDWA	
97	Chlordane	57749	2.4 G	0.0043 G, X	0.09 G	0.004 G, X	0.00080 B, C	0.00081 B, C	2 C	65FR31682 65FR66443 SDWA
98	4, 4'-DDT	50293	1.1 G, gg	0.001 G, X, gg	0.13 G, gg	0.001 G, X, gg	0.00022 B, C	0.00022 B, C	65FR31682 65FR66443	
99	4, 4'-DDE	72559				0.00022 B, C	0.00022 B, C		65FR66443	

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
100	4, 4'-DDD	72548				0.00031 B, C	0.00031 B, C		65FR66443	
101	Dieldrin	60571	0.24 K	0.056 K, N	0.71 G	0.0019 G, X	0.000052 B, C	0.000054 B, C	65FR31682 65FR66443	
102	alpha-Endosulfan	959988	0.22 G, W	0.056 G, W	0.034 G, W	0.0087 G, W	62 B, ee	89 B, ee	65FR31682 65FR66443	
103	beta-Endosulfan	33213659	0.22 G, W	0.056 G, W	0.034 G, W	0.0087 G, W	62 B, ee	89 B, ee	65FR31682 65FR66443	
104	Endosulfan Sulfate	1031078					62 B, ee	89 B, ee	65FR31682 65FR66443	
105	Endrin	72208	0.086 K	0.036 K, N	0.037 G	0.0023 G, X	0.059 ee	0.060 ee	2 ee	68FR75510 SDWA
106	Endrin Aldehyde	7421934					0.29 B, ee	0.30 B, H, ee	65FR66443	
107	Heptachlor	76448	0.52 G	0.0038 G, X	0.053 G	0.0036 G, X	0.000079 B, C	0.000079 B, C	0.4 C	65FR31682 65FR66443 SDWA
108	Heptachlor Epoxide	1024573	0.52 G, U	0.0038 G, U, X	0.053 G, U	0.0036 G, U, X	0.000039 B, C	0.000039B, C	0.2 C	65FR31682 65FR66443 SDWA
109	Polychlorinated Biphenyls PCBs	--		0.014 M, X		0.03 M, X	0.000064 B, C, M	0.000064 B, C, M	0.5 C	65FR31682 65FR66443 SDWA
110	Toxaphene	8001352	0.73	0.0002 X	0.21	0.0002 X	0.00028 B, C	0.00028 B, C	3 C	65FR31682 65FR66443 SDWA

Footnotes:

- A This water quality criterion was derived from data for arsenic (III), but is applied here to total arsenic, which might imply that arsenic (III) and arsenic (V) are equally toxic to aquatic life and that their toxicities are additive. In the arsenic criteria document (EPA 440/5-84-033, January 1985), Species Mean Acute Values are given for both arsenic (III) and arsenic (V) for five species and

the ratios of the SMAVs for each species range from 0.6 to 1.7. Chronic values are available for both arsenic (III) and arsenic (V) for one species; for the fathead minnow, the chronic value for arsenic (V) is 0.29 times the chronic value for arsenic (III). No data are known to be available concerning whether the toxicities of the forms of arsenic to aquatic organisms are additive.

- B This criterion has been revised to reflect The Environmental Protection Agency's $q1^*$ or RfD, as contained in the Integrated Risk Information System (IRIS) as of May 17, 2002. The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.
- C This criterion is based on carcinogenicity of 10-6 risk. As prescribed in Section E of this regulation, application of this criterion for permit effluent limitations requires the use annual average flow or comparable tidal condition as determined by the Department.
- D Freshwater and saltwater criteria for metals are expressed in terms of total recoverable metals. As allowed in Section E of this regulation, these criteria may be expressed as dissolved metal for the purposes of deriving permit effluent limitations. The dissolved metal water quality criteria value may be calculated by using these 304(a) aquatic life criteria expressed in terms of total recoverable metal, and multiplying it by a conversion factor (CF). The term "Conversion Factor" (CF) represents the conversion factor for converting a metal criterion expressed as the total recoverable fraction in the water column to a criterion expressed as the dissolved fraction in the water column. (Conversion Factors for saltwater CCCs are not currently available. Conversion factors derived for saltwater CMCs have been used for both saltwater CMCs and CCCs). See "Office of Water Policy and Technical Guidance on Interpretation and Implementation of Aquatic Life Metals Criteria", October 1, 1993, by Martha G. Prothro, Acting Assistant Administrator for Water, available from the Water Resource center, USEPA, 401 M St., SW, mail code RC4100, Washington, DC 20460; and 40CFR§131.36(b)(1). Conversion Factors can be found in Attachment 1 – Conversion Factors for Dissolved Metals.
- E The freshwater criterion for this metal is expressed as a function of hardness (mg/L) in the water column. The value given here corresponds to a hardness of 25 mg/L as expressed as CaCO₃. Criteria values for other hardness may be calculated from the following: CMC (dissolved) = $\exp\{m_A [\ln(\text{hardness})] + b_A\}$ (CF), or CCC (dissolved) = $\exp\{m_C [\ln(\text{hardness})] + b_C\}$ (CF) and the parameters specified in Attachment 2 – Parameters for Calculating Freshwater Dissolved Metals Criteria That Are Hardness- Dependent. As noted in footnote D above, the values in this appendix are expressed as total recoverable, the criterion may be calculated from the following: CMC (total) = $\exp\{m_A [\ln(\text{hardness})] + b_A\}$, or CCC (total) = $\exp\{m_C [\ln(\text{hardness})] + b_C\}$.
- F Freshwater aquatic life values for pentachlorophenol are expressed as a function of pH, and are calculated as follows: CMC = $\exp(1.005(\text{pH}) - 4.869)$; CCC = $\exp(1.005(\text{pH}) - 5.134)$. Values displayed in table correspond to a pH of 7.8.
- G This criterion is based on 304(a) aquatic life criterion issued in 1980, and was issued in one of the following documents: Aldrin/Dieldrin (EPA 440/5-80-019), Chlordane (EPA 440/5-80-027), DDT (EPA 440/5-80-038), Endosulfan (EPA 440/5-80-046), Endrin (EPA 440/5-80-047), Heptachlor (440/5-80-052), Hexachlorocyclohexane (EPA 440/5-80-054), Silver (EPA 440/5-80-071). The Minimum Data Requirements and derivation procedures were different in the 1980 Guidelines than in the 1985 Guidelines. For example, a "CMC" derived using the 1980 Guidelines was derived to be used as an instantaneous maximum. If assessment is to be done using an averaging period, the values given should be divided by 2 to obtain a value that is more comparable to a CMC derived using the 1985 Guidelines.
- H No criterion for protection of human health from consumption of aquatic organisms excluding water was presented in the 1980 criteria document or in the 1986 Quality Criteria for Water. Nevertheless, sufficient information was presented in the 1980 document to allow the calculation of a criterion, even though the results of such a calculation were not shown in the document.
- I This criterion for asbestos is the Maximum Contaminant Level (MCL) developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).
- J EPA has not calculated a 304(a) human health criterion for this contaminant. The criterion is the Maximum Contaminant Level developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).
- K This criterion is based on a 304(a) aquatic life criterion that was issued in the *1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water*, (EPA-820-B-96-001, September 1996). This value was derived using the GLI Guidelines (60FR15393-15399, March 23, 1995; 40CFR132 Appendix A); the difference between the 1985 Guidelines and the GLI Guidelines are explained on page iv of the 1995 Updates. None of the decisions concerning the derivation of this criterion were affected by any considerations that are specific to the Great Lakes.
- L The CMC = $1/[(f1/CMC1) + (f2/CMC2)]$ where f1 and f2 are the fractions of total selenium that are treated as selenite and 48elenite, respectively, and CMC1 and CMC2 are 185.9 µg /l and 12.82 µg /l, respectively.
- M This criterion applies to total PCBs, (e.g., the sum of all congener or all isomer or homolog or Aroclor analyses.)
- N The derivation of the CCC for this pollutant did not consider exposure through the diet, which is probably important for aquatic life occupying upper trophic levels.
- O This state criterion is also based on a total fish consumption rate of 0.0175 kg/day.
- P This water quality criterion is expressed as µg free cyanide (as CN)/L.
- Q This value was announced (61FR58444-58449, November 14, 1996) as a proposed GLI 303 I aquatic life criterion
- S This water quality criterion for selenium is expressed in terms of total recoverable metal in the water column. It is scientifically acceptable to use the conversion factor (0.996 – CMC or 0.922 – CCC) that was used in the GLI to convert this to a value that is expressed in terms of dissolved metal.
- T The organoleptic effect criterion is more stringent than the value for priority toxic pollutants.
- U This value was derived from data for heptachlor and the criteria document provides insufficient data to estimate the relative toxicities of heptachlor and heptachlor epoxide.
- V There is a full set of aquatic life toxicity data that show that DEHP is not toxic to aquatic organisms at or below its solubility limit.
- W This value was derived from data for endosulfan and is most appropriately applied to the sum of alpha-endosulfan and beta-endosulfan.

- X This criterion is based on a 304(a) aquatic life criterion issued in 1980 or 1986, and was issued in one of the following documents: Aldrin/Dieldrin (EPA440/5-80-019), Chlordane (EPA 440/5-80-027), DDT (EPA 440/5-80-038), Endrin (EPA 440/5-80-047), Heptachlor (EPA 440/5-80-052), Polychlorinated Biphenyls (EPA 440/5-80-068), Toxaphene (EPA 440/5-86-006). This CCC is based on the Final Residue value procedure in the 1985 Guidelines. Since the publication of the Great Lakes Aquatic Life Criteria Guidelines in 1995 (60FR15393-15399, March 23, 1995), the EPA no longer uses the Final Residue value procedure for deriving CCCs for new or revised 304(a) aquatic life criteria.
- Y This water quality criterion is based on a 304(a) aquatic life criterion that was derived using the 1985 Guidelines (*Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, PB85-227049, January 1985) and was issued in one of the following criteria documents: Arsenic (EPA 440/5-84-033), Cadmium (EPA-820-R-16-002), Chromium (EPA 440/5-84-029), Copper (EPA 440/5-84-031), Cyanide (EPA 440/5-84-028), Lead (EPA 440/5-84-027), Nickel (EPA 440/5-86-004), Pentachlorophenol (EPA 440/5-86-009), Toxaphene, (EPA 440/5-86-006), Zinc (EPA 440/5-87-003).
- Z When the concentration of dissolved organic carbon is elevated, copper is substantially less toxic and use of Water-Effect Ratios might be appropriate.
- aa The selenium criteria document (EPA 440/5-87-006, September 1987) provides that if selenium is as toxic to saltwater fishes in the field as it is to freshwater fishes in the field, the status of the fish community should be monitored whenever the concentration of selenium exceeds 5.0 7g/L in salt water because the saltwater CCC does not take into account uptake via the food chain.
- bb This water quality criterion was derived on page 43 of the mercury criteria document (EPA 440/5-84-026, January 1985). The saltwater CCC of 0.025 µg/L given on page 23 of the criteria document is based on the Final Residue value procedure in the 1985 Guidelines. Since the publication of the Great Lakes Aquatic Life criteria Guidelines in 1995 (60FR15393-15399, March 23, 1995), the EPA no longer uses the Final Residue value procedure for deriving CCCs for new or revised 304(a) aquatic life criteria.
- cc This water quality criterion was derived in *Ambient Water Quality Criteria Saltwater Copper Addendum* (Draft, April 14, 1995) and was promulgated in the Interim Final National Toxics Rule (60FR22228-222237, May 4, 1995).
- dd This water quality criterion was derived from data for inorganic mercury (II), but is applied here to total mercury. If a substantial portion of the mercury in the water column is methylmercury, this criterion will probably be under protective. In addition, even though inorganic mercury is converted to methylmercury and methylmercury bioaccumulates to a great extent, this criterion does not account for uptake via the food chain because sufficient data were not available when the criterion was derived.
- ee This criterion is a noncarcinogen. As prescribed in Section E of this regulation, application of this criterion for determining permit effluent limitations requires the use of 7Q10 or comparable tidal condition as determined by the Department.
- gg This criterion applies to DDT and its metabolites (i.e., the total concentration of DDT and its metabolites should not exceed this value).
- hh Although a new RfD is available in IRIS, the surface water criteria will not be revised until the National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) is completed, since public comment on the relative source contribution (RSC) for chloroform is anticipated.
- ii Although EPA has not published a completed criteria document for phthalate, it is EPA's understanding that sufficient data exist to allow calculation of aquatic life criteria.
- jj This recommended water quality criterion is expressed as total cyanide, even though the IRIS RfD the EPA used to derive the criterion is based on free cyanide. The multiple forms of cyanide that are present in ambient water have significant differences in toxicity due to their abilities to liberate the CN-moiety. Some complex cyanides require even more extreme conditions than refluxing with sulfuric acid to liberate the CN-moiety. Thus, these complex cyanides are expected to have little or no 'bioavailability' to humans. If a substantial fraction of the cyanide present in a water body is present in a complexed form (e.g., $FE_4[FE(CN)_6]_3$), this criterion may be overly conservative.
- kk This recommended water quality criterion was derived using the cancer slope factor of 1.4 (Linear multi-stage model (LMS) exposure from birth).
- ll Freshwater copper criteria may be calculated utilizing the procedures identified in EPA-822-R-07-001.
- mm HAA5 means five haloacetic acids (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, bromoacetic acid and dibromoacetic acid).
- nn This criterion has been revised to reflect the EPA's cancer slope factor (CSF) or reference dose (RfD), as contained in the Integrated Risk Information System (IRIS) as of (Final FR Notice June 10, 2009). The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.

NON PRIORITY POLLUTANTS

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
						Water & Organism (µg/L)	Organism Only (µg/L)			
1	Alachlor							2 M	SDWA	
2	Ammonia	7664417	CRITERIA ARE pH AND TEMPERATURE DEPENDENT – SEE DOCUMENT FOR DETAILS c							EPA822-R99-014 EPA440/5-88-004
3	Aesthetic Qualities		NARRATIVE STATEMENT AND NUMERIC CRITERIA – SEE TEXT							Gold Book
4	Atrazine							3 M	SDWA	
5	Bacteria		FOR PRIMARY CONTACT RECREATION AND SHELLFISH USES – SEE TEXT							Gold Book
6	Barium	7440393					1,000 A, L	2,000 L	Gold Book	
7	Carbofuran	1563662						40 L	SDWA	
8	Chlorine	7782505	19	11	13	7.5		G	Gold Book SDWA	
9	Chlorophenoxy Herbicide 2, 4, 5, -TP	93721					10 A, L	50 L	Gold Book SDWA	
10	Chlorophenoxy Herbicide 2, 4-D	94757					100 A, L	70 L	Gold Book SDWA	
11	Chlorophyll <i>a</i>		NARRATIVE STATEMENT AND NUMERIC CRITERIA – SEE TEXT							State Standard
12	Chloropyrifos	2921882	0.083 F	0.041 F	0.011 F	0.0056 F			Gold Book	
13	Color		NARRATIVE STATEMENT – SEE TEXT							State Standard

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)	
						Water & Organism (µg/L)	Organism Only (µg/L)		
14	Dalapon	75990						200 L	SDWA
15	Demeton	8065483		0.1 E		0.1 E			Gold Book
16	1,2-Dibromo-3-chloropropane (DBCP)	96128						0.2 M	SDWA
17	Di(2-ethylhexyl) adipate	103231						400 L	SDWA
18	Dinoseb	88857						7 L	SDWA
19	Dinitrophenols	25550587					69 L	5,300 L	65FR66443
20	Nonylphenol	1044051	28	6.6	7.0	1.7			71FR9337
21	Diquat	85007						20 L	SDWA
22	Endothall	145733						100 L	SDWA
23	Ether, Bis Chloromethyl	542881					0.00010 D, M	0.00029 D, M	65FR66443
24	Cis-1, 2-dichloroethylene	156592						70 L	SDWA
25	Ethylene dibromide							0.05 M	SDWA
26	Fluoride	7681494						4000 L	SDWA

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
						Water & Organism (µg/L)	Organism Only (µg/L)			
27	Glyphosate	1071836						700 L	SDWA	
28	Guthion	86500		0.01 E		0.01 E			Gold Book	
29	Hexachlorocyclo-hexane-Technical	608731					0.0123 L	0.0414 L	Gold Book	
30	Malathion	121755		0.1 E		0.1 E			Gold Book	
31	Methoxychlor	72435		0.03 E		0.03 E	100 A, L		40 L Gold Book SDWA	
32	Mirex	2385855		0.001 E		0.001 E			Gold Book	
33	Nitrates	14797558					10,000 L		10,000 L SDWA Gold Book	
34	Nitrites	14797650							1,000 L SDWA	
35	Nitrogen, Total		NARRATIVE STATEMENT AND NUMERIC CRITERIA - SEE TEXT							State Standard
36	Nitrosamines						0.0008 L	1.24 L		Gold Book
37	Nitrosodibutylamine, N	924163					0.0063 A, M	0.22 A, M		65FR66443
38	Nitrosodiethylamine, N	55185					0.0008 A, M	1.24 A, M		Gold Book
39	Nitrosopyrrolidine, N	930552					0.016 M	34 M		65FR66443

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
						Water & Organism (µg/L)	Organism Only (µg/L)			
40	Oil and Grease			NARRATIVE STATEMENT – SEE TEXT						Gold Book
41	Oxamyl	23135220							200 L	SDWA
42	Oxygen, Dissolved	7782447	WARMWATER, COLDWATER, AND EXCEPTIONS FOR NATURAL CONDITIONS - SEE TEXT K						Gold Book State Standard	
43	Diazinon	333415	0.17	0.17	0.82	0.82				71FR9336
44	Parathion	56382	0.065 H	0.013 H						Gold Book
45	Pentachlorobenzene	608935					1.4 E	1.5 E		65FR66443
46	PH		SEE TEXT I						Gold Book State Standard	
47	Phosphorus, Total		NARRATIVE STATEMENT AND NUMERIC CRITERIA - SEE TEXT						State Standard	
48	Picloram	1918021							500 L	SDWA
49	Salinity		NARRATIVE STATEMENT - SEE TEXT						Gold Book	
50	Simazine	122349							4 L	SDWA
51	Solids,Suspended,and Turbidity		NARRATIVE STATEMENT AND NUMERIC CRITERIA - SEE TEXT						Gold Book State Standard	
52	Styrene	100425							100 L	SDWA
53	Sulfide-Hydrogen Sulfide	7783064		2.0 E		2.0 E				Gold Book

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
						Water & Organism (µg/L)	Organism Only (µg/L)			
54	Tainting Substances			NARRATIVE STATEMENT - SEE TEXT						Gold Book
55	Temperature			SPECIES DEPENDENT CRITERIA - SEE TEXT J						Red Book
56	1, 2, 4, 5-Tetrachlorobenzene	95943				0.97 D	1.1 D		65FR66443	
57	Tributyltin (TBT)	688733	0.46	0.063	0.37	0.010			EPA 822-F-00-008	
58	2, 4, 5-Trichlorophenol	95954				1,800 B, D	3,600 B, D		65FR66443	
59	Xylenes, Total							10,000 L	SDWA	
60	Uranium							30	SDWA	
61	Beta particles and photon emitters							4 Millirems/ yr	SDWA	
62	Gross alpha particle activity							15 picocuries per liter (pCi/l)	SDWA	
63	Radium 226 and Radium 228 (combined)							5 pCi/l	SDWA	
64	Carbaryl	63252	2.1	2.1	1.6				77FR30280	

Footnotes:

- A This human health criterion is the same as originally published in the Red Book which predates the 1980 methodology and did not utilize the fish ingestion BCF approach. This same criterion value is now published in the Gold Book.
- B The organoleptic effect criterion is more stringent than the value presented in the non priority pollutants table.
- C According to the procedures described in the *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, except possibly where a very sensitive species is important at a site, freshwater aquatic life should be protected if both conditions specified in Attachment 3 - Calculation of Freshwater Ammonia Criterion are satisfied.
- D This criterion has been revised to reflect The Environmental Protection Agency's $q1^*$ or RfD, as contained in the Integrated Risk Information System (IRIS) as of April 8, 1998. The fish tissue bioconcentration factor (BCF) used to derive the original criterion was retained in each case.
- E The derivation of this value is presented in the Red Book (EPA 440/9-76-023, July, 1976).
- F This value is based on a 304(a) aquatic life criterion that was derived using the 1985 Guidelines (*Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, PB85-227049, January 1985) and was issued in the following criteria document: Chloropyrifos (EPA 440/5-86-005).
- G A more stringent Maximum Residual Disinfection Level (MRDL) has been issued by EPA under the Safe Drinking Water Act. Refer to S.C. Regulation 61-58, *State Primary Drinking Water Regulations*.
- H This value is based on a 304(a) aquatic life criterion that was issued in the *1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water* (EPA-820-B-96-001). This value was derived using the GLI Guidelines (60FR15393-15399, March 23, 1995; 40CFR132 Appendix A); the differences between the 1985 Guidelines and the GLI Guidelines are explained on page iv of the 1995 Updates. No decision concerning this criterion was affected by any considerations that are specific to the Great Lakes.
- I South Carolina has established some site-specific standards for pH. These site-specific standards are listed in S.C. Regulation 61-69, *Classified Waters*.
- J U.S. EPA, 1976, Quality Criteria for Water 1976.
- K South Carolina has established numeric criteria in Section G for waters of the State based on the protection of warmwater and coldwater species. For the exception to be used for waters of the State that do not meet the numeric criteria established for the waterbody due to natural conditions, South Carolina has specified the allowable deficit in Section D.4. and used the following document as a source. U.S. EPA, 1986, Ambient Water Quality Criteria for Dissolved Oxygen, EPA 440/5-86-003, National Technical Information Service, Springfield, VA. South Carolina has established some site-specific standards for DO. These site-specific standards are listed in S.C. Regulation 61-69, *Classified Waters*.
- L This criterion is a noncarcinogen. As prescribed in Section E of this regulation, application of this criterion for determining permit effluent limitations requires the use of 7Q10 or comparable tidal condition as determined by the Department
- M This criterion is based on an added carcinogenicity risk. As prescribed in Section E of this regulation, application of this criterion for permit effluent limitations requires the use annual average flow or comparable tidal condition as determined by the Department.

ORGANOLEPTIC EFFECTS

Pollutant		CAS Number	Organoleptic Effect Criteria ($\mu\text{g/L}$)	FR Cite/Source
1	Acenaphthene	83329	20	Gold Book
2	Chlorobenzene	108907	20	Gold Book
3	3-Chlorophenol		0.1	Gold Book
4	4-Chlorophenol	106489	0.1	Gold Book
5	2, 3-Dichlorophenol		0.04	Gold Book
6	2, 5-Dichlorophenol		0.5	Gold Book

	Pollutant	CAS Number	Organoleptic Effect Criteria ($\mu\text{g/L}$)	FR Cite/Source
7	2, 6-Dichlorophenol		0.2	Gold Book
8	3, 4-Dichlorophenol		0.3	Gold Book
9	2, 4, 5-Trichlorophenol	95954	1	Gold Book
10	2, 4, 6-Trichlorophenol	88062	2	Gold Book
11	2, 3, 4, 6-Tetrachlorophenol		1	Gold Book
12	2-Methyl-4-Chlorophenol		1,800	Gold Book
13	3-Methyl-4-Chlorophenol	59507	3,000	Gold Book
14	3-Methyl-6-Chlorophenol		20	Gold Book
15	2-Chlorophenol	95578	0.1	Gold Book
16	Copper	7440508	1,000	Gold Book
17	2, 4-Dichlorophenol	120832	0.3	Gold Book
18	2, 4-Dimethylphenol	105679	400	Gold Book
19	Hexachlorocyclopentadiene	77474	1	Gold Book
20	Nitrobenzene	98953	30	Gold Book
21	Pentachlorophenol	87865	30	Gold Book
22	Phenol	108952	300	Gold Book

Pollutant		CAS Number	Organoleptic Effect Criteria (µg/L)	FR Cite/Source
23	Zinc	7440666	5,000	45FR79341

Footnote:

These criteria are based on organoleptic (taste and odor) effects. Because of variations in chemical nomenclature systems, this listing of pollutants does not duplicate the listing in Appendix A of 40 CFR Part 423. Also listed are the Chemical Abstracts Service (CAS) registry numbers, which provide a unique identification for each chemical.

WATER QUALITY CRITERIA ADDITIONAL NOTES

1. Criteria Maximum Concentration and Criterion Continuous Concentration

The Criteria Maximum Concentration (CMC) is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect. The Criterion Continuous Concentration (CCC) is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect. The CMC and CCC are just two of the six parts of an aquatic life criterion; the other four parts are the acute averaging period, chronic averaging period, acute frequency of allowed ~~exceedence~~ exceedance, and chronic frequency of allowed ~~exceedence~~ exceedance.

2. Criteria for Priority Pollutants, Non Priority Pollutants and Organoleptic Effects

This appendix lists all priority toxic pollutants and some nonpriority toxic pollutants, and both human health effect and organoleptic effect criteria issued pursuant to CWA §304(a), the SDWA, and the NPDWR. Blank spaces indicate that EPA has no CWA §304(a) criteria recommendations. Because of variations in chemical nomenclature systems, this listing of toxic pollutants does not duplicate the listing in Appendix A of 40CFR Part 423.

3. Human Health Risk

The human health criteria for the priority and non priority pollutants are based on carcinogenicity of 10⁻⁶ risk.

4. Water Quality Criteria published pursuant to Section 304(a) or Section 303(c) of the CWA

Many of the values in the appendix were published in the California Toxics Rule. Although such values were published pursuant to Section 303(c) of the CWA, they represent the EPA's most recent calculation of water quality criteria.

5. Calculation of Dissolved Metals Criteria

The 304(a) criteria for metals are shown as total recoverable metals. As allowed in Section E of this regulation, these criteria may be expressed as dissolved metals. Dissolved metals criteria may be calculated in one of two ways (please refer to Attachments). For freshwater metals criteria that are hardness-dependent, the dissolved metal criteria may be calculated using a hardness of 25 mg/l mg/L as expressed as CaCO₃. Saltwater and freshwater metals' criteria that are not hardness-dependent are calculated by multiplying the total recoverable criteria before rounding by the appropriate conversion factors. The final metals' criteria in the table are rounded to two significant figures. Information regarding the calculation of hardness dependent conversion factors are included in the footnotes.

6. Chemical Abstract Services Number

The Chemical Abstract Services number (CAS) for each pollutant is provided (where available).

7. Gold Book Reference

The Gold Book reference listed in the appendix refers to the May 1, 1986 EPA publication EPA 440/5-86-001.

8. Federal Register Reference

The FR listed in the appendix refers to the appropriate *Federal Register* listing, and source refers to the origin of the value. Many of the numeric values contained in this appendix have been modified, revised, or altered and therefore, the source as listed may not be the same as it appears in this table. Also, South Carolina may have selected to use a different value or may have promulgated a different value in its previous iterations of this regulation, so differences from these sources should be expected.

9. Maximum Contaminant Levels

The appendix includes Maximum Contaminant Levels (MCLs) developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).

10. Organoleptic Effects

The appendix contains 304(a) criteria for pollutants with toxicity-based criteria as well as non-toxicity based criteria. The basis for the non-toxicity based criteria are organoleptic effects (e.g., taste and odor) which would make water and edible aquatic life unpalatable but not toxic to humans. The table includes criteria for organoleptic effects for 23 pollutants. Pollutants with organoleptic effect criteria more stringent than the criteria based on toxicity (e.g., included in both the priority and non-priority pollutant tables) are footnoted as such.

11. Category Criteria

In the 1980 criteria documents, certain water quality criteria were published for categories of pollutants rather than for individual pollutants within that category. Subsequently, in a series of separate actions, the EPA derived criteria for specific pollutants within a category. Therefore, in this appendix South Carolina is replacing criteria representing categories with individual pollutant criteria (e.g., 1, 3-dichlorobenzene, 1, 4-dichlorobenzene and 1, 2-dichlorobenzene).

12. Specific Chemical Calculations

A. Selenium

(1) Human Health

In the 1980 Selenium document, a criterion for the protection of human health from consumption of water and organisms was calculated based on a BCF of 6.0 l/kg and a maximum water-related contribution of 35 Φ g Se/day. Subsequently, the EPA Office of Health and Environmental Assessment issued an errata notice (February 23, 1982), revising the BCF for selenium to 4.8 L/kg. In 1988, EPA issued an addendum (ECAO-CIN-668) revising the human health criteria for selenium. Later in the final National Toxic Rule (NTR, 57 FR 60848), EPA withdrew previously published selenium human health criteria, pending EPA review of new epidemiological data.

This appendix includes human health criteria for selenium, calculated using a BCF of 4.8 L/kg along with the current IRIS RfD of 0.005 mg/kg/day. South Carolina included these water quality criteria in the appendix because the data necessary for calculating a criteria in accordance with EPA's 1980 human health methodology are available.

(2) Aquatic Life

This appendix contains aquatic life criteria for selenium that are the same as those published in the CTR. In the CTR, EPA proposed an acute criterion for selenium based on the

criterion proposed for selenium in the Water Quality Guidance for the Great Lakes System (61FR584440. The GLI and CTR proposals take into account data showing that selenium’s two prevalent oxidation state in water, selenite and selenate, present differing potentials for aquatic toxicity, as well as new data indication that various forms of selenium are additive. The new approach produces a different selenium acute criterion concentration, or CMC, depending upon the relative proportions of selenite, selenate, and other forms of selenium that are present. EPA is currently undertaking a reassessment of selenium, and expects the 304(a) criterion for selenium will be revised based on the final reassessment (63FR26186). However, until such time as revised water quality criteria for selenium are published by the EPA, the water quality criteria in this appendix are EPA’s current 304(a) criteria.

B. Chromium (III)

The aquatic life water quality criteria for chromium (III) included in the appendix are based on the values presented in the document titled: *1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water*.

C. PCBs

In this appendix, South Carolina is publishing aquatic life and human health criteria based on total PCBs rather than individual arochlors.

Attachment 1 - Conversion Factors for Dissolved Metals

Metal	Conversion Factor freshwater CMC	Conversion Factor freshwater CCC	Conversion Factor saltwater CMC	Conversion Factor saltwater CCC
Arsenic	1.000	1.000	1.000	1.000
Cadmium	$1.136672 - [(\ln \text{hardness}) / (0.041838)]$	$1.101672 - [(\ln \text{hardness}) / (0.041838)]$	0.994	0.994
Chromium III	0.316	0.860	--	--
Chromium VI	0.982	0.962	0.993	0.993
Copper	0.960	0.960	0.83	0.83
Lead	$1.46203 - [(\ln \text{hardness}) / (0.145712)]$	$1.46203 - [(\ln \text{hardness}) / (0.145712)]$	0.951	0.951
Mercury	0.85	0.85	0.85	0.85
Nickel	0.998	0.997	0.990	0.990
Selenium	--	--	0.998	0.998
Silver	0.85	--	0.85	--
Zinc	0.978	0.986	0.946	0.946

Attachment 2 - Parameters for Calculating Freshwater Dissolved Metals Criteria That Are Hardness-Dependent

Chemical	m _A	b _A	m _C	b _C	Freshwater Conversion Factors (CF)	
					Acute	Chronic
Cadmium	0.9789 A	-3.866 A	0.7977 A	-3.909 A	1.136672-[ln (hardness)(0.041838)]	1.101672-[ln (hardness)(0.041838)]
Chromium III	0.8190	3.7256	0.8190	0.6848	0.316	0.860
Copper	0.9422	-1.700	0.8545	-1.702	0.960	0.960
Lead	1.273	-1.460	1.273	-4.705	1.46203-[ln (hardness)(0.145712)]	1.46203-[ln (hardness)(0.145712)]
Nickel	0.8460	2.255	0.8460	0.0584	0.998	0.997
Silver	1.72	-6.52	--	--	0.85	--
Zinc	0.8473	0.884	0.8473	0.884	0.978	0.986

Hardness-dependent metals criteria may be calculated from the following:

CMC (total) = $\exp\{m_A [\ln(\text{hardness})] + b_A\}$, or CCC (total) = $\exp\{m_C [\ln(\text{hardness})] + b_C\}$

CMC (dissolved) = $\exp\{m_A [\ln(\text{hardness})] + b_A\}$ (CF), or CCC (dissolved) = $\exp\{m_C [\ln(\text{hardness})] + b_C\}$ (CF).

Footnotes:

A This parameter was issued by the EPA in Aquatic Life Ambient Water Quality Criteria Cadmium - 2016 (EPA-820-R-16-002).

Attachment 3 - Calculation of Freshwater Ammonia Criterion

1. The one-hour average concentration of total ammonia nitrogen (in mg N/L) does not exceed, more than once every three years on the average, the CMC calculated using the following equation:

$$CMC = \frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}$$

In situations where salmonids are absent, the CMC may be calculated using the following equation:

$$CMC = \frac{0.411}{1+10^{7.204-pH}} + \frac{58.4}{1+10^{pH-7.204}}$$

2. The thirty-day average concentration of total ammonia nitrogen (in mg N/L) does not exceed, more than once every three years on the average, the CCC calculated using the following equations:

When fish early life stages (ELS) are present:

$$CCC = \left(\frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}} \right) \times \min(2.85, 1.45 \times 10^{0.028 \times (25-T)})$$

When fish early life stages are absent:

$$CCC = \left(\frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}} \right) \times 1.45 \times 10^{0.028 \times (25-\max(T,7))}$$

and the highest four-day average within the 30-day period does not exceed 2.5 times the CCC.

In the absence of information substantiating that ELS are absent, the ELS present equation will be used

Attachment 4 - Calculation of the Sample Specific Freshwater Acute and Chronic Criterion for Metals

As provided in R.61-68.E.14.d(3), in order to “appropriately evaluate the ambient water quality for the bioavailability of the dissolved portion of hardness dependent metals, the Department may utilize a federally-approved methodology to predict the dissolved fraction or partitioning coefficient in determining compliance with the water quality standards.” Per R.61-68.E.14.a(3), the Criterion Maximum Concentration (CMC) and the Criterion Continuous Concentration (CCC) are based on a hardness of 25 mg/L if the ambient stream hardness is equal to or less than 25 mg/L. Concentrations of hardness less than 400 mg/L may be based on the stream hardness if it is greater than 25 mg/L and less than 400 mg/L, and 400 mg/L if the ambient stream hardness is greater than 400 mg/L. In absence of actual stream hardness it is assumed to be 25 ~~mg/L~~ mg/L.

1. Conversion Factor for Dissolved Metals

Refer to R.61-68, *Water Classifications and Standards*, Attachment 2 - Parameters for Calculating Freshwater Dissolved Metals Criteria that are Hardness-Dependent to determine the appropriate parameters and conversion factor. Both CMC and CCC may be expressed as total recoverable or dissolved using the appropriate equations found in Attachment 2.

2. Partitioning Coefficient (Translator)

The partitioning coefficient (K_P) is a translator for the fraction of the total recoverable metal that is bound to adsorbents in the water column, i.e. TSS. The calculation of partitioning coefficients is determined using the following equation.

$$K_P = K_{PO} \times (TSS_b)^\alpha$$

where K_P has units of L/kg

TSS_b = In-stream Total Suspended Solids concentration in mg/L

Parameters for default partition coefficient estimation equations (K_{PO} and α) are provided from Table 3 of *The Metals Translator: Guidance For Calculating A Total Recoverable Permit Limit From A Dissolved Criterion*, EPA 823-B-96-007.

Metal	Lakes		Streams	
	K_{PO}	α	K_{PO}	α
Cadmium	3.52E+06	-0.9246	4.00E+06	-1.1307
Chromium III	2.17E+06	-0.2662	3.36E+06	-0.9304
Copper	2.85E+06	-0.9000	1.04E+06	-0.7436
Lead	2.0E+06	-0.5337	2.80E+06	-0.8
Nickel	2.21E+06	-0.7578	4.90E+05	-0.5719
Zinc	3.34E+06	-0.6788	1.25E+06	-0.7038

3. Final Sample Specific Total Recoverable CMC or CCC ($\mu\text{g/L}$) Adjusted for In-Situ Hardness and TSS

The instream total recoverable concentration is determined using Equation 6.4 of *The Metals Translator: Guidance For Calculating A Total Recoverable Permit Limit From A Dissolved Criterion*, EPA 823-B-96-007.

$$\text{CMC (total recoverable adjusted)} = \text{CMC (dissolved)} \times \{1 + (K_P \times TSS_b \times 10^{-6})\}$$

where $\text{CMC (dissolved)} = \exp\{m_A [\ln(\text{hardness})] + b_A\}$ (CF)

$$K_P = K_{PO} \times (TSS_b)^\alpha$$

TSS_b = In-stream Total Suspended Solids concentration in mg/L

10^{-6} = Units conversion factor to express ~~CCC~~ CMC (total recoverable adjusted) in $\mu\text{g/L}$

$$\text{CCC (total recoverable adjusted)} = \text{CCC (dissolved)} \times \{1 + (K_P \times TSS_b \times 10^{-6})\}$$

where $\text{CCC (dissolved)} = \exp\{m_C [\ln(\text{hardness})] + b_C\}$ (CF)

$$K_P = K_{PO} \times (TSS_b)^\alpha$$

TSS_b = In-stream Total Suspended Solids concentration in mg/L

10^{-6} = Units conversion factor to express CCC (total recoverable adjusted) in $\mu\text{g/L}$.

Note: The background TSS is assumed to be the measured instream data (mg/L) or 1 mg/L in the absence of actual instream data (based on the 5th percentile of ambient TSS data on South Carolina waterbodies from 1993-2000).

If the ambient stream metals result exceeds CMC (total recoverable adjusted) or CCC (total recoverable adjusted) based on the measured TSS and hardness collected with the metal sample it constitutes a standard exceedance. Lacking actual instream TSS and hardness data, a metals result exceeding CMC (total recoverable adjusted) or CCC (total recoverable adjusted) based on the default hardness of 25 mg/L and the default TSS value of 1 mg/L constitutes a potential standard exceedance.

Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these proposed amendments.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-68, Water Classifications and Standards.

Purpose: Amendments of R.61-68, as required by the triennial review, will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions of the State’s water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the federal CWA.

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

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

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

Section 303(c)(2)(B) of the federal CWA requires that South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department amends R.61-68 to adopt these criteria as the Department deems necessary to comply with federal regulatory recommendations and revisions.

DETERMINATION OF COSTS AND BENEFITS:

Existing Department staff and resources will be utilized to implement these amendments to the regulation. No anticipated additional cost will be incurred by the State if the revisions are implemented, and no additional State funding is being requested.

Overall cost impact to the State's political subdivisions and regulated community is not likely to be significant. Existing standards would have incurred similar cost. Furthermore, standards required under the amendments will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

The uncertainties associated with the estimation of benefits and burdens are minimal to moderate, due to possible differences in the extent to which Municipal Separate Storm Sewer Systems ("MS4s") currently meet the revised standard.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The amendments to R.61-68 seek to promote and protect human health by the regulation of pollutants into waters of the State.

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

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The amendments to R.61-68 seek to promote and protect human health by the regulation of pollutants into waters of the State. If the amendments to R.61-68 are not implemented, then the waters of the State will have less protections for human health.

Statement of Rationale:

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

R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal CWA requires South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department amends R.61-68 to adopt these criteria the Department deems necessary to comply with federal regulatory recommendations and revisions. The Department adopts a revised recreational water quality criteria for bacteria to reflect the most current final published criteria in accordance with the CWA.

ATTACHMENT B

SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES

**Document No. 5119
R.61-68, *Water Classifications and Standards***

As of September 26, 2022, the close of the Notice of Proposed Regulation comment period:

Name	Section
Charleston Water System	Appendix
<p>Comment:</p> <p>The notice of proposed regulation for R.61-68 (document 5119) references the adoption of EPA's "revised standard for aquatic life ambient water quality criteria for aluminum... in accordance with the CWA." However, EPA's 2018 Final Notice (EPA-822-R-18-001) stated, "As with the 1988 AWQC for aluminum, there are still insufficient data on estuarine and marine species to fulfill the [Minimum Data Requirements] as specified in the 1985 Guidelines. As a result, the EPA cannot recommend criteria for estuarine/marine waters at this time" (p. xv). This point was reiterated in EPA's Fact Sheet (EPA-822-F-18-003), "The EPA has published final updated aquatic life ambient water quality criteria recommendations for aluminum in freshwater under Section 3014(a)(1) of the Clean Water Act to reflect the latest scientific knowledge There are not enough data to support the development of estuarine/marine aluminum criteria at this time." The applicability to "freshwaters" is also captured in the Federal Register announcement (Vol. 83, No. 245, Dec. 21, 2018, 65663) and in EPA's aluminum criteria calculator used to determine the normalized aluminum acute and chronic criteria. This distinction about the applicability of the new criteria only to freshwater is not captured in the notice of proposed regulation or proposed R.61-68. We do not believe it is appropriate to extrapolate the freshwater standards to estuarine or marine water and thus, request that the distinction be adequately document in this review process and within the updated R.61-68.</p> <p>Department Response:</p> <p>The Department agrees with Charleston Water System that the proposed aluminum criteria is only appropriate for application in freshwater. This was the intent of the proposed language. As explained below, the Department has decided to delay the proposed adoption of the EPA recommended aluminum criteria. Future proposed regulatory changes to R. 61-68 will clarify that this criterion is for freshwater only.</p>	
Name	Section
EPA Region 4	E
<p>Comment:</p> <p>Thank you for meeting with EPA earlier this month to discuss our comments on SC's 2022 Triennial Review of Water Quality Standards. I appreciated you hosting the stakeholder meeting</p>	

on September 20th, 2022, to review the final draft changes that will be presented to the Board in November. During that meeting, EPA noted the following existing provision in the State rules which had not been updated:

E. GENERAL RULES AND STANDARDS APPLICABLE TO ALL WATERS

2. The classes and standards described in Section G and H of this regulation implement the above State policy by protecting the waters of South Carolina. Consistent with the above policy, the Department adopts the following general standards in items 3-17 for all waters of South Carolina.

While the provision notes that the provisions in items 3-17 apply, the rule has been updated in previous triennials to add the following provisions at E. 18 and 19:

18. For the protection of human health, methylmercury concentration in fish or shellfish shall not exceed 0.3 mg/kg in wet weight of edible tissue. a. NPDES permit implementation for methylmercury will require mercury monitoring, assessment and minimization for discharges that meet the following conditions; (1) The receiving stream is impaired for methylmercury in fish or shellfish tissue, and; (2) The discharge or proposed discharge has consistently quantifiable levels of mercury. b. The need for a total mercury effluent limit, for the protection of aquatic life and/or human health, pursuant to R.61-9.122.44(d), shall be based on a reasonable potential analysis of the discharge compared to the mercury standards for ambient waters.

19. The assessment of methylmercury in fish or shellfish for purposes of Section 303(d) listing determinations shall be based on the Department’s Fish Consumption Advisories.

EPA requests that SC update E.2. to include ‘items 3-19,’ when it goes to the Board in November.

Department Response:

The Department agrees with EPA. This technical correction had been missed by staff during the previous triennial review cycles. Thank you for bringing this to our attention. When the Department finalizes the proposed revisions to R.61-68 we will update E.2 to say items 3-19.

Name	Section
IDEXX	G

Comment:

IDEXX appreciates the opportunity from the South Carolina Department of Health & Environmental Control (Department) to submit our input on the proposed updates for the Triennial Review of Water Quality Standards. At this time, IDEXX would like to request the Department to consider the following comments.

- 1) We suggest adding additional technical corrections by adding the missing comma after “fecal coliform” listed in the following tables under Section G.(4) Outstanding National Resource Waters (ONRW) are freshwaters or saltwaters which contribute an outstanding national recreational or ecological resource and Section G. (6) Outstanding Resource Waters (ORW) are freshwaters or saltwaters which constitute an outstanding recreational

or ecological resource or those freshwaters suitable as a source of drinking water purposes with treatment levels specified by the Department.

- 2) We suggest revising and removing the use of the bacteria indicator of fecal coliform as an acceptable indicator for the assessment of fecal contamination of surface waters and only utilizing the indicators of Escherichia Coli (E. coli) and/or enterococci.

Fecal coliform bacteria are commonly identified as being thermotolerant bacteria (able to grow at 44.5°C) [4]. Thermotolerant bacteria consists of E. coli, Klebsiella, Enterobacter, and Citrobacter species [1,2]. When testing for fecal coliform, the population of the bacteria present can affect the fecal coliform results. For example, Klebsiella, Enterobacter, and Citrobacter species are false-positive indicators of fecal contamination as they are from non-fecal origin [2]. Studies have found, up to 15% of Klebsiella (nonfecal origin) are thermotolerant and up to 10% of E. coli are not thermotolerant, thus potentially causing an error rate of 25% when testing for fecal coliform [3]. E. coli are the only bacteria, of the coliform bacteria group, that come from the intestinal tract, have been found to be more specific to the detection of fecal contamination, and are the definitive indicator of fecal contamination in U.S. drinking water regulations and the recommended bacteria for recreational surface waters [3-5].

Within marine waters, studies show enterococci as compared to other fecal contamination indicators, have a higher survival rate and enterococci show a direct association with risk of swimmer's illness [6,7]. The European Union (EU) uses enterococci as an indicator of fecal contamination for recreational and drinking water, and additionally, enterococci are part of the US EPA 2012 Recreational Water Quality Criteria and included by the World Health Organization as recommended bacteria indicator for fecal contamination for recreational water [5,7].

We understand that federal regulations still require fecal coliforms as the bacteria indicator for shellfish beds, however, revising all other designated uses of surface water bacteria to either E. coli or enterococci would be more protective to public health by using indicators that are definitive of fecal contamination. We also understand that this suggested revision, removing fecal coliform as a bacteria indicator, maybe considered out of scope of the proposed changes, but we hope that the Department will consider this suggested edit in a future triennial review as an additional way to strengthen the standard and better protect public health. IDEXX appreciates the opportunity to provide these comments and we look forward to the next steps in the regulation process.

Department Response:

- 1) The Department agrees with IDEXX on the suggested technical corrections to sections G.4 and G.6. When the Department finalizes the proposed revisions to R.61-68 we will make these technical corrections.
- 2) In addition to shellfish beds, fecal coliform is utilized as the bacteriological indicator for shellfish harvesting waters and for upstream or downstream waters for the protection of shellfish uses. At this time, the Department is not considering removing fecal coliform as a bacteriological indicator for shellfish harvesting waters and protection of shellfish uses.

Name	Section
South Carolina Chamber of Commerce	Appendix

Comment:

The South Carolina Chamber of Commerce (the Chamber) is a statewide organization that represents a broad cross-section of companies in South Carolina. Chamber member companies employ thousands of South Carolinians in high-paying jobs and lead the way on recycling, environmental protection, renewable energy generation and sustainable manufacturing operations. The Chamber promotes pro-job and pro-business policies at the state and federal level and bring together businesses across the state through coordinated strategies, training opportunities, and networking events. With a unified voice, we can make the biggest impact. Our goal is to create the best business climate, so businesses can be at their best. We pride ourselves in accomplishing this goal while balancing environmental protection required by state laws and regulations.

We have reviewed the State Register notice published August 26, 2022, regarding the proposed adoption of freshwater aquatic life criteria in Regulation 61-68. From our view, DHEC has not done an adequate review of EPA's criteria and seeks to adopt the federal criteria without any assessment of the validity of its use in South Carolina. At best, adoption is premature because DHEC has not collected ambient data to determine what impact it would have on state point and non-point source discharges. Additionally, DHEC has not evaluated how many new surface waters will become added to the list of impaired waters (i.e., 303(d) List pursuant to the federal Clean Water Act).

Prior to adopting the current freshwater e-coli bacteria standard, DHEC took the time to collect ambient water quality data to determine what was an appropriate standard to balance protection of classified and existing uses, without undo economic impact in South Carolina. This type of work should be done for aluminum. In stakeholder meetings earlier this year, DHEC said this type of information had not yet been developed. Georgia EPD has started their triennial and notes that they are collecting aluminum and DOC data to evaluate the recommended criteria calculator. EPD also notes that Georgia has naturally occurring aluminum in many streams, like South Carolina.

The State's Pollution Control Act requires a unique review of a new standard and must recognize "... safety and welfare of its citizens, maximum employment, the industrial development of the State..." (SECTION 48-1-40). To date, DHEC seeks to blindly adopt a federal criterion without a state-specific evaluation required in SECTION 48-1-60. Regarding the section in the notice entitled "Determination of Costs and Benefits", the following is stated:

Existing Department staff and resources will be utilized to implement these amendments to the regulation. No anticipated additional cost will be incurred by the State if the revisions are implemented, and no additional State funding is being requested. Overall cost impact to the State's political subdivisions and regulated community is not likely to be significant. Existing standards would have incurred similar cost. Furthermore, standards required under the amendments will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

It is hard to agree with these statements because DHEC has not determined the increase workload on both the ambient monitoring program as well as the need to develop TMDLs. As we understand it, this criterion is a function of hardness and dissolved organic carbon, as well as the aluminum data itself. DHEC has not even estimated the impact to NPDES permittees (e.g., political subdivisions and regulated community). The potential impacts relate to traditional NPDES wastewater discharges as well as stormwater NPDES permits. Also, since drinking water systems (municipal and industrial) often use aluminum-based chemicals to clean surface waters for public consumption, it would be good to know the potential impacts on this sector since these systems also have NPDES permits.

Therefore, the Chamber requests that DHEC hold off adoption until:

- Ambient data for aluminum is reviewed,
- The impact on the ambient monitoring program and TMDL program is considered, and
- The impact on NPDES permits is evaluated.

Without this work, DHEC has no idea of the economic impact on state businesses and is unaware of the potential increased workload of its own staff. Without this review, South Carolina doesn't really know both the benefits and impacts to the proposed regulation.

Finally, it is our understanding that DHEC used to have an aluminum stream standard, but many years ago removed the standard. Please summarize the basis for that action and why now is an appropriate time to add a standard back. For example, if many state waters are naturally high in aluminum, adoption of this standard may not aid in protection the classified and existing uses of our waters. To the extent that DHEC proceeds with the proposal, it would be good to have the text clarify that this is a freshwater standard.

Department Response:

The Department has decided to delay the proposed adoption of the EPA recommended aluminum criteria for freshwater until the next triennial review. This will allow Department staff additional time to evaluate the Chamber's comments and the impacts of the proposed regulatory change on state point and non-point sources and the listing of impaired waters.

Name	Section
South Carolina Water Quality Association	G

Comment:

As the Department moves forward with the current triennial review, the SC Water Quality Association wants to renew our request for the following two changes to the regulation:

First, we ask that DHEC revise the POTW permit implementation language in the regulation to specify Monthly/Weekly geometric mean limits for bacteria in POTW permits (at least those with design capacities of 1 MGD or greater). We have previously commented on the unnecessary complexity of DHEC's current bacteria permitting approach for POTWs as well as the fact that the permit limits should be expressed as monthly/weekly limits per federal regulation. *40 CFR § 122.45(d)(2)*. Federal regulations require that POTW permits be expressed as monthly/weekly

limits unless such limits cannot be calculated. We know that is not the case because many other states – such as North Carolina and Tennessee impose monthly/weekly bacteria limits in their permits for POTWs. Other states follow EPA’s criterion – which specifies that the monthly geometric mean is what provides the intended level of swimmer protection – by imposing monthly limits only on their POTWs. Virginia, Maryland, and the District of Columbia are examples of this approach. Notably, the disinfection performance of facilities in VA, MD and DC (Blue Plains Advanced Wastewater Treatment Plant) are just as good as the facilities here in South Carolina who are inappropriately required to meet daily maximum limits. The take away from this is that the disinfection technology is what it is and we don’t need daily maximum limits as a way to get better disinfection performance. The technology is what it is. Moving to monthly/weekly average limits is more appropriate, consistent with federal regulation, and fairer to SC POTWs who are properly operating their disinfection systems but the nature of the technology may result in a somewhat elevated, end-of-pipe, value that has not environmental or public health significance.

South Carolina’s approach forces POTWs to overapply chlorine (which is the real risk to receiving waters) as well as chemicals to neutralize excess chlorine (such as SO₂ – which in itself can present toxicity concerns). Monthly/weekly average permit limits for bacteria are appropriate and will strike a better environmental balance.

Accordingly, we ask that DHEC revise the POTW permit implementation language in the regulation to specify monthly and weekly geometric mean limits for bacteria in POTW permits (at least for major POTWs).

Second, we propose that DHEC revise the regulation to specify the use of the harmonic mean flow for applying human health criteria. EPA’s national human health criteria (carcinogenic and non-carcinogenic) are based upon an assumed exposure period of 70 years (lifetime). Logically, when implementing such criteria, it makes sense to use a long-term average instream flow value rather than a short-term, drought-based value such as the 7Q10 – South Carolina DHEC’s current practice. Accordingly, the SCWQA proposes that DHEC follow EPA and virtually every other state and revise the WQS regulation to specify the use of the harmonic mean flow (roughly the annual average flow value) when implementing human health criteria in NPDES permits.

Department Response:

The Department will not adopt the Association’s proposed changes at this time. The bacteria limits noted by the Association have been consistent since 2012. Department staff require additional time to review its permitting approach for POTWs and use of a harmonic mean flow before committing to such significant changes. The Department will evaluate these comments further and consider these changes during the next triennial review.

Name	Section
Town of Sullivan’s Island	G

Comment:

Sullivan’s Island objects to any bacteria limits from adjacent water bodies being imposed on our NPDES permit other than the water body classification we discharge to.

We discharge to SB waters not SFH waters. Our miniscule discharge amount into the large harbor body of water via the ICWW has little to no impact on adjacent SFH waters.

Department Response:

Fecal coliform limits for shellfish harvesting waters are also applied to upstream and downstream waters for protection of shellfish uses. As noted above, the Department is not currently considering removing fecal coliform as a bacteriological indicator for shellfish harvesting waters and protection of shellfish uses. However, the Town may submit a written request for the Department to review its NPDES permit to ensure that appropriate effluent limitations are specified.

Date: November 10, 2022

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

From: Bureau of Water

Re: Public Hearing for Notice of Final Regulation Amending R.61-69, *Classified Waters*, Document No. 5116

I. Introduction


The Bureau of Water (“Bureau”) proposes the attached Notice of Final Regulation amending R.61-69, *Classified Waters*. Legal authority resides in S.C. Code Sections 48-1-10 et seq., which provides that the Department of Health and Environmental Control (“Department”) shall promulgate regulations to implement the South Carolina Pollution Control Act. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.


II. Facts

1. R.61-69 establishes South Carolina’s site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Bureau proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions. The Bureau also proposes stylistic changes for overall improvement of the text of the regulation.
2. The Department had a Notice of Drafting published in the February 25, 2022, *State Register*.
3. Department staff met with stakeholders to discuss the Notice of Drafting and receive stakeholder input on the proposed amendments on April 19, 2022, and May 24, 2022.
4. Appropriate Department staff conducted an internal review of the proposed amendment on July 13, 2022.
5. Upon receiving approval during the August 11, 2022, Board meeting, the Bureau had a Notice of Proposed Regulation published in the August 26, 2022, *State Register*. The Department received public comments from nine (9) people by September 26, 2022, the close of the public comment period. Attachment B presents a summary of these public comments received and Department responses.
6. The Department hosted a Staff Informational Forum on September 20, 2022, to answer stakeholder questions based on the Notice of Proposed Regulation.
7. After consideration of all timely received comments, staff has made no changes to the regulatory text of the Notice of Proposed Regulation approved by the Board in the August 11, 2022, Board meeting and published in the August 26, 2022, *State Register*.

III. Request for Approval

The Bureau respectfully requests the Board to find need and reasonableness of the attached proposed amendment of R.61-69, *Classified Waters*, for submission to the General Assembly.


Jennifer Hughes
Chief, Bureau of Water


Myra Reece
Director of Environmental Affairs

Attachments:

- A. Notice of Final Regulation
- B. Summary of Public Comments and Department Responses

ATTACHMENT A

**STATE REGISTER NOTICE OF FINAL REGULATION
FOR R.61-69, *Classified Waters***

November 10, 2022

Document No. 5116

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

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

61-69. Classified Waters.

Synopsis:

Pursuant to S.C. Code Sections 48-1-10 et seq., R.61-69 establishes the State’s site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department of Health and Environmental Control (“Department”) amends R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions. The Department also makes stylistic changes for overall improvement of the text of the regulation.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
Table of Contents	Technical Correction	Amended title of Section H for consistency.
A. Criteria for Classes	Technical Correction	Amended to correct punctuation.
F. Notations for Site-Specific Standards and Previous Class	Technical Correction	Amended to correct spelling.
H. List of Waterbody Names, County(ies), Class, and Descriptions		
Section Title	Technical Correction	Amended to correct verb tense.
Ashley River	Technical Correction	Amended to correct spacing and punctuation.
Ashpole Swamp	Technical Correction	Amended to correct spelling of waterbody name.
Atlantic Intracoastal Waterway	Revision	Amended the ORW(SFH) listing for accuracy.
Baker Creek	Revision	Amended waterbody name for consistency.
Bates Old River	Addition	Added waterbody to address Congaree National Park expansion.
Battery Creek	Technical Correction	Amended to correct punctuation.
Bear Creek	Technical Correction	Amended to correct county abbreviation.

Section	Type of Change	Purpose
Beaverdam Creek	Technical Correction	Amended to correct punctuation.
Big Dutchmans Creek	Revision	Amended waterbody names for consistency.
Big Pine Tree Creek	Technical Correction	Amended to correct county abbreviation.
Black Creek	Revision	Amended to clarify road names.
Black River	Revision	Amended to clarify road names.
Brasstown Creek	Revision	Amended for grammatical accuracy.
Broad River	Technical Correction	Amended to correct county abbreviation.
Brushy Creek	Revision	Amended for grammatical accuracy.
Buckhorn Creek	Revision	Amended for grammatical accuracy.
Catawba-Wateree River	Technical Correction	Amended to correct county abbreviation.
Cedar Creek	Revision	Amended for grammatical accuracy.
Cedar Creek Reservoir	Technical Correction	Amended to correct county abbreviation.
Chauga River	Revision	Amended to clarify road names.
Cheohee Creek	Revision	Amended for grammatical accuracy.
Coastal Waters	Technical Correction	Amended to correct punctuation.
Combahee River	Revision	Amended for grammatical accuracy.
Debidue Creek	Revision	Amended for grammatical accuracy.
Devils Fork	Revision	Amended for grammatical accuracy.
Edisto River	Revision	Amended to clarify road names.
Fishing Creek Lake	Technical Correction	Amended to correct county abbreviation.
Folly River	Technical Correction	Amended to correct capitalization.
Foreteen Mile Creek	Revision	Amended waterbody name for consistency.
Golden Creek	Revision	Amended waterbody name for consistency.
Granny's Quarter Creek	Technical Correction	Amended to correct county abbreviation.
Guerin Creek	Technical Correction	Amended to correct capitalization.
Gulley Branch	Revision	Amended waterbody name for consistency.
Hanging Rock Creek	Technical Correction	Amended to correct county abbreviation.

Section	Type of Change	Purpose
Hawe Creek	Revision	Amended waterbody name for consistency.
Howard Creek	Revision	Amended to clarify road name.
Jumping Branch	Technical Correction	Amended to correct capitalization.
Kate Fowler Branch	Revision	Amended waterbody name for consistency.
Langston Creek	Revision	Amended for grammatical accuracy.
Little River	Revision	Amended waterbody name for consistency.
Long Cane Creek	Revision	Amended waterbody name for consistency.
Ludlow Branch	Revision	Amended waterbody name for consistency.
McKinneys Creek	Revision	Amended to clarify road names.
North Edisto River	Technical Correction	Amended to correct spelling of waterbody name.
North Fork Little River	Revision Technical Correction	Amended to clarify road names and amended to correct spelling.
North Saluda River	Revision	Amended to clarify road names.
Oil Camp Creek	Technical Correction	Amended to correct spelling of state park.
Running Lake	Deletion Revision	Removed the FW listing for Running Lake and amended the ORW(FW) listing for Running Lake for accuracy.
Saluda River (main stem)	Technical Correction	Amended to correct county abbreviation.
Saluda River (main stem)	Technical Correction	Amended for grammatical accuracy.
Sanders Branch	Technical Correction	Amended to correct spelling of waterbody name.
Savannah River	Revision	Amended waterbody name for consistency.
Sawneys Creek	Technical Correction	Amended to correct county abbreviation.
Shanklin Creek	Revision	Amended waterbody name for consistency.
Sewee Bay	Revision	Amended to reclassify these waters.
Smeltzer Creek	Revision	Amended to clarify road names.
South Pacolet River	Revision	Amended to clarify road names.
South Saluda River	Revision	Amended to clarify road name.
South Santee River	Technical Correction	Amended to correct punctuation.
Thompson River	Revision Technical Correction	Amended for grammatical accuracy and to correct capitalization.

Section	Type of Change	Purpose
Town Creek	Technical Correction	Amended to correct county abbreviation.
Town Creek	Revision	Amended waterbody name for consistency.
Townsend River	Revision	Amended waterbody name for consistency.
Turkey Creek	Technical Correction	Amended to correct county abbreviations.
Wateree River	Revision	Amended waterbody name for consistency.

Instructions:

Replace R.61-69 in its entirety with this amendment.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

61-69. Classified Waters.

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

TABLE OF CONTENTS

- A. Criteria for Classes
- B. Tributaries to Classified Waters
- C. Status of Classifications and Reviews
- D. No Discharge Zone Designations
- E. Class Abbreviations
- F. Notations for Site-Specific Standards and Previous Class
- G. County Abbreviations
- H. List of Waterbody Names, County(ies), Classes, and Descriptions

A. Criteria for Classes.

All adopted classifications must conform to the standards and rules contained within R.61-68, Water Classifications and Standards, or site-specific standards listed within this regulation. Unless noted, site-specific standards apply only to the water named and not to tributary or downstream waters.

B. Tributaries to Classified Waters.

Where surface waters are not classified by name (unlisted) in this regulation, the use classification and numeric standards of the class of the stream to which they are tributary apply, disregarding any site-specific numeric standards for the named waterbody. In tidal areas, where an unlisted tributary may affect or flows between two differently classified waterbodies, regardless of whether the location is upstream or downstream, the more stringent numeric standards of the classified waters apply to the unlisted tributary, disregarding any site-specific numeric standards for those waterbodies.

C. Status of Classifications and Reviews.

The classification for all bodies of water contained herein supersedes all previous classifications. The classifications listed within this regulation shall be open to review to ensure that the classification use is still valid and justified.

D. No Discharge Zone Designations.

The Department may determine in accordance with Section 312 of the Clean Water Act that for some waterbodies (or portions of waterbodies), the designation of No Discharge Zone (NDZ) for Marine Sanitation Devices (MSDs) shall be enacted with application of the existing classified standards of the waterbody. The designation is listed in this regulation as an NDZ following the waterbody name.

E. Class Abbreviations.

Class Abbreviations Used in R.61-69	
Outstanding National Resource Waters	ONRW (previous class)
Outstanding Resource Waters	ORW (previous class)
Shellfish Harvesting Waters	SFH
Trout - Natural	TN
Trout – Put, Grow, and Take	TPGT
Trout – Put and Take	TPT
Freshwaters	FW
Class SA (saltwaters)	SA
Class SB (saltwaters)	SB

F. Notations for Site-Specific Standards and Previous Class.

An “sp” by the Class means the Department has established site-specific standards for certain parameters for that waterbody. The site-specific standards are listed in parentheses after the waterbody description. For convenience, on both ONRW and ORW waterbodies, the previous classification for the specific waterbody is given in parentheses after the Class listing.

G. County Abbreviations.

County	Abbreviation
Abbeville	Abvl
Aiken	Aikn
Allendale	Aldl
Anderson	Andn
Bamberg	Bmbg
Barnwell	Brwl

County	Abbreviation
Beaufort	Bftr
Berkeley	Bkly
Calhoun	Clhn
Charleston	Chtn
Cherokee	Chke
Chester	Cstr
Chesterfield	Cfld
Clarendon	Clrn
Colleton	Cltn
Darlington	Drln
Dillon	Diln
Dorchester	Dchr
Edgefield	Efld
Fairfield	Ffld
Florence	Flrn
Georgetown	Gtn
Greenville	Gnvl
Greenwood	Gnwd
Hampton	Hmpt
Horry	Hory
Jasper	Jspr
Kershaw	Krsh
Lancaster	Lctr
Laurens	Lrns
Lee	Lee
Lexington	Lxtn
McCormick	Mcmk
Marion	Marn
Marlboro	Mrlb
Newberry	Nbry
Oconee	Ocne
Orangeburg	Orbg
Pickens	Pkns
Richland	Rlnd
Saluda	Slda
Spartanburg	Spbg
Sumter	Smtr
Union	Unin
Williamsburg	Wmbg
York	York

H. List of Waterbody Names, County(ies), Classes, and Descriptions.

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Abner Creek	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
Adams Creek	Chtn	ORW(SFH)	The entire creek tributary to Bohicket Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Allan Creek (also called Allen Creek)	Spbg	FW	The entire creek tributary to Enoree River
Alligator Creek	Cltn	ORW(SFH)	The entire creek tributary to South Edisto River
Allison Creek	York	FW	The entire creek tributary to Lake Wylie
Alston Creek	Chtn	SFH	The entire creek tributary to Wando River
Anderson Reservoir	Andn	FW	The entire reservoir on Beaverdam Creek
Archers Creek	Bfrt	SA	That portion of the creek from Port Royal to U.S. Government Parris Island Bridge
Archers Creek	Bfrt	SFH	That portion of the creek from the U.S. Government Parris Island Bridge to Broad River
Ashepool River	Cltn	FW	That portion of the river to saltwater intrusion
Ashepool River	Cltn	SFH	That portion of the river from saltwater intrusion to the Atlantic Ocean
Ashley River	Chtn, Dchr	FW	That portion of the river from its beginning at Cypress Swamp to the confluence with Popper Dam Creek
Ashley River	Chtn, Dchr	SA	That portion of the river from the confluence with Popper Dam Creek to Church Creek
Ashley River	Chtn	SA-sp	That portion of the river from Church Creek to Orangegrove Creek (Dissolved Oxygen (D.O.) not less than 4 mg/L)
Ashley River	Chtn	SA	That portion of the river from Orangegrove Creek to Charleston Harbor
Ashpole Swamp	Dill, Marn	FWsp	The entire swamp tributary to Lumber River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Atlantic Intracoastal Waterway	Hory	SA	That portion of the waterway from the North Carolina line to S.C. Hwy 9
Atlantic Intracoastal Waterway	Hory	FW	That portion of the waterway from S.C. Hwy 9 to its confluence with Waccamaw River
Atlantic Intracoastal Waterway	Gtwn, Hory	FWsp	That portion of the waterway from its confluence with Waccamaw River to Thoroughfare Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Atlantic Intracoastal Waterway	Gtwn	SA-sp	That portion of the waterway from Thoroughfare Creek to the headwaters of Winyah Bay (D.O. not less than 4 mg/L)
Atlantic Intracoastal Waterway	Gtwn	SB	That portion of the waterway from the headwaters of Winyah Bay to South Santee River
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from South Santee River to the Ben Sawyer Bridge its confluence with Venning Creek
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from its confluence with Venning Creek to its confluence with Morgan Creek
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from its confluence with Morgan Creek to the Ben Sawyer Bridge
Atlantic Intracoastal Waterway	Chtn	SB	That portion of the waterway from the Ben Sawyer Bridge through Charleston Harbor to the confluence of Elliott Cut and Stono River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from the confluence of Elliott Cut and Stono River to the S.C.L. Railroad Bridge over Stono River
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from the S.C.L. Railroad Bridge over Stono River to the confluence of Wadmalaw Sound and Stono River
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from the confluence of Wadmalaw Sound and Stono River to Gibson Creek
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from Gibson Creek along Wadmalaw River and Dawho River to North Creek
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from North Creek through Watts Cut to South Edisto River
Atlantic Intracoastal Waterway	Chtn, Cltn	ORW(SFH)	That portion of the waterway from South Edisto River at Watts Cut to South Edisto River at Fenwick Cut
Atlantic Intracoastal Waterway	Cltn	SFH	That portion of the waterway from South Edisto River at Fenwick Cut along the Ashepoo River to the confluence with St. Helena Sound
Atlantic Intracoastal Waterway	Bfirt, Cltn	SFH	That portion of the waterway from the confluence with St. Helena Sound through the Sound to the confluence with Coosaw River
Atlantic Intracoastal Waterway	Bfirt	SFH	That portion of the waterway from the confluence with Coosaw River along Brickyard Creek to the confluence with Albergottie Creek
Atlantic Intracoastal Waterway	Bfirt	SA	That portion of the waterway from the confluence of Brickyard and Albergottie Creeks to become the Beaufort River to a boundary drawn along Beaufort River between the upper banks of Battery Creek and Cat Island Creek
Atlantic Intracoastal Waterway	Bfirt	SFH	That portion of the waterway from a boundary drawn along Beaufort River between the upper bank of Battery Creek and Cat Island through Port Royal Sound to the confluence with Skull Creek
Atlantic Intracoastal Waterway	Bfirt	SFH	That portion of the waterway from the confluence with Skull Creek through Calibogue Sound, along Cooper River and Ramshorn Creek, to the confluence with New River
Atlantic Intracoastal Waterway	Jspr	SA	That portion of the waterway from the confluence of Ramshorn Creek with New River to Watts Cut and Wright River
Atlantic Intracoastal Waterway	Jspr	SA	That portion of the waterway from Wright River to Mud River to Savannah River
Back River	Bkly	FW	The entire river tributary to Cooper River
Bad Creek	Ocne	ORW(FW)	That portion of the creek from the North Carolina line to Chattooga River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Bad Creek Reservoir	Ocne	FW	The entire reservoir
Bailey Creek	Andn	FW	The entire creek tributary to Rocky Creek
Bailey Creek	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
Baker Creek	Mcmk	FW	The entire creek tributary to Lake Strom Thurmond J. Strom Thurmond Lake
Ballast Creek	Bftr	SA	That portion of the creek from the tidal node to Beaufort River
Ballast Creek	Bftr	SFH	That portion of the creek from the tidal node to Broad River
Bartons Branch (also called Summerhouse Branch and Johnsons Swamp)	Gtwn, Wmbg	FWsp	The entire branch tributary to Horse Pen Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Bass Creek	Bftr	ORW(SFH)	The entire creek tributary to May River
Bass Hole Bay	Gtwn	ORW(SFH)	The entire bay between Old Man Creek and Debidue Creek
<u>Bates Old River</u>	<u>Rlnd</u>	<u>ORW(FW)</u>	<u>The entire river within the boundary of the Congaree National Park to the confluence with Congaree River</u>
Battery Creek	Bftr	SA	That portion of the creek from the two unnamed headwater creeks down to a point 1000 feet below their confluence at Rabbit Island
Battery Creek	Bftr	SFH	That portion of the creek from a point 1000 feet below the headwater creeks' confluence at Rabbit Island to the confluence with Beaufort River
Battle Creek	Ocne	TPGT	The entire creek tributary to Tugaloo River
Bear Creek	Andn	FW	The entire creek tributary to Rocky Creek
Bear Creek	Lctr	FW	The entire creek tributary to Cane Creek
Bear Creek	Newb, <u>LexiLxtn</u>	FW	The entire creek tributary to Lake Murray
Bear Swamp	Diln	FWsp	The entire swamp tributary to Ashpole Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Beards Fork Creek	Lrns	FW	The entire creek tributary to Duncan Creek
Beaufort River	Bftr	SA	That portion of the river from the confluence of Albergottie Creek and Brickyard Creek to a boundary drawn between the upper bank of Battery Creek and Cat Island Creek
Beaufort River	Bftr	SFH	That portion of the river from a boundary drawn between the upper bank of Battery Creek and Cat Island Creek to the confluence with Port Royal Sound
Beaver Creek	Andn	FW	The entire creek tributary to Rocky River
Beaver Creek	Krsh	FW	The entire creek tributary to Wateree Lake
Beaverdam Creek	Andn	FW	The entire creek tributary to Rocky River
Beaverdam Creek	Drln, Cfld	FW	The entire creek tributary to Black Creek
Beaverdam Creek	Efld	FW	The entire creek tributary to Turkey Creek
Beaverdam Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters to Secondary Road 563

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Beaverdam Creek	Gnvl	FW	That portion of the creek from Secondary Road 563 to Enoree River
Beaverdam Creek	Lrns	FW	The entire creek tributary to Enoree River
Beaverdam Creek	Mrlb	FW	The entire creek tributary to Little Pee Dee River
Beaverdam Creek	York	FW	The entire creek tributary to Crowder's Creek
Beaverdam Creek (also called Irene Creek)	Chke	FW	The entire creek tributary to Thicketty Creek
Beaverdam Creek (also called Big Beaverdam Creek)	Andn	FW	The entire creek tributary to Rocky River
Bees Creek	Jspr	SB	The entire creek tributary to Coosawhatchie River
Bell Swamp Creek	Diln	FW	The entire creek tributary to Little Pee Dee River
Beresford Creek	Bkly	SFH	That portion of the creek from Wando River to a point 4 miles from Wando River
Beresford Creek	Bkly	SA	That portion of the creek from a point 4 miles from Wando River to Clouter Creek
Betsy Creek	Andn	FW	The entire creek tributary to Beaver Creek
Big Bay Creek	Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
Big Boggy Swamp	Drln	FW	The entire swamp tributary to McIntosh Mill Stream
Big Creek	Andn	FW	The entire creek tributary to Saluda River
Big Dutchmans Creek	Ffld	FW	The entire creek tributary to Lake Wateree <u>Lake</u>
Big Dutchmans Creek	York	FW	The entire creek tributary to Catawba- Wateree River
Big Generostee Creek	Andn	FW	The entire creek tributary to Savannah River
Big Lake	Rlnd	ORW(FW)	The entire lake within the boundaries of Congaree National Park
Big Pine Tree Creek	Kshw <u>Krsh</u>	FW	The entire creek tributary to Wateree River
Big Rock Creek	Gnwd	FW	The entire creek tributary to Wilson Creek
Big Swamp	Flrn	FWsp	The entire swamp tributary to Lynches River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Black Creek	Cfld	FW	That portion of the creek from its headwaters to S.C. <u>Hwy</u> 145
Black Creek	Cfld, Drln	FWsp	That portion of the creek from S.C. <u>Hwy</u> 145 through Lake Robinson and Lake Prestwood to U.-S. <u>Rte</u> 52 (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Black Creek	Drln, Flrn	FW	That portion of the creek from U.S. <u>Rte</u> 52 to Great Pee Dee River
Black River	Cln, Gtwn, Lee, Smtr, Wmbg	FWsp	That portion of the creek from its headwaters to U.S. <u>Rte</u> 701 (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Black River	Gtwn	SA	That portion of the river from U.S. <u>Rte</u> 701 to Pee Dee River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Blue Hill Creek	Abvl	FW	The entire creek tributary to Norris Creek
Bly Creek	Gtwn	ORW(SFH)	The entire creek tributary to Old Man Creek
Bob's Garden Creek	Gtwn	ORW(SFH)	The entire creek tributary to Jones Creek
Boggy Swamp	Gtwn	FWsp	That portion of the river from the headwaters to saltwater intrusion (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Bohicket Creek	Chtn	ORW(SFH)	The entire creek tributary from North Edisto River to Church Creek
Boone Hall Creek	Chtn	SFH	The entire creek tributary to Horlbeck Creek
Boor Creek	Gtwn	ORW(SFH)	The entire creek between Jones Creek and Wood Creek
Brasstown Creek	Ocne	TPGT	That portion of the creek from <u>its</u> headwaters to Tugaloo River
Bread and Butter Creek	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
Brickyard Creek	Chtn	SB	The entire creek tributary to Ashley River
Brickyard Creek	Bftr	SFH	The entire creek tributary to Beaufort River
Broad Creek (NDZ)	Bftr	SFH	The entire creek tributary to Calibogue Sound
Broad River	Bftr, Jspr	SFH	The entire river tributary to Port Royal Sound
Broad River (Main Stem)	Chke, Cstr, Ffld, Nbry, Rlnd, Unin, York	FW	The entire river tributary to Congaree River
Broadmouth Creek	Abvl, Andn	FW	The entire creek tributary to Saluda River
Broadway Creek	Andn	FW	The entire creek tributary to Rocky Creek
Brown Swamp	Hory, Marn	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Brunson Swamp	Hory	FW	The entire swamp tributary to Little Pee Dee River
Brushy Creek	Gnvl	FW	That portion of the creek from <u>its</u> headwaters northeast of Greenville to Enoree River
Brushy Creek	Gnvl	FW	The entire creek tributary to Reedy River
Brushy Creek	Pkns	FW	The entire creek tributary to Saluda River
Buck Creek	Brwl	FW	The entire creek tributary to Salkehatchie River
Buck Creek	Spbg	FW	The entire creek tributary to Pacolet River
Buck Hollow	Gnvl	TN	The entire tributary to Middle Saluda River
Buck Swamp	Diln, Marn, Mrlb	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Buckhorn Creek	Gnvl	ORW(FW)	That portion of the creek from <u>its</u> headwaters, including Buckhorn Lake, to Tanyard Road
Buckhorn Creek	Gnvl	FW	That portion of the creek from Tanyard Road to Enoree River
Buffalo Creek	Unin	FW	The entire creek tributary to Fairforest Creek
Buffalo Creek	Chke	FW	The entire creek tributary to Broad River
Bull Branch	Mrlb	FW	The entire branch tributary to Hagins Prong

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Bull Creek	Bfrit	ORW(SFH)	The entire creek tributary to Cooper River and May River
Bull Creek	Hory	FW	The entire creek tributary to Pee Dee River to Waccamaw River
Bull Run Branch	Cstr	FW	The entire branch within Chester County
Bull Swamp	Orbg	FWsp	The entire swamp tributary to Four Hole Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Bull Swamp Creek	Lxtn, Orbg	FW	The entire creek tributary to North Fork Edisto River
Bullock Creek	York	FW	The entire creek tributary to Broad River
Bull's Bay	Chtn	ORW(SFH)	The entire bay
Bulls Creek	Chtn	SA-sp	The entire creek tributary to Ashley River (D.O. not less than 4 mg/L)
Bullyard Sound	Chtn	ORW(SFH)	The entire sound
Burdine Creek	Pkns	FW	The entire creek tributary to Georges Creek
Burgess Creek	Ocne	TN	That portion of the creek from its headwaters to Mill Creek
Burnetts Creek	Slda	FW	The entire creek tributary to Little Saluda River
Burnt Gin Lake	Smtr	FW	The entire lake located on the western reaches of Cane Savannah Creek
Bush Creek (or River)	Lrns, Nbry	FW	The entire creek tributary to Lake Murray
Byrum's Creek (Branch from Appleton Mill to Whitner Creek)	Andn	FW	The entire creek tributary to Whitner Creek
Calhoun Creek	Abvl	FW	The entire creek tributary to Little River
Calibogue Sound	Bfrit	SFH	The entire sound tributary to the Atlantic Ocean
Callawassie Creek	Bfrit	ORW(SFH)	The entire creek tributary to Colleton River
Camp Branch	Ocne	FW	The entire branch tributary to Opossum Creek
Cane Creek	Lctr	FW	The entire creek tributary to Catawba River
Cane Creek	Pkns	TN	The entire creek tributary to Lake Keowee
Cannons Creek	Nbry	FW	The entire creek tributary to Broad River
Canoe Creek	Andn	FW	The entire creek tributary to Little Generostee Creek
Cantrell Creek	Ocne	TN	That portion of the creek from its headwaters to Lake Cheohee
Cape Romain Harbor	Chtn	ORW(SFH)	The entire harbor
Caper's Inlet	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Captain Bill's Creek	Jspr	FW	The entire creek tributary to Bee's Creek
Carrick Creek	Pkns	ORW(FW)	That portion of the creek from its headwaters to Pinnacle Lake
Carrick Creek	Pkns	FW	That portion of the creek from the dam at Pinnacle Lake to the end of Table Rock State Park land
Carter Creek	Flrn	FW	The entire creek tributary to Lynches River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Cat Island Creek	Bftr	SFH	The entire creek from Beaufort River to Chowan Creek
Catawba-Wateree River	Cstr, Ffld, Kshw, Krsh, Lctr, Rlnd, Smtr, York	FW	The entire river tributary to Santee River
Catfish Creek	Marn	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Causeway Branch	Smtr	FW	The entire branch tributary to Second Mill Pond
Caw Caw Swamp	Aldl, Hmpt	FWsp	The entire swamp tributary to Whippy Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Cedar Creek	Cfld, Drln	FW	The entire creek tributary to Pee Dee River
Cedar Creek	Ffld, Rlnd	FW	The entire creek tributary to Broad River
Cedar Creek	Rlnd	FW	That portion of the creek outside the boundary of Congaree National Park
Cedar Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of Congaree National Park to Wise Lake
Cedar Creek	Rlnd	ONRW(FW)	That portion of the creek beginning at Wise Lake to <u>its</u> confluence with Congaree River
Cedar Creek Reservoir	Cstr, Ffld, Lctr	FW	The entire lake on Catawba River
Cemetery Creek (also called Silver Brook Creek)	Andn	FW	The entire creek tributary to Rocky River
Charleston Harbor	Chtn	SB	From Battery to the Atlantic Ocean
Charlies Creek	Abvl	FW	The entire creek tributary to Rocky River
Chattooga River	Ocne	FW	That portion of the river from its confluence with Opossum Creek to Tugaloo River
Chattooga River	Ocne	ORW(FW)	That portion of the river from the North Carolina line to its confluence with Opossum Creek
Chauga Creek (also called Jerry Creek)	Ocne	FW	The entire creek tributary to Chauga River
Chauga River	Ocne	ORW(FW)	That portion of the river from its headwaters to 1 mile above U.S. Rte 76
Chauga River	Ocne	FW	That portion of the river from 1 mile above U.S. Rte 76 to Tugaloo River
Chechessee Creek	Bftr	ORW(SFH)	The entire creek tributary to Colleton River and Chechessee River
Chechessee River	Bftr	SFH	The entire river tributary to Port Royal Sound
Cehaw River	Cltn	SFH	The entire river tributary to Combahee River
Cheohee Creek	Ocne	ORW(FW)	That portion of the creek from <u>its</u> headwaters to end of U.S. Forest Service Land
Cheohee Creek	Ocne	FW	That portion of the creek from U.S. Forest Service Land to <u>its</u> confluence with Tamassee Creek
Cherokee Creek	Andn	FW	The entire creek tributary to Hencoop Creek
Cherokee Creek	Chke	FW	The entire creek tributary to Broad River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Chickasaw Creek	Abvl	FW	The entire creek tributary to Little River
Chinners Swamp	Hory	FWsp	The entire swamp tributary to Brunson Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Choestoea Creek	Ocne	FW	The entire creek tributary to Hartwell Lake
Chowan Creek (also called Cowen Creek)	Bfirt	SFH	The entire creek tributary to Beaufort River
Church Creek	Chtn	ORW(SFH)	That portion of the creek from Wadmalaw Sound to Ravens Point
Church Creek	Chtn	SFH	That portion of the creek from Ravens Point to Hoopstick Island
Clambank Creek	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
Clark Creek	Flrn, Wmbg	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Clark Creek	York	FW	The entire creek tributary to Bullock Creek
Clark(s) Hill Reservoir (NDZ) (also called J. Strom Thurmond Lake)	Abvl, Mcmk	FW	The entire reservoir on Savannah River
Clark Sound	Chtn	SB	The entire sound tributary to Charleston Harbor
Clouds Creek	Slda	FW	The entire creek tributary to Lake Murray
Coastal Waters	Bfirt, Chtn, Gtwn, Hory, Jspr	SFH	From the land to the 3-mile limit of State jurisdiction in the Atlantic Ocean
Coastal Waters		SFH	Coastal waters offshore from the land to the 3-mile limit of State jurisdiction in the Atlantic Ocean
Coastal Waters		SFH	From the land to the 3-mile limit of State jurisdiction in the Atlantic Ocean
Coldspring Branch	Gnvl	ORW(FW)	The entire branch tributary to Middle Saluda River
Colleton River	Bfirt	ORW(SFH)	The entire river tributary to Chechessee River
Combahee River	Bfirt, Cltn, Hmpt	FW	That portion of the river from its confluence of Salkehatchie River with Little Salkehatchie River to saltwater intrusion at U.S. Hwy 17
Combahee River	Bfirt, Cltn	SFH	That portion of the river from saltwater intrusion at U.S. Hwy 17 to St. Helena Sound
Coneross Creek	Ocne	FW	That portion of the creek through Negro Fork Creek
Congaree Creek	Lxtn	FW	The entire creek tributary to Congaree River
Congaree River	Clhn, Lxtn, Rlnd	FW	The entire river tributary to Santee River
Contrary Swamp	Diln	FW	The entire swamp from its headwaters to the North Carolina line near South of the Border
Cooks Creek	Gtwn	ORW(SFH)	The entire creek between Old Man Creek and Debidue Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Cooper River	Bkly, Chtn	FW	That portion of the river from the confluence of West Branch Cooper River and East Branch Cooper River (the Tee) to a point approximately 30 miles above the junction of Ashley and Cooper Rivers
Cooper River	Bkly, Chtn	SB	That portion of the river below a point approximately 30 miles above the junction of Ashley and Cooper Rivers to the junction of Ashley and Cooper Rivers
Cooper River	Bftr	ORW(SFH)	That portion of the river from New River to Ramshorn Creek
Cooper River	Bftr	SFH	That portion of the river from Ramshorn Creek to Calibogue Sound
Coosaw River	Bftr	SFH	The entire river tributary to St. Helena Sound
Coosawhatchie River	Aldl, Hmpt, Jspr	FW	That portion of the river from its headwaters to saltwater intrusion
Coosawhatchie River	Aldl, Hmpt, Jspr	SFH	That portion of the river from saltwater intrusion to Broad River
Copahee Sound	Chtn	ORW(SFH)	The entire sound
Corbin Creek	Ocne	ORW(TPGT)	The entire creek tributary to Devils Fork
Corner Creek	Abvl	FW	The entire creek tributary to Little River
Coronaca Creek	Gnwd	FW	The entire creek tributary to Wilson Creek
Cowpen Swamp	Diln	FWsp	The entire swamp tributary to Bear Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Cowpens Creek	Chke	FW	The entire creek tributary to Little Thicketty Creek
Cox Branch	Bmbg	FW	The entire branch tributary to Lemon Creek
Cox Creek	Andn	FW	The entire creek tributary to Rocky Creek
Cox Camp Creek	Gnvl	TN	The entire creek tributary to Middle Saluda River
Crab Haul Creek	Gtnw	ORW(SFH)	The entire creek tributary to Old Man Creek
Crane Creek	Rlnd	FW	The entire creek tributary to Broad River
Crims Creek	Nbry	FW	The entire creek tributary to Broad River
Crooked Creek	Mrlb	FW	The entire creek tributary to Pee Dee River
Crowders Creek	York	FW	The entire creek tributary to Lake Wylie
Cutoff Creek	Gtnw	SFH	The entire creek between Oyster Bay and Town Creek
Cypress Branch	Flrn, Smtr	FWsp	The entire branch tributary to Douglas Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Cypress Swamp	Dchr	FW	The entire swamp tributary to Ashley River
Dark Creek	Ocne	ORW(FW)	The entire creek tributary to East Fork Chattooga River
Darrell Creek	Chtn	SFH	The entire creek tributary to Wando River
Dawho River	Chtn	ORW(SFH)	The entire river from South Edisto River to North Edisto River
Debidue Creek	Gtnw	SFH	That portion of the creek from its headwaters to <u>its</u> confluence with Cooks Creek, but not including tidal creeks on western shore between Bass Hole Bay and Cooks Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Debidue Creek	Gtwn	ORW(SFH)	That portion of the creek from <u>its</u> confluence with Cooks Creek to North Inlet and all tidal creeks including those on western shore between Bass Hole Bay and Cooks Creek
Debordieu Channel	Gtwn	SFH	The entire channel tributary to Debidue Creek
Deep Creek	Flrn	FW	The entire creek tributary to Lynches River
Devils Fork	Ocne	TN	That portion of the creek from <u>its</u> confluence of Corbin Creek and Howard Creek to Lake Jocassee
Dewee's Inlet	Chtn	SFH	The entire inlet tributary to the Atlantic Ocean
Diversion Canal	Bkly	FW	The entire canal between Lake Marion and Lake Moultrie
Doolittle Creek	Chke	FW	The entire creek tributary to Broad River
Double Branch	Abvl	FW	The entire branch tributary to Long Cane Creek
Double Branch	Lxtn	FW	The entire branch tributary to Saluda River
Douglas Swamp	Cln, Flrn, Smtr	FWsp	The entire swamp tributary to Pudding Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Dry Branch	Rlnd	ORW-(FW)	That portion of the stream beginning at the boundary of the Congaree National Park to Weston Lake
Dry Branch	Rlnd	FW	That portion of the branch outside the boundary of the Congaree National Park
Dry Fork	Cstr	FW	The entire fork tributary to Sandy River
Duck Creek	Aldl	FW	The entire creek tributary to Coosawhatchie River
Duck Creek	Gtwn	ORW(SFH)	The entire creek tributary to Jones Creek
Duck Island Channel	Chtn	SA-sp	The entire channel connecting two segments of the Ashley River (D.O. not less than 4 mg/L)
Duncan Creek	Lrns, Nbry	FW	The entire creek tributary to Enoree River
Duncan Creek	Lxtn	FW	The entire creek tributary to Chinquapin Creek
Dunn Sound	Hory	SFH	The entire sound
Durbin Creek	Gnvl, Lrns	FW	The entire creek tributary to Enoree River
Dye Branch (also called Dry Branch)	York	FW	The entire branch tributary to Jones Branch
Eagle Creek	Chtn	SB	The entire creek tributary to Ashley River
Eastatoe Creek	Pkns	ORW(FW)	That portion of the creek from its headwaters to its confluence with Laurel Creek
Eastatoe Creek	Pkns	TPGT	That portion of the creek from its confluence with Laurel Creek to Lake Keowee
East Beards Creek	Andn	FW	The entire creek tributary to Wilson Creek
East Fork (also called Fork Creek)	Cfld	FW	The entire creek tributary to Lynches River
East Fork Chattooga River	Ocne	ORW(FW)	That portion of the river from the North Carolina line to its confluence with Indian Camp Branch
East Fork Chattooga River	Ocne	TN	That portion of the river from its confluence with Indian Camp Branch to Chattooga River
East Rock Creek	Andn	FW	The entire creek tributary to Broadway Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Edisto River	Chtn, Cltn	ORW(FW)	That portion of the river from U.S. Hwy 17 to its confluence with Dawho River and South Edisto River
Edisto River (Main Stem)	Orbg, Bmbg, Dchr, Cltn, Chtn	FW	That portion of the river from the confluence of North and South Forks to U.S. Hwy 17
Eighteen Mile Creek	Pkns, Andn	FW	The entire creek tributary to Hartwell Lake
Emory Creek	Pkns	ORW(FW)	That portion of the creek from its headwaters to the northern boundary of Table Rock Resort property
Emory Creek	Pkns	TN	That portion of the creek from northern boundary of Table Rock Resort property to its confluence with Oolenoy River
Enoree River	Gnvl, Spbg, Lrns, Unin, Nbry	FW	The entire river tributary to Broad River
Fairforest Creek	Spbg, Unin	FW	The entire creek tributary to Tyger River
Fall Creek	Ocne	FW	The entire creek tributary to Chattooga River
Falls Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters to Lake Trammell
Falls Creek	Gnvl	TN	That portion of the creek from the dam at Lake Trammell to Gap Creek
Fields Cut	Jspr	SA	The entire stream
Filbin Creek	Chtn	FW	That portion of the creek from its headwaters to the tide gates at Virginia Avenue
Filbin Creek	Chtn	SB	That portion of the creek from the tide gates at Virginia Avenue to Cooper River
First Creek	Lxtn	FW	The entire creek tributary to Congaree Creek
Fishing Creek	Cstr, York	FW	The entire creek tributary to Catawba River
Fishing Creek	Chtn	ORW(SA)	That portion of the creek from its headwaters to a point 2 miles from its mouth
Fishing Creek	Chtn	ORW(SFH)	That portion of the creek from a point 2 miles from its mouth to its confluence with St. Pierre Creek
Fishing Creek	Chtn	ORW(SFH)	The entire creek tributary to Dawho River
Fishing Creek Lake	Cstr, Lactr	FW	The entire lake on Catawba River
Fishtrap Branch	Ocne	FW	The entire branch tributary to Chattooga River
Five Fathom Creek	Chtn	SFH	The entire creek tributary to Bull's Bay
Flagreed Creek	Abvl	FW	The entire creek tributary to Calhoun Creek
Folly River	Chtn	SFH	The entire river tributary to Stono River
Fork Creek	Cfld	FW	The entire creek tributary to Lynches River
Foster Creek	Chtn	SFH	The entire creek tributary to Wando River
Four Hole Swamp	Orbg, Dchr, Bkly, Clhn	FWsp	The entire swamp tributary to Edisto River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Four Mile Creek	Orbg	FW	The entire creek tributary to North Fork Edisto River
Foreteen Mile Fourteenmile Creek	Lxtn	FW	The entire creek tributary to Twelve Mile Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Frampton Creek	Chtn	ORW(SFH)	The entire creek tributary to Frampton Inlet
Frampton Inlet	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Fripps Inlet	Bfrit	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Frohawk Creek	Spbg	FW	The entire creek tributary to South Tyger River
Gaffney Creek	Chke	FW	The entire creek tributary to Broad River
Gap Creek	Gnvl	TN	The entire creek tributary to its confluence with Middle Saluda River
Garden Creek	Chtn	ORW(SFH)	The entire creek tributary to Toogoodoo Creek
Georges Creek (and branch from Easley)	Pkns	FW	The entire creek tributary to Saluda River
Gibson Creek	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River
Gilder Creek (also called Gillard Creek)	Gnvl	FW	The entire creek tributary to Enoree River
Gills Creek	Rlnd	FW	The entire creek tributary to Congaree River
Golden Creek	Pkns	FW	The entire creek tributary to Twelve-Mile Creek
Goose Creek	Bkly	FW	That portion of the creek from its headwaters to Goose Creek Reservoir dam
Goose Creek	Bkly	SB	That portion of the creek from Goose Creek Reservoir dam to Cooper River
Graham Creek	Chtn	SFH	The entire creek tributary to Bull's Bay
Gramling Creek	Orbg	FWsp	The entire creek tributary to Little Bull Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Granny's Quarter Creek	Kshw Krsh	FW	The entire creek tributary to Wateree River
Grapevine Branch	Bmbg	FW	The entire branch tributary to Lemon Creek
Grassy Run Branch	Cstr	FW	The entire branch tributary to Rocky Creek
Grays Sound	Chtn	SFH	The entire sound
Great Falls Reservoir	Cstr, Lctr	FW	The entire reservoir on Catawba River
Great Pee Dee River	Cfld, Diln, Drln, Flrn, Marn, Mrlb, Wmbg	FW	That portion of the river from North Carolina line to its confluence with Thoroughfare Creek
Great Pee Dee River	Gtnw	SB-sp	That portion of the river from its confluence with Thoroughfare Creek to Winyah Bay (D.O. not less than daily average 5 mg/L and minimum 4 mg/L)
Green Creek	Pkns	ORW(FW)	The entire creek tributary to Carrick Creek
Green Swamp	Smtr	FWsp	The entire swamp tributary to Pocotaligo River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Groundwaters	All	GB	The entire groundwaters of the State (unless otherwise listed)
Guerin Creek	Bkly, Chtn	SFH	The entire creek tributary to Wando River
Gulley Branch	Flrn	FW	The entire branch tributary to Jefferies Creek
Gum Branch	Dchr	FWsp	The entire branch tributary to Indian Field Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Haile Gold Mine Creek	Lctr	FW	The entire creek tributary to Little Lynches River
Halfmoon Branch	Bmbg	FW	The entire branch tributary to Ghents Branch
Hamlin Sound	Chtn	SFH	The entire sound
Hanging Rock Creek	Lctr, Kshw Krsh	FW	The entire creek tributary to Little Lynches River
Harbor River	Bfrt	ORW(SFH)	The entire river tributary to St. Helena Sound and Fripps Inlet
Hard Labor Creek	Gnwd, Mcmk	FW	The entire creek tributary to Stevens Creek
Harris Mill Branch	Gnwd	FW	The entire branch tributary to Rocky Creek
Hartwell Lake (NDZ)	Andn, Ocne, Pkns	FW	All that portion within South Carolina
Haulover Creek	Gtwn	SB	The entire creek between Mud Bay and Jones Creek
Hawe Creek	Mcmk	FW	The entire creek tributary to Lake Strom Thurmond J. Strom Thurmond Lake
Hayes Swamp	Diln	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Head Foremost Creek	Gnvl	ORW(FW)	The entire creek tributary to Middle Saluda River
Hellhole Creek	Lxtn	FW	The entire creek tributary to Lightwood Knot Creek
Hembree Creek	Andn	FW	The entire creek tributary to Hartwell Lake
Hemedy Creek (also called Ramsey Creek)	Ocne	FW	The entire creek tributary to Chauga River
Hencoop Creek	Andn	FW	The entire creek tributary to Rocky Creek
Hobcaw Creek	Chtn	SFH	The entire creek tributary to Wando River
Hog Inlet/Cherry Grove Inlet	Hory	SFH	The entire inlet
Hollow Creek	Lxtn	FW	The entire creek tributary to Lake Murray
Horlbeck Creek	Chtn	SFH	The entire creek tributary to Wando River
Horse Creek	Aikn	FW	The entire creek tributary to Savannah River
Howard Creek	Ocne	ORW(TPGT)	That portion of the creek from its headwaters to 0.3 mile below <u>S.C.</u> Hwy 130 above the flow augmentation system at the Bad Creek pumped storage station dam
Howard Creek	Ocne	TN	That portion of the creek from just above the flow augmentation system at the Bad Creek pumped storage station dam to Devils Fork
Hunting Swamp	Hory	FW	The entire swamp tributary to Little Pee Dee River
Husbands Creek	Mrlb	FW	The entire creek tributary to Pee Dee River
Indian Camp Branch	Ocne	ORW(FW)	The entire branch tributary to East Fork Chattooga River
Indian Creek	Lrns	FW	The entire creek tributary to Enoree River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Indian Field Swamp	Dchr, Orbg	FWsp	The entire swamp tributary to Polk Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Ira Branch	Ocne	ORW(FW)	The entire branch tributary to the Chattooga River
Irene Creek	Chke	FW	The entire creek tributary to Thicketty Creek
J. Strom Thurmond Lake (also called Clarks Hill Reservoir) (NDZ)	Abvl, Mcmk	FW	The entire lake on Savannah River
Jackies Branch	Pkns	TN	The entire branch tributary to the confluence with Laurel Fork Creek
Jacks Creek	Ocne	ORW(FW)	The entire creek tributary to the East Fork Chattooga River
Jackson Branch	Aldl, Hmpt	FW	The entire branch tributary to Whippy Swamp
Jackson Creek	Ffld	FW	The entire creek tributary to Little River
Jackson Creek	Rlnd	FW	The entire creek tributary to Gills Creek
Jacobs Creek	Lrns	FW	The entire creek tributary to Sand Creek
Jeffries Creek	Drln, Flrn	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Jeremy Inlet	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Jericho Creek	Bftr	SA	The entire creek tributary to Battery Creek
Jerry Creek	Ocne	FW	The entire creek tributary to Chauga River
Jimmies Creek	Spbg	FW	The entire creek tributary to the Tyger River
Johnson Creek	Bftr	ORW(SFH)	The entire creek tributary to Harbor River and the Atlantic Ocean
Johnsons Swamp (also called Summerhouse Branch and Bartons Branch)	Gtwn, Wmbg	FWsp	The entire swamp tributary to Horse Pen Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Jones Creek	Gtwn	SB	That portion of the creek from its confluence with Mud Bay to its confluence with Nancy Creek
Jones Creek	Gtwn	SFH	That portion of the creek from its confluence with Nancy Creek to a point midway between its confluence with Duck Creek and Noble Slough
Jones Creek	Gtwn	ORW(SFH)	That portion of the creek from a point midway between its confluence with Duck Creek and Noble Slough to North Inlet
Jordan Branch	Brwl	FW	The entire branch tributary to Toby Creek
Julian Creek	Gnvl	ORW(FW)	The entire creek tributary to Matthews Creek
Jumping Branch	Ocne	TN	That portion of the branch from its headwaters to Lake Cherokee
Kate Fowler Branch	Gnwd	FW	The entire branch tributary to Ninety-Six <u>Ninety Six</u> Creek
Kellers Creek	Abvl	FW	The entire creek tributary to McCord Creek
Kelsey Creek	Spbg	FW	The entire creek tributary to Fairforest Creek
Kilgore Branch	Drln	FW	The entire branch tributary to Black Creek
King Creek	Ocne	ORW(FW)	The entire creek tributary to Chattooga River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Kinley Creek	Lxtn	FW	The entire creek tributary to Saluda River
Knox Creek	Ocne	FW	That portion of the creek from Lake Cheohee Dam to the confluence with Cheohee Creek
Koon Branch	Lxtn	FW	The entire branch tributary to Rawls Creek
Lake Cheohee	Ocne	FW	The entire lake
Lake Cherokee (also called Lake Isaquenna)	Ocne	FW	The entire lake
Lake Greenwood	Gnwd, Lrns, Nbry	FW	The entire lake on Saluda River
Lake Hartwell (NDZ)	Ocne, Pkns, Andn	FW	All that portion within South Carolina
Lake Jocassee	Ocne	TPGT	The entire lake
Lake Keowee (NDZ)	Andn, Pkns	FW	The entire lake
Lake Lanier	Gnvl	FW	The entire lake on Vaughn Creek
Lake Marion	Bkly, Clrn, Orbg, Smtr	FW	The entire lake
Lake Moultrie	Bkly	FW	The entire lake
Lake Murray (NDZ)	Lxtn, Nbry, Rlnd, Slda	FW	The entire lake on Saluda River
Lake Rabon	Lrns	FW	The entire lake on Rabon Creek, North Rabon Creek, and South Rabon Creek
Lake Richard B. Russell	Abvl, Andn	FW	The entire lake
Lake Rotary	Gnvl	FW	The entire lake
Lake Secession	Abvl, Andn	FW	The entire lake on Rocky River
Lake Sudy	Gnvl	FW	The entire lake
Lake Swamp	Drln, Flrn	FWsp	The entire lake tributary to Sparrow Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Lake Swamp (also called Lynch's Lake)	Flrn	FWsp	The entire lake (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Lake Swamp	Hory	FWsp	The entire lake tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Lake Trammell	Gnvl	TN	The entire lake
Lake Tugaloo	Ocne	TPGT	The entire lake
Lake Wylie (NDZ)	York	FW	The entire lake on Catawba River
Langston Creek (unnamed Creek to Reedy River 1 1/2 miles above Long Branch)	Gnvl	FW	The entire creek tributary to Reedy River
Laurel Branch	Pkns	ORW(FW)	The entire branch tributary to Eastatoe Creek
Laurel Creek	Gnvl	FW	The entire creek tributary to Reedy River
Laurel Creek	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
Laurel Fork Creek	Pkns	TN	The entire creek tributary to Lake Jocassee
Lawson's Fork Creek	Spbg	FW	The entire creek tributary to Pacolet River
Leadenwah Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Lee Swamp	Smtr	FWsp	The entire swamp tributary to Rocky Bluff Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Lemon Creek	Bmbg	FWsp	The entire creek tributary to Little Salkehatchie River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Lick Creek	Lrns	FW	The entire creek tributary to North Rabon Creek
Lick Log Creek	Ocne	FW	That portion of the creek from its headwaters through Thrift Lake
Lick Log Creek	Ocne	ORW(FW)	That portion of the creek from Thrift Lake to Chattooga River
Lightwood Knot Creek	Lxtn	FW	The entire creek tributary to North Fork Edisto River
Limber Pole Creek	Ocne	TN	The entire creek tributary to Devils Fork
Limestone Creek	Chke	FW	The entire creek tributary to Broad River
Little Beaverdam Creek	Andn	FW	The entire creek tributary to Rocky River
Little Boggy Swamp	Drln	FW	The entire swamp tributary to Big Boggy Swamp
Little Eastatoe Creek	Pkns	TPGT	That portion of the creek from its headwaters to its confluence with Eastatoe Creek
Little Fork Creek	Cfld	FW	The entire creek tributary to East Fork or Fork Creek
Little Horse Creek	Aikn	FW	The entire creek tributary to Horse Creek
Little Jones Creek	Gtwn	SFH	The entire creek tributary to Jones Creek
Little Lynchs River (also called Lynchs Creek)	Krsh, Lctr	FW	The entire river tributary to Lynchs River
Little Pee Dee River	Diln, Marn, Mrlb	FW	That portion from its headwaters to the confluence with Lumber River
Little Pee Dee River	Hory, Marn	ORW(FW)	That portion of the river from the confluence with Lumber River to the confluence with Great Pee Dee River
Little Pine Tree Creek	Krsh	FW	The entire creek tributary to Big Pine Tree Creek
Little River	Abvl, Mcmk	FW	The entire river tributary to Lake Strom Thurmond J. Strom Thurmond Lake
Little River	Ffld	FW	The entire river tributary to Broad River
Little River	Lrns, Nbry	FW	The entire river tributary to Saluda River
Little River	Ocne	FW	The entire river tributary to Lake Hartwell
Little River Inlet	Hory	SFH	The entire inlet from its confluence with the Atlantic Intracoastal Waterway to its confluence with the Atlantic Ocean
Little Salkehatchie River	Bmbg, Cltn	FW	The entire river tributary to Salkehatchie River
Little Saluda River	Slda	FW	The entire river tributary to Lake Murray
Little Sandy River	Cstr	FW	The entire river tributary to Sandy River
Little Thicketty Creek	Chke	FW	The entire creek tributary to Thicketty Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Long Branch	Abvl, Andn	FW	The entire branch tributary to Rocky River
Long Cane Creek	Abvl, Mcmk	FW	The entire creek tributary to Lake Strom Thurmond <u>J. Strom Thurmond Lake</u>
Long Creek	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
Long Creek	Ocne	FW	The entire creek tributary to Chattooga River
Lorick Branch	Lxtn	FW	The entire branch tributary to Saluda River
Lower Toogoodoo Creek	Chtn	SFH	That portion of the creek from its headwaters to a point 3 miles from its mouth
Lower Toogoodoo Creek	Chtn	ORW(SFH)	That portion of the creek from a point 3 miles from its mouth to its confluence with Toogoodoo Creek
Ludlow Branch	Mcmk	FW	The entire branch tributary to Lake Strom Thurmond <u>J. Strom Thurmond Lake</u>
Lumber River	Diln, Hory, Marn	FW	The entire river tributary to Little Pee Dee River
Lynches Lake (also called Lake Swamp)	Flrn	FWsp	The entire lake (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Lynches River	Cfld, Diln, Flrn, Krsh, Lctr, Lee, Smtr	FW	The entire river tributary to Pee Dee River
Mad Dog Branch	Pkns	FW	The entire branch tributary to Georges Creek
Maidendown Swamp	Marn	FWsp	The entire swamp tributary to Buck Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Maple Creek	Spbg	FW	The entire creek tributary to South Tyger River
Maple Swamp	Diln	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Mark Bay	Chtn	ORW(SFH)	The entire bay
Martin Creek	Ocne	FW	The entire creek tributary to Lake Hartwell
Matthews Creek	Gnvl	ORW(FW)	That portion of the Creek from its headwaters to the end of State land in the Mountain Bridge area
Matthews Creek	Gnvl	TN	That portion of the creek from the end of State land in the Mountain Bridge area to its confluence with South Saluda River
May River	Bfrt	ORW(SFH)	The entire river tributary to Calibogue Sound
McAlpine Creek	Lctr	FW	The entire creek tributary to Sugar Creek
McCall Branch	Flrn	FW	The entire branch tributary to Lynches River
McCord Creek	Abvl	FW	The entire creek tributary to Long Cane Creek
McIntosh Mill Stream	Drln	FW	The entire stream tributary to Black Creek
McKenzie Creek	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
McKenzie Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Toms Creek
McKinneys Creek	Ocne	TN	That portion of the creek from its headwaters to <u>S.C. Hwy 25</u>

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
McKinneys Creek	Ocne	FW	That portion of the creek from <u>S.C.</u> Hwy 25 to Lake Keowee
McLeod Creek (also called Tom Point Creek)	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Meings Creek (also called Meng Creek)	Unin	FW	The entire creek tributary to Broad River
Middle Branch	Flrn	FWsp	The entire branch tributary to Jeffries Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Middle Pen Swamp	Orbg	FWsp	The entire swamp tributary to Four Hole Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Middle Saluda River	Gnvl	ORW(FW)	That portion of the river from its headwaters to the end of State Land at Jones Gap State Park land
Middle Saluda River	Gnvl	TN	That portion of the river from Jones Gap State Park land to Oil Camp Creek
Middle Swamp	Drln, Flrn	FWsp	The entire swamp tributary to Jeffries Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Middle Tyger River	Gnvl, Spbg	FW	The entire river tributary to North Tyger River
Mill Branch	Orbg	FW	The entire branch tributary to North Fork Edisto River
Mill Creek	Chke	FW	The entire creek tributary to Limestone Creek
Mill Creek	Ffld	FW	The entire creek tributary to Little River
Mill Creek	Gnvl	FW	That portion of the creek from its headwaters to the end of Pleasant Ridge State Park land including the unnamed lake
Mill Creek	Ocne	TN	That portion of the creek from its headwaters to Burgess Creek
Mill Creek	Pkns	TPGT	The entire creek tributary to Eastatoe Creek
Mill Creek	Rlnd	FW	The entire creek tributary to Congaree River
Mill Creek	Spbg	FW	The entire creek tributary to Enoree River
Mill Creek	Smtr	FW	The entire creek tributary to Lake Marion
Millpond Branch	Flrn	FW	The entire branch tributary to Lynches River
Milton Creek	Chtn	ORW(SFH)	The entire creek tributary to Shingle Creek
Mine Creek	Slda	FW	The entire creek tributary to Little Saluda River
Mitchell Creek	Unin	FW	The entire creek tributary to Fairforest Creek
Molasses Creek	Chtn	SFH	The entire creek tributary to Wando River
Moody Creek	Ocne	TN	That portion of the creek from its headwaters to its confluence with Cantrell Creek
Morgan River	Bfrt	SFH	The entire river tributary to St. Helena Sound
Mosquito Creek	Cltn	ORW(SFH)	That portion of the creek from Bull Cut to South Edisto River
Moss Mill Creek	Ocne	ORW(FW)	The entire creek tributary to Chattooga River
Mountain Creek	Gnvl	FW	The entire creek tributary to Enoree River
Mountain Creek	Lrns	FW	The entire creek tributary to North Rabon Creek
Mud Creek	Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
Mud Creek	Gtnw	SFH	The entire creek between Oyster Bay and Town Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Mud River (also called Fields Cut)	Jspr	SA	The entire river between Savannah River and Wright River
Muddy Creek	Flrn, Wmbg	FWsp	The entire creek tributary to Clark Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Murrells Inlet	Gtwn	SFH	The entire inlet tributary to the Atlantic Ocean
Myers Creek	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
Myers Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Cedar Creek
Naked Creek	Mrlb	FW	The entire creek tributary to Pee Dee River
Nancy Creek	Gtwn	SB	The entire creek tributary to Jones Creek
New Chehaw River	Cltn	SFH	The entire river tributary to St. Helena Sound
New Cut	Chtn	SFH	The entire cut between Church Creek and Stono River
New River	Bfirt, Jspr	SA	The entire river tributary to the Atlantic Ocean
Newman Swamp	Drln	FWsp	The entire swamp tributary to Sparrow Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Ninety Six Creek	Gnwd	FW	The entire creek tributary to Wilson Creek
No Mans Friend Creek	Gtwn	SB	The entire creek between Mud Bay and Oyster Bay
Noble Slough	Gtwn	SB	The entire slough between Oyster Bay and Jones Creek
Norris Creek	Abvl	FW	The entire creek tributary to Long Cane Creek
North Edisto River	Chtn	ORW(SFH)	That portion of the river from its headwaters to the Atlantic Atlantic Intracoastal Waterway
North Edisto River	Chtn	SFH	That portion of the river from the Atlantic Intracoastal Waterway to Steamboat Creek
North Edisto River	Chtn	ORW(SFH)	That portion of the river from Steamboat Creek to the Atlantic Atlantic Ocean
North Fork Edisto River	Aikn, Lxtn, Orbg	FW	The entire river tributary to Edisto River
North Fork Little River	Ocne	TPGT	That portion of the river from the confluence of Mill Creek and Burgess Creek to <u>S.C. Hwy 11</u>
North Fork Little River	Ocne	FW	That portion of the river from <u>S.C. Hwy 11</u> to its confluence with Little River
North Inlet	Gtwn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
North Pacolet River	Spbg	FW	The entire river tributary to Pacolet River
North Rabon Creek	Lrns	FW	The entire creek tributary to Rabon Creek
North Saluda River	Gnvl	ORW(FW)	That portion of the river from its headwaters to <u>S.C. Hwy 42</u>
North Saluda River	Gnvl	FW	That portion of the river from <u>S.C. Hwy 42</u> to Saluda River
North Santee River	Gtwn	FW	That fresh water portion of the river
North Santee River	Gtwn	SA	That portion of the river from U.S. Hwy 17 to 1000 ft below the Atlantic Intracoastal Waterway

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
North Santee River	Gtwn	ORW(SFH)	That portion of the river from U.S. Hwy 17 from 1000 feet below the Atlantic Intracoastal Waterway to the Atlantic Ocean
North Tyger River	Spbg	FW	The entire river tributary to Tyger River
Ocella Creek	Chtn	ORW(SFH)	The entire creek tributary to South Creek
Oil Camp Creek	Gnvl	ORW-(FW)	That portion of the creek from its headwaters to the end of State land at Caesars Caesars Head State Park
Oil Camp Creek	Gnvl	TN	That portion of the creek from Caesars Caesars Head State Park land to Middle Saluda River
Okatie River	Bfrt	ORW(SFH)	The entire river tributary to Colleton River
Old Chehaw River	Cltn	SFH	The entire river tributary to Combahee River
Old Dead River	Rlnd	ORW(FW)	The entire river within the boundary of the Congaree National Park
Old House Creek	Bfrt	SFH	The entire creek tributary to Fripps Inlet
Old Man Creek	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
Olive Branch	Lxtn	FW	The entire branch tributary to Duncan Creek
Oolenoy River	Pkns	TPGT	That portion of the river from its headwaters to Emory Creek
Oolenoy River	Pkns	FW	That portion of the river from Emory Creek to its confluence with South Saluda River
Opossum Creek	Ocne	FW	The entire creek tributary to Chattooga River
Oyster Bay	Gtwn	SB	The entire bay between No Mans Friend Creek and Noble Slough
Oyster House Creek	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River
Pacolet River	Chke, Spbg, Unin	FW	The entire river tributary to Broad River
Palmetto Swamp	Hory	FW	The entire swamp tributary to Little Pee Dee River
Panther Creek	Mrlb	FW	The entire creek tributary to Beaverdam Creek
Park Creek	Abvl	FW	The entire creek tributary to Little River
Payne Branch	Gnvl	FW	The entire branch tributary to South Rabon Creek
Pen Branch	Orbg	FW	The entire branch tributary to North Fork Edisto River
Peoples Creek (also called Gaffney Creek and Town Creek)	Chke	FW	The entire creek tributary to Broad River
Pig Pen Branch	Ocne	ORW(FW)	The entire branch tributary to Lick Log Creek
Pinckney Branch	Ocne	FW	The entire branch tributary to Chattooga River
Pinnacle Lake	Pkns	ORW(FW)	The entire lake
Pleasant Meadow Swamp	Hory	FWsp	The entire swamp tributary to Lake Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Pocalla Creek	Smtr	FWsp	The entire creek tributary to Pocotaligo River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Pocotaligo River	Clrn, Smtr	FWsp	The entire river tributary to Black River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Polk Swamp	Dchr, Orbg	FWsp	The entire swamp tributary to Edisto River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Port Royal Sound	Bftr	SFH	The entire sound tributary to the Atlantic Ocean
Price Inlet	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
Privateer Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Providence Branch	Chke	FW	That portion of the branch below County Road 793 to Cherokee Creek
Pudding Swamp	Clrn, Smtr, Wmbg	FWsp	The entire swamp tributary to Black River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Pye Branch	Flrn	FWsp	The entire branch tributary to Jeffries Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Rabon Creek	Lrns	FW	That portion of the creek from the confluence of North Rabon Creek and South Rabon Creek, in Lake Rabon, to its confluence with Lake Greenwood
Ralston Creek	Bkly	SFH	The entire creek tributary to Wando River
Ramsey Creek	Ocne	FW	The entire creek tributary to Chauga River
Ramshorn Creek	Bftr	SFH	The entire creek between New River and Cooper River
Rathall Creek	Chtn	SFH	The entire creek tributary to Wando River
Rawls Creek	Lxtn, Rlnd	FW	The entire creek tributary to Saluda River
Red Bank Creek	Lxtn	FW	The entire creek tributary to Congaree River
Red Bank Creek	Slda	FW	The entire creek tributary to Mine Creek
Reedy Branch	Ocne	FW	The entire branch tributary to Chattooga River
Reedy Cove Creek	Pkns	FW	The entire creek tributary to Eastatoe Creek
Reedy Fork Branch	Lrns	FW	The entire branch tributary to Little River
Reedy River	Gnvl, Lrns	FW	The entire river tributary to Lake Greenwood
Rices Creek	Pkns	FW	The entire creek tributary to Twelvemile Creek
Richardson Branch	Aldl	FW	The entire branch tributary to Coosawhatchie River
Robb Senn Branch	Lxtn	FW	The entire branch tributary to Saluda River
Rock Creek	Pkns	TN	That portion of the creek within South Carolina
Rocky Bluff Swamp	Lee, Smtr	FWsp	The entire swamp tributary to Scape Ore Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Rocky Bottom Creek	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
Rocky Branch	Gnvl	TN	The entire branch tributary to Middle Saluda River
Rocky Creek	Cstr	FW	The entire creek (including Little Rocky Creek) tributary to Cedar Creek Reservoir
Rocky Creek	Mcmk	FW	The entire creek tributary to Hard Labor Creek
Rocky Creek (also called Rock Creek)	Gnwd	FW	The entire creek tributary to Coronaca Creek
Rocky River	Abvl, Andn	FW	The entire river tributary to Savannah River
Rose Branch	Drln	FW	The entire branch tributary to Lynches River
Rosemary Creek	Brwl	FW	The entire creek tributary to Salkehatchie River
Running Lake	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Running Lake	Rlnd	ORW(FW)	That portion of the The entire creek beginning at within the boundary of the Congaree National Park, including Big Lake and Little Lake to its confluence with Toms Creek
Russel Creek	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
St. Helena Sound	Bfrt, Cltn	SFH	The entire sound tributary to the Atlantic Ocean
Salkehatchie River	Aldl, Bmbg, Brwl, Cltn, Hmpt	FW	That portion of the river from its headwaters to the confluence with the Little Salkehatchie River
Salt Water Creek	Jspr	SB	The entire creek tributary to Wright Creek
Saluda Lake	Gnvl	FW	The entire lake on Saluda River
Saluda River (Main stem)	Abvl, Andn, Gnvl, Gnwd, Lrns, Lxtn, Nbry, Pkns, Rlnd, Slda	FW	The entire river tributary to Lake Murray
Saluda River (Main stem)	Lxtn, Rlnd	TPGT-sp	That portion from the Lake Murray Dam to the confluence with Broad River (D.O. not less than daily average 5 mg/L, a running thirty-day (30) average of 5.5 mg/L, with a low of 4.0 mg/L)
Saluda River (Main stem) Unnamed Tributaries	Lxtn, Rlnd	FW	All tributaries to the main stem of Saluda River from the Lake Murray Dam to the confluence with Broad River
Sampit River	Gtwn	SB	The entire river from saltwater intrusion to Winyah Bay
Sampson Island Creek	Cltn	ORW(SFH)	The entire creek tributary to Mosquito Creek
Sand Creek	Ffld	FW	The entire creek tributary to Jackson Creek
Sand Creek	Lrns	FW	The entire creek tributary to Millers Fork
Sand Creek	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
Sanders Branch	Hmpt	FWsp	The entire branch tributary to Coosawhatchie River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Sanders Creek	Krsh	FW	The entire creek tributary to Wateree River
Sandy River	Cstr	FW	The entire creek tributary to Broad River
Santee River	Bkly, Clrn, Gtwn, Wmbg	FW	That portion of the river below Lake Marion to North and South Santee Rivers
Santee River	Clhn, Smtr	FW	From junction of Congaree and Wateree Rivers to Lake Marion
Santee River (North and South)	Bkly, Chtn, Gtwn		See North Santee River and South Santee River (Berkeley, Charleston, and Georgetown Counties)
Savannah Creek	Bmbg, Cltn	FW	The entire creek tributary to Salkehatchie River
Savannah Creek	Hory	FW	The entire creek tributary to Chinners Swamp
Savannah River	Abvl, Andn	TPGT	That portion of the river from Lake Hartwell Dam to the headwaters of Lake Richard B. Russell

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Savannah River	Abvl, Aikn, Aldl, Andn, Brwl, Efld, Hmpt, Mcmk	FW	That portion of the river from the headwaters of Lake <u>Richard B. Russell</u> to Seaboard Coastline RR <u>Railroad</u>
Savannah River	Hmpt, Jspr	SB sp	That portion of the river from Seaboard Coastline RR <u>Railroad</u> to Ft. Pulaski (D.O. not less than daily average of 5 mg/L and minimum 4 mg/L)
Savannah River	Jspr	SA	That portion of the river from Ft. Pulaski to the Atlantic Ocean
Sawhead Branch	Ocne	FW	The entire branch tributary to Opossum Creek
Sawmill Branch	Bkly, Dchr	FW	The entire branch tributary to Dorchester Creek
Sawmill Creek	Bfrt	ORW(SFH)	The entire creek tributary to Colleton River
Sawney Creek	Abvl, Mcmk	FW	The entire creek tributary to Little River
Sawneys Creek	Ffld, Kshw <u>Krsh</u>	FW	The entire creek tributary to Wateree River
Schewbough Branch (also called Skeebo Branch)	Hory	FWsp	The entire branch tributary to the North Carolina line (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Scott Creek	Nbry	FW	The entire creek tributary to Bush River
Scott Creek	Chtn	ORW(SFH)	The entire creek from Big Bay Creek to Jeremy Inlet
Scouter Creek	Lxtn	FW	The entire creek tributary to Congaree Creek
Sea Creek Bay	Gtwn	ORW(SFH)	The entire bay tributary to Old Man Creek
Second Creek	Lxtn	FW	The entire creek tributary to First Creek
Sewee Bay	Chtn	<u>ORW(SFH)</u>	The entire bay
Shanklin Creek	Andn	FW	The entire creek tributary to Three and Twenty Mile <u>Creek</u>
Shaver Creek (also called Cheves Creek)	Efld	FW	The entire creek tributary to Stevens Creek
Shaw Creek	Aikn, Efld	FW	The entire creek tributary to South Fork Edisto River
Shell Creek	Lrns	FW	The entire creek tributary to Bush River
Shem Creek	Chtn	SB	The entire creek tributary to Charleston Harbor
Shingle Creek	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
Shoulder Bone Branch	Ocne	FW	The entire branch tributary to Sawhead Branch
Side of Mountain Creek	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
Silver Brook Creek	Andn	FW	The entire creek tributary to Rocky River
Six Mile Creek	Lxtn	FW	The entire creek tributary to Congaree Creek
Six and Twenty Creek	Andn	FW	The entire creek tributary to Lake Hartwell
Sixty Bass Creek	Gtwn	SFH	That portion of the creek from its confluence with Town Creek to a point 0.4 miles from its confluence with Town Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Sixty Bass Creek	Gtwn	ORW(SFH)	That portion of the creek from a point 0.4 miles from its confluence with Town Creek to North Inlet
Skeebo Branch	Hory	FWsp	The entire branch tributary to the North Carolina line (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Slatten Branch	Ocne	ORW(FW)	The entire branch tributary to East Fork Chattooga River
Smeltzer Creek	Ocne	TN	That portion of the creek from its headwaters to <u>S.C.</u> Hwy 130
Smeltzer Creek	Ocne	TPGT	That portion of the creek from <u>S.C.</u> Hwy 130 to North Fork Little River
Smith Branch	Rlnd	FW	The entire branch tributary to Broad River
Smith Swamp	Marn	FWsp	The entire swamp tributary to Catfish Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
South Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
South Edisto River	Chtn, Cltn	ORW(SFH)	That portion of the river from Dawho River to Mud Creek
South Edisto River	Chtn, Cltn	SFH	That portion of the river from Mud Creek to the Atlantic Ocean
South Fork Edisto River	Aikn, Bmbg, Brwl, Efld, Orbg	FW	The entire river tributary to North Fork Edisto River
South Fork Kings Creek	Nbry	FW	The entire creek tributary to Enoree River
South Pacolet River	Gnvl	TN	That portion of the river from its headwaters to <u>S.C.</u> Hwy 116
South Pacolet River	Gnvl, Spbg	FW	That portion of the river from <u>S.C.</u> Hwy 116 to Pacolet River
South Rabon Creek	Gnvl, Lrns	FW	The entire creek tributary to Rabon Creek
South Saluda River	Gnvl, Pkns	ORW(FW)	That portion of the river from its headwaters to Table Rock Reservoir Dam
South Saluda River	Gnvl, Pkns	TPGT	That portion of the river from Table Rock Reservoir Dam to Hwy 8
South Saluda River	Gnvl, Pkns	FW	That portion of the river from <u>S.C.</u> Hwy 8 to junction with North Saluda River
South Santee River	Bkly, Chtn, Gtwn	FW	That freshwater portion of the river
South Santee River	Bkly, Chtn, Gtwn	SA	That portion of the river from U.S. Hwy 17 to 1000 feet below the Atlantic Intracoastal Waterway
South Santee River	Bkly, Chtn, Gtwn	ORW(SFH)	That portion of the river from U.S. Hwy 17 from 1000 feet below the Atlantic Intracoastal Waterway to the Atlantic Ocean
South Tyger River	Gnvl, Spbg	FW	The entire river tributary to Tyger River
Spain Creek	Gnvl	FW	The entire creek tributary to Saluda River
Sparrow Swamp	Drln, Flrn, Lee	FWsp	The entire swamp tributary to Lynches River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Spears Creek	Krsh, Rlnd	FW	The entire creek (and its tributaries) from its headwaters to its confluence with Wateree River
St. Pierre Creek	Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
Steamboat Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Steele Creek	York	FW	The entire creek tributary to Sugar Creek
Stevens Creek	Efld, Mcmk	FW	The entire creek tributary to Savannah River
Stitt Branch	Ffld	FW	The entire branch tributary to Jackson Creek
Stoddard Creek	Gnvl, Lrns	FW	The entire creek tributary to North Rabon Creek
Stono River	Chtn	SFH	That portion of the river extending eastward to S.C.L. Railroad Bridge
Stono River	Chtn	SFH	That portion of the river from the S.C.L. Railroad Bridge to Abbapoola Creek
Stono River	Chtn	SFH	That portion of the river from Abbapoola Creek to Folly River
Stoops Creek	Lxtn, Rlnd	FW	The entire creek tributary to Saluda River
Store Creek	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
Story River	Bfrt	SFH	The entire river to Trenchards Inlet and Fripps Inlet
Stuart Creek	Ffld	FW	The entire creek tributary to Jackson Creek
Sugar Creek	Lctr, York	FW	The entire creek tributary to Catawba River
Summerhouse Branch (also called Bartons Branch and Johnsons Swamp)	Gtwn, Wmbg	FWsp	The entire branch tributary to Horse Pen Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Swaford Creek	Ocne	TN	The entire creek tributary to Whetstone Creek
Sweetwater Branch	Efld	FW	The entire branch tributary to Stevens Creek
Swift Creek	Krsh, Smtr	FW	The entire creek tributary to Wateree River
Swinton Creek	Chtn	ORW(SFH)	The entire creek tributary to Lower Toogoodoo Creek
Tailrace Canal	Bkly	FW	That portion of the canal from Lake Moultrie Dam to Biggin Creek
Tamassee Creek	Ocne	ORW(FW)	That portion of the creek from its headwaters to end of U.S. Forest Service Land
Tamassee Creek	Ocne	FW	That portion of the creek from U.S. Forest Service Land to its confluence with Cheohee Creek
Thicketty Creek	Chke	FW	That portion of the creek below the Cowpens discharge tributary to Broad River
Thompson Creek	Cfld	FW	The entire creek tributary to Pee Dee River
Thompson River	Ocne	TN	That portion of the river from <u>the</u> State <u>L</u> ine to Lake Jocassee
Three Creeks	Mrlb	FW	The entire creek tributary to Pee Dee River
Tilly Branch	Ocne	FW	The entire branch tributary to Chattooga River
Timothy Creek	Nbry	FW	The entire creek tributary to Bush River
Tinker Creek	Unin	FW	The entire creek tributary to Tyger River
Tinkers Creek	Cstr	FW	The entire creek tributary to Fishing Creek
Toby Creek	Brwl	FW	The entire creek tributary to Salkehatchie River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Todds Branch	Lctr	FW	The entire branch tributary to Little Lynches River
Tom Point Creek (also called McLeod Creek)	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River
Toms Branch	Lxtn	FW	The entire branch tributary to Congaree River
Toms Creek	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
Toms Creek	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Cedar Creek
Toogoodoo Creek	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River
Toomer Creek	Chtn	SFH	The entire creek tributary to Wando River
Town Creek	Chke	FW	The entire creek tributary to Broad Creek
Town Creek	Krsh	FW	The entire creek tributary to Wateree Creek
Town Creek	Pkns	FW	The entire creek tributary to Twelvemile Creek
Town Creek	Gtwn	SB	That portion of the creek from its confluence with No Mans Friend Creek and Oyster Bay to its western confluence with Clambancke Creek.
Town Creek	Gtwn	SFH	That portion of the creek from its western confluence with Clambancke Creek to its eastern confluence with Clambancke Creek
Town Creek	Gtwn	ORW(SFH)	That portion of the creek from its eastern confluence with Clambancke Creek to North Inlet
Townes Creek	Ocne	TN	That portion of the creek from the confluence of West Fork and Crane Creek to Lake Cherokee
Townsend River	Chtn	ORW(SFH)	The entire river tributary to Frampton Inlet Creek
Trenchards Inlet	Bftr	SFH	The entire inlet tributary to the Atlantic Ocean
Tugaloo River	Ocne	FW	That portion of the river from Tugaloo Dam to Lake Hartwell
Turkey Creek	Brwl	FW	The entire creek tributary to Salkehatchie River
Turkey Creek	Cstr, York	FW	The entire creek tributary to Broad River
Turkey Creek	Edfld, Mcmk	FW	The entire creek tributary to Stevens Creek
Turkey Creek	Gnwd	FW	The entire creek tributary to Saluda River
Turkey Creek	Smtr	FWsp	The entire creek tributary to Pocotaligo River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Turkey Creek (also called Turkey Quarter Creek)	Lctr	FW	The entire creek tributary to Cane Creek
Turpin Branch	Ocne	FW	The entire branch tributary to Chattooga River
Twelvemile Creek	Lxtn	FW	The entire creek tributary to Saluda River
Twelvemile Creek	Pkns	FW	The entire creek tributary to Lake Hartwell
Twentyfive Mile Creek	Krsh	FW	The entire creek tributary to Wateree River
Three and Twenty Creek	Andn	FW	The entire creek tributary to Lake Hartwell
Tyger River (Main Stem)	Nbry, Spbg, Unin	FW	The entire river tributary to Broad River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Unnamed Creek	Gnvl	FW	The unnamed creek which enters Reedy River on the west bank 1 1/4 miles below Conestee Lake
Unnamed Creek	Gnvl		See Langston Creek (Greenville County)
Unnamed Creek	Ocne	FW	The unnamed creek which enters Little River at Newry
Unnamed Creek Mill Creek	Unin	FW	The unnamed creek which originates in Jonesville and flows north-northeast to Mill Creek
Unnamed Creek Tributary to Beaverdam Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters, including the reservoir, to Secondary Road 22
Unnamed Creek Tributary to Beaverdam Creek	Gnvl	FW	That portion of the creek from Secondary Road 22 to Beaverdam Creek
Unnamed Creek to Mountain Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters, including Mountain Lake, to Mountain Creek
Unnamed Creek (Located near Altamont Forest Rd) Tributary to an Unnamed Tributary to Mountain Creek	Gnvl	FW	The entire creek
Unnamed Creek (Fripps Island) Tributary to Fripps Inlet	Bfrt	SFH	The entire creek tributary to Fripps Inlet
Unnamed Creek (Old Island) Tributary to Fripps Inlet	Bfrt	SFH	The entire creek tributary to Fripps Inlet
Unnamed Creek (St. Helena Island) Tributary to Harbor River	Bfrt	SFH	The entire creek tributary to Harbor River
Unnamed Creek (Harbor River) Tributary to St. Helena Sound	Bfrt	SFH	The entire creek tributary to St. Helena Sound
Unnamed Creeks, Ponds, or Lakes	Rlnd	FW	Any portions tributary to waters unnamed or named located within the boundary of the Congaree National Park to the boundary of the Congaree National Park
Unnamed Creeks, Ponds, or Lakes	Rlnd	ORW(FW)	All portions of waters and waters located wholly within the boundary of the Congaree National Park
Unnamed Swamp (Near North, S.C.)	Orbg	FWsp	The entire swamp tributary to North Fork Edisto River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Vaughn Creek	Gnvl	ORW(FW)	The entire creek tributary to Lake Lanier
Waccamaw River	Gtwn, Hory	FWsp	That portion of the river from North Carolina line to its confluence with Thoroughfare Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Waccamaw River	Gtwn	SA-sp	That portion of the river from its confluence with Thoroughfare Creek to Winyah Bay (D.O. not less than 4 mg/L)
Wadmalaw River	Chtn	ORW(SFH)	The entire river from Wadmalaw Sound to North Edisto River
Wadmalaw Sound	Chtn	ORW(SFH)	The entire sound
Wagner Creek	Chtn	SFH	The entire creek tributary to Wando River
Walker Branch	Ffld	FW	The entire branch tributary to Big Dutchman Creek
Wando River	Bkly, Chtn	SFH	That portion from its headwaters to a point 2.5 miles north of its confluence with Cooper River
Wando River	Bkly, Chtn	SA	That portion from a point 2.5 miles north of its confluence with Cooper River to its confluence with Cooper River
Wapoo Creek	Chtn	SB	The entire creek tributary to Stono River
Ward Creek	Bfrt	SFH	The entire creek tributary to Harbor River
Warrior Creek	Lrns	FW	The entire creek tributary to Enoree River
Wateree Lake	Ffld, Krsh, Lctr	FW	The entire lake on Catawba-Wateree River
Wateree River	Cstr, Ffld, Krsh, Lctr, Rlnd, Smtr, York	FW	See Catawba-Wateree <u>River</u>
Watts Mill Branch	Lrns	FW	The entire branch tributary to Little River
West Branch Cooper River	Bkly	FW	The entire river from Biggin Creek to its confluence with East Branch Cooper River (the Tee)
West Fork (also called Little Fork Creek)	Cfld	FW	The entire stream tributary to East Fork or Fork Creek
West Fork	Ocne	TN	That portion from its headwaters to its confluence with Crane Creek
Westbank Creek	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
Weston Lake	Rlnd	ORW(FW)	The entire lake within the boundary of the Congaree National Park
Whale Branch	Bfrt	SFH	The entire branch between Broad River and Coosaw River
Whetstone Creek	Ocne	TN	The entire creek tributary to Chattooga River
White Oak Creek	Krsh	FW	The entire creek tributary to Wateree Lake
White Oak Creek	Marn	FWsp	The entire creek tributary to River Swamp of Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
White Oak Creek	Ocne	TN	That portion of the creek from its headwaters to Knox Creek

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Whitewater River	Ocne	ORW(TPGT)	That portion of the river from State line to Lake Jocassee
Whitner Creek	Andn	FW	The entire creek tributary to Big Generostee Creek
Whooping Island Creek	Chtn	ORW(SFH)	The entire creek tributary to Sand Creek
Wildcat Creek	Rlnd	FW	The entire creek tributary to Gills Creek
Wildcat Creek	York	FW	The entire creek tributary to Fishing Creek
Wilkerson Creek	Aikn	FW	The entire creek tributary to Horse Creek
Willis Creek	Pkns	ORW(FW)	That portion of the creek from its headwaters to the northern boundary of Table Rock Resort property
Willis Creek	Pkns	TN	That portion of the creek from the northern boundary of Table Rock Resort property to its confluence with Oolenoy River
Willow Swamp	Orbg	FWsp	The entire swamp tributary to Little River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Wilson Branch	Abvl, Andn	FW	The entire branch tributary to Rocky River
Wilson Branch	Gnvl	FW	The entire branch tributary to Durbin Creek
Wilson Creek	Gnwd	FW	The entire creek tributary to Saluda River
Windy Hill Creek	Bmbg, Brwl	FW	The entire creek tributary to South Fork Edisto River
Winyah Bay	Gtwn	SB	The entire bay tributary to the Atlantic Ocean
Wise Lake	Rlnd	ORW(FW)	The entire lake within the boundary of the Congaree National Park
Wolf Creek	Pkns	FW	The entire creek tributary to Twelvemile Creek
Wood Creek	Gtwn	ORW(SFH)	The entire creek between Boor Creek and Jones Creek
Wright Creek	Ocne	ORW(TPGT)	The entire creek tributary to Lake Jocassee
Wright River	Jspr	SA	The entire river tributary to the Atlantic Ocean
Zekial Creek	Chke, Spbg	FW	The entire creek tributary to Island Creek

Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these proposed amendments.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-69. Classified Waters.

Purpose: Amendments to R.61-69 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions to the State’s water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”).

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

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

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

R.61-69 establishes the State's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department's amendments to R.61-69 clarify and correct, as needed, waterbody names, counties, classes, and descriptions.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these amendments to the regulation. No anticipated additional cost will be incurred by the State if the revisions are implemented, and no additional State funding is being requested.

The overall cost impact to the State's political subdivisions and the regulated community as a whole is not likely to be significant. Existing standards would have incurred similar cost. Furthermore, the standards required under the amendments will be substantially consistent with the current guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

The uncertainties associated with the estimation of benefits and burdens are minimal.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The amendments to R.61-69 seek to correct and clarify portions of the list of classified waters in order to provide citizens a more accurate representation of the waters of the State.

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

Failure by the Department to incorporate appropriate revisions to the list of classified waters in R.61-69 will allow an inaccurate representation of the State's waters to persist. This list is the only repository of the State's site-specific water quality standards and is used as the basis for National Pollutant Discharge Elimination System ("NPDES") permit decisions. If not corrected, the inaccuracies in the existing regulation may lead to unnecessary contamination of the waters of the State with detrimental effects on the health of flora and fauna, as well as the citizens of South Carolina.

Statement of Rationale:

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

R.61-69 establishes the State's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department amends R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions.

ATTACHMENT B

SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES

Document No. 5116
R.61-69, *Classified Waters*

As of September 26, 2022, the close of the Notice of Proposed Regulation comment period:

Name	Section
South Carolina Environmental Law Project	H
<p>Comment:</p> <p>The South Carolina Environmental Law Project appreciates the opportunity to submit comments on the Department of Health and Environmental Control's (DHEC) proposed amendments to S.C. Code Reg. 61-69, in particular the proposal to extend the water quality designation of Outstanding Resource Water (ORW) for the Atlantic Intracoastal Waterway (AICW) from Venning Creek to its confluence with Morgan Creek, located at the northern end of the Isle of Palms. We are fully in support of this elevation of this area's water quality standards from Shellfish Harvesting to ORW and ask DHEC to move forward with its promulgation process and to include this regulatory amendment.</p> <p>ORW waters (the second-highest water quality designation identified by the EPA and DHEC) are "freshwaters or saltwaters which constitute an outstanding recreational or ecological resource or those freshwaters suitable as a source for drinking water supply purposes with treatment levels specified by the Department." R. 61-68.G.6. Where a waterbody is so designated, the existing water quality conditions must be maintained and protected to the full extent of DHEC's authority, including the prohibition of discharges from domestic, industrial or agricultural waste treatment systems. There are higher protections for a waterbody designated as ORW when it comes to stormwater and other nonpoint source runoff from upland development. See R. 61-68.G.7, 8.</p> <p>Significantly, adjacent and nearby waterbodies carry this important designation, including Bulls Bay, Price Inlet, and all of Cape Romain Harbor. The AICW at this location receives flow from several deep creeks such as Venning Creek and Bull Creek. The Intracoastal Waterway from the confluence of Venning Creek south to the northern end of Isle of Palms at Morgan Creek has some of the cleanest water in the State, according to the South Carolina Department of Natural Resources shellfish monitoring programs. Additionally, this stretch of the AICW runs adjacent to the Cape Romain National Wildlife Refuge and provides a significant resource for the existing wildlife in the area. Designating this portion as ORW would not only protect the downstream waters, but would also provide an indirect level of protection for sensitive upland areas along the AICW shoreline. We are pleased that DHEC is proposing this change and support your efforts.</p> <p>Department Response:</p> <p>Thank you for supporting the decision to reclassify these waters as Outstanding Resource Waters.</p>	

Name	Section
Molly Ball	H

Comment:

I was born in Charleston in 1950 and have lived in Awendaw on Sewee Bay for 21 years now. Over my lifetime and more recently I have watched the degradation of our waterways as well as of our cities/towns. Please help save and protect the waters from Venning through Sewee Bay from further development detriment. There is a large parcel (1254 acres) called The King Tract in Awendaw which runs through my neighborhood and drains into the ICW. Once developed it will destroy the water quality and affect all wildlife in and around the waterway. The runoff is already an issue for our neighborhood! The clock is ticking on this one. Please stop it before the damage is done!

- All waters in South Carolina are classified by the Federal Clean Water Act
- This area is connected to areas already classified as ORW. This area is special and deserves our protection. The higher the classification, the greater the protection
- Bulls Bay, Cape Romain Harbor, and Price’s inlet are already designated the highest level (Outstanding Resource Water) and share water through daily tides with the ICW
- The Intracoastal Waterway from Venning Creek to Isle of Palms and Sewee Bay are also rated as the cleanest water in the State, based on DHEC Shellfish monitoring programs, but do not have the ORW designation. The ICW in this area should also have the ORW designation
- We want DHEC to reclassify those waters to the highest level, Outstanding Resource Water (ORW)

Department Response:

The Department is reclassifying the waters of Sewee Bay and the portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters.

Name	Section
Susan Cox	H

Comment:

I am forwarding a letter authored by Dr. Charles Mauro, a homeowner in Awendaw, regarding DHEC’s review to reclassify the waters in this area to ORW. Dr. Mauro’s logic is sound. This area should be reclassified as ORW. DHEC has the responsibility to make decisions that protect the residents and the environment of our state. That includes our fishermen, oystermen and shrimpers, all of whom depend on these waters for their livelihood. Since the entire area is connected and tides flow throughout, reclassification is the only logical decision to make to preserve this environmental system.

Department Response:

The Department is reclassifying the waters noted by Dr. Mauro as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters.

Name	Section
Laura Dixon	H

Comment:

I am writing today to plead with you to please reclassify the Intracoastal Waterway from Venning Creek to Isle of Palms as Outstanding Resource Waters (ORW). If the Intracoastal Waterway and Sewee get reclassified to ORW it will require local areas and the Town of Awendaw to provide greater protection for these waters and not allow developers and others to pollute and degrade this waterway.

- All waters in South Carolina are classified by the Federal Clean Water Act
- This area is connected to areas already classified as ORW. This area is special and deserves our protection. The higher the classification, the greater the protection
- Bulls Bay, Cape Romain Harbor, and Price’s inlet are already designated the highest level (Outstanding Resource Water) and share water through daily tides with the ICW
- The Intracoastal Waterway from Venning Creek to Isle of Palms and Sewee Bay are also rated as the cleanest water in the State, based on DHEC Shellfish monitoring programs, but do not have the ORW designation. The ICW in this area should also have the ORW designation
- We want DHEC to reclassify those waters to the highest level, Outstanding Resource Water (ORW)

Thank you for your consideration in protecting the Cape Romain National Wildlife Refuge, and our waters.

Department Response:

The Department is reclassifying the waters of Sewee Bay and the portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters.

Name	Section
John & Lynn Hodapp	H

Comment:

I would like to humbly request your consideration and DHEC’s consideration for the Intracoastal Waterway from Venning Creek to Isle of Palms and Sewee Bay be given the designation of Outstanding Resource Water, ORW. This area is connected to areas already classified as ORW. This area is very special and deserves our protection before it is too late.

Bulls Bay, Cape Romain Harbor, and Price’s inlet are already designated the highest level (Outstanding Resource Water) and share water through daily tides with the ICW.

The Intracoastal Waterway from Venning Creek to Isle of Palms and Sewee Bay are also rated as the cleanest water in the State, based on DHEC Shellfish monitoring programs, but do not have the ORW designation. The ICW in this area should also have the ORW designation.

All waters in SC are classified by the Federal Clean Water Act. I would like to request DHEC to reclassify the ICW from Venning Creek to IOP and Sewee Bay waters to the highest level, Outstanding Resource Water (ORW).

Department Response:

The Department is reclassifying the waters of Sewee Bay and the portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters as Outstanding Resource Waters.

Name	Section
Bonny Luthy	H

Comment:

We are very concerned about recent potential development in the pristine Cape Romain and Bull's Bay Area. We appreciate your efforts to designate the ICW from Venning Creek to Isle of Palms as ORW.

- All waters in South Carolina are classified by the Federal Clean Water Act
- This area is connected to areas already classified as ORW. This area is special and deserves our protection. The higher the classification, the greater the protection
- Bulls Bay, Cape Romain Harbor, and Price's inlet are already designated the highest level (Outstanding Resource Water) and share water through daily tides with the ICW
- The Intracoastal Waterway from Venning Creek to Isle of Palms and Sewee Bay are also rated as the cleanest water in the State, based on DHEC Shellfish monitoring programs, but do not have the ORW designation. The ICW in this area should also have the ORW designation
- We want DHEC to reclassify those waters to the highest level, Outstanding Resource Water (ORW)

Thank you very much for your efforts to keep Cape Romain a pristine and vital part of the Lowcountry. By making this area an Outstanding Resource Water we can preserve this amazing food source for generations to come.

Department Response:

The Department is reclassifying the waters of Sewee Bay and the portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters.

Name	Section
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Tom Powell	H
<p>Comment:</p> <p>Please accept this letter in support of reclassifying the waters of Sewee Bay and the ICW from Vening Creek to Morgan Creek from Shellfish Harvesting Water to Outstanding Resource Water.</p> <p>I am a property owner and resident of Awendaw and am deeply concerned about protection of a resource that can't simply be remediated after the harm has occurred. Do you really need more evidence of what happens when these delicate areas are not protected?</p> <p>Please stand up and be proactive in protecting and reclassifying these waters.</p> <p>Department Response:</p> <p>The Department is reclassifying the waters of Sewee Bay and the portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters.</p>	
Name	Section
Bob Raynor	H
<p>Comment:</p> <p>I am writing to you to advocate for the reclassification of the Intracoastal Waterway waters from Venning Creek to Isle of Palms to Outstanding Resource Waters (ORW). I have lived in Awendaw for the last forty years in Romain Retreat, the properties of which bound on the ICW. I understand that Bulls Bay and Price's Inlet already have the ORW classification.</p> <p>For many years I have sailed these waters in my Sunfish out to Bulls Bay, Bull Island, and Price's inlet, and in 2005 published Exploring Bull Island: Sailing and Walking Around a South Carolina Sea Island. I have had to become most familiar with the tide's movement through the creeks and marshes of Cape Romain, and I know the directions of the outgoing tide from the ICW to the more protected waters. The adjacent ICW waters should also have this higher classification and protection. The waters, marshes, and marine life are rich but delicate, and all efforts should be made to provide the necessary protection for this invaluable resource.</p> <p>As a resident in this locale, I feel a strong responsibility to protect Cape Romain National Wildlife Refuge. Thank you for your consideration of this reclassification proposal, another step in the refuge's protection.</p> <p>Department Response:</p> <p>The Department is reclassifying the waters of Sewee Bay and the portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters.</p>	

Name	Section
Sue Self	H

Comment:

My name is Susan Self. I am a SC citizen who lives in Awendaw SC. I am joining other neighbors and citizens in Awendaw to plea for reclassifying certain waterways to obtain enhanced protection hazards and harms from future development in the Marion Forest. Now more than ever we have to do what we can to protect this precious environment.

Our neighbor, Dr. Charles Mauro, has made a request to you via DHEC that the agency reclassify the Intracoastal Waterway from Venning Creek to Isle of Palms as Outstanding Resource Waters (ORW). As defined by DHEC, Outstanding Resource Waters are waters which are of exceptional recreational or ecological importance or of unusual value. Such waters may include waters in national or state parks or wildlife refuges, such as the Cape Romain National Wildlife Refuge. And waters with the Outstanding Water Resource classification are given greater protection from pollution and other sources of degradation that would damage this unique ecosystem.

We all know, and all government studies show, that Venning Creek, Anderson Creek, Price Inlet and the Intracoastal Waterway (ICW) are all connected and the tides push the water from the ICW through these creeks and inlets and out to Bulls Bay and beyond. You may NOT know that Price Inlet, Bulls Bay and Cape Romain Harbor are all already designated as Outstanding Resource Waters. Logic and DHEC’s own rules require that DHEC give this same designation to the ICW from Venning Creek to IOP, affording greater protection to these important waterways that we all love.

So that is what we are asking DHEC to do, classify this area as Outstanding Resource Waters. If the Intracoastal Waterway and Sewee get reclassified to ORW it will require local areas and the Town of Awendaw to provide greater protection for these waters and not allow developers and others to pollute and degrade this waterway.

- All waters in South Carolina are classified by the Federal Clean Water Act
- This area is connected to areas already classified as ORW. This area is special and deserves our protection. The higher the classification, the greater the protection
- Bulls Bay, Cape Romain Harbor, and Price’s inlet are already designated the highest level (Outstanding Resource Water) and share water through daily tides with the ICW
- The Intracoastal Waterway from Venning Creek to Isle of Palms and Sewee Bay are also rated as the cleanest water in the State, based on DHEC Shellfish monitoring programs, but do not have the ORW designation. The ICW in this area should also have the ORW designation
- We want DHEC to reclassify those waters to the highest level, Outstanding Resource Water (ORW)

We know there are big lobbyists groups that are fighting this, but why? What do they have to gain. This is much greater than money, profit and greed. Please citizens do not think this is okay. Please help us to protect the cleanest water and air literally in the country.

Department Response:

The Department is reclassifying the waters of Sewee Bay and the portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters.

Name	Section
Janet & Dan Stuchlak	H

Comment:

- All waters in South Carolina are classified by the Federal Clean Water Act
- This area is connected to areas already classified as ORW. This area is special and deserves our protection. The higher the classification, the greater the protection
- Bulls Bay, Cape Romain Harbor, and Price's inlet are already designated the highest level (Outstanding Resource Water) and share water through daily tides with the ICW
- The Intracoastal Waterway from Venning Creek to Isle of Palms and Sewee Bay are also rated as the cleanest water in the State, based on DHEC Shellfish monitoring programs, but do not have the ORW designation. The ICW in this area should also have the ORW designation
- We want DHEC to reclassify those waters to the highest level, Outstanding Resource Water (ORW).

Department Response:

The Department is reclassifying the waters of Sewee Bay and the portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek as Outstanding Resource Waters. Thank you for supporting the decision to reclassify these waters.

Date: November 10, 2022

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

From: Bureau of Community Nutrition Services

Re: Public Hearing for Notice of Final Regulation Amending R.61-94, *WIC Vendors*, Document No. 5120

I. Introduction

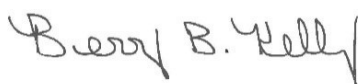
The Bureau of Community Nutrition Services proposes the attached Notice of Final Regulation amending R.61-94, *WIC Vendors*. Legal authority resides in S.C. Code Section 43-5-930, which directs the Department to outline the responsibilities and duties of all potential and authorized WIC Vendors. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

II. Facts

1. R.61-94, *WIC Vendors*, outlines the responsibilities and duties of potential and authorized WIC Vendors. The purpose of this promulgation is to implement the transition from food instruments to South Carolina Electronic WIC Benefits (eWIC) and update associated provisions and requirements.
2. The Department had a Notice of Drafting published in the February 25, 2022, *State Register*.
3. Appropriate Department staff conducted an internal review of the proposed amendment on July 20, 2022.
4. Upon receiving approval during the August 11, 2022, Board meeting, the Bureau had a Notice of Proposed Regulation published in the August 26, 2022, *State Register*. The Department received public comments from zero (0) people by the September 26, 2022, close of the public comment period.
5. After consideration of all timely received comments, staff has made substantive changes to the regulatory text of the Notice of Proposed Regulation approved by the Board in the November 11, 2022, Board meeting and published in the November 14, 2022 *State Register*. Descriptions of the changes appear in Attachment B, Summary of Public Comments and Department Responses.

III. Request for Approval

The Bureau of Community Nutrition Services respectfully requests the Board to find need and reasonableness of the attached proposed amendment of R. 61-94, *WIC Vendors* for submission to the



[Name]
Bureau Chief



[Name]
Director

Attachments:

- A. Notice of Final Regulation

ATTACHMENT A

**STATE REGISTER NOTICE OF FINAL REGULATION
FOR R.61-94, *WIC Vendors***

November 10, 2022

Document No. 5120

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

Statutory Authority: 1976 Code Section 43-5-930

61-94. WIC Vendors.

Synopsis:

Pursuant to S.C. Code Section 43-5-930, the Department of Health and Environmental Control (“Department”) outlines the responsibilities and duties of all potential and authorized Women, Infant, and Children Supplemental Food Program (WIC) Vendors. The Department amends R.61-94, WIC Vendors, to update verbiage of South Carolina Electronic WIC Benefits (eWIC). These amendments include changes to definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and the transaction of South Carolina WIC Benefits. The amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
Table of Contents	Revision	Amended to reflect proposed changes to text.
All Sections	Technical Corrections	Amended to correct punctuation and capitalization for clarity.
Section 101		
Introductory sentence	Technical Correction	Amended for grammatical accuracy.
101(A)	Revision	Amended to update Department terminology.
101(B)	Deletion	Deleted redundant definition.
101(D)	Revision	Amended to update the name of the Bureau for accuracy.
101(E)	Revision	Amended the definition of eWIC to reflect new method of payment.
101(F)	Revision	Amended to update additional approved vendors.
Section 201		

Section	Type of Change	Purpose
201(A)	Revision	Amended to update Department and eWIC terminology for accuracy.
201(B)(1)	Revision	Amended to add method of receiving a WIC vendor application.
201(B)(4)	Revision	Amended to update eWIC terminology.
201(B)(8)	Revision	Amended to clarify exempt vendors.
201(B)(9)	Revision	Amended to update the new Store Types for accuracy.
201(B)(15)(i)-(xv)	Revision Addition Technical Correction Reorganization	Amended to update the new food specifications and approved varieties and styles of cheeses. Added approved purchase of tofu. Corrected usage of numbers and measurements for consistency. Recodified items to reflect proposed changes.
Section 301		
Title	Revision	Amended to update the title of the section for accuracy.
301(A)-(H)	Revision	Amended to update new process of transacting eWIC benefits.
301(J)-(N)	Addition	Adding new portion of the new process of transacting eWIC benefits.
Section 401		
Title	Revision	Amended to update the title of the section for accuracy.
401(A)-(B)	Revision	Amended to update the settlement payment process.
401(C)-(F)	Addition	Adding new portion of the new settlement payment process.
Section 501	Deletion	Deleted section as no longer needed.
Section 601	Deletion	Deleted section as no longer needed.
Section 701	Reorganization	Recodified from Section 701 to Section 501.
Section 801	Reorganization	Recodified from Section 801 to Section 601.
New Section 601		

Section	Type of Change	Purpose
601(B)(1)(a)-(b)	Revision	Amended to update disqualification criteria for clarity.
601(B)(1)(c)-(d)	Addition	Added new disqualification criteria for clarity.
Former 601(B)(1)(c)-(i)	Revision Reorganization	Amended to update disqualification criteria for clarity. Recodified to reflect proposed changes.
601(B)(2)(a)-(f)	Revision	Amended to reflect eWIC terminology for accuracy.
601(B)(3)(a)-(b)	Revision	Amended to reflect eWIC terminology for accuracy.
601(B)(4)	Revision	Amended to reflect eWIC terminology.
601(C)	Revision	Amended to reflect eWIC terminology.
Section 901	Reorganization	Recodified from Section 901 to Section 701.
New Section 701		
701(A)	Addition	Amended to reflect new violation category.
701(2)	Reorganization Revision Addition	Recodified from 701.1 to match codification throughout the regulation. Amended and added violation categories.
701(3)	Reorganization Revision Addition	Recodified from 701.2 to match codification throughout the regulation. Amended and added violation categories.
Section 1001	Reorganization Revision	Recodified from Section 1001 to Section 801. Amended to clarify Department terminology.

Instructions:

Replace R.61-94 in its entirety with this amendment.

~~Indicates Matter Stricken~~
Indicates New Matter

Text:

61-94. WIC Vendors.

(Statutory Authority: S.C. Code Section 43-5-930, 1976, as amended.)

Table of Contents

Section 101. Definitions.
Section 201. Approval of Vendors.
Section 301. ~~Redemption of Food Instruments.~~ Processing EBT/eWIC Transactions.
Section 401. ~~Submitting Food Instruments for Payment.~~ Vendor eWIC Settlement Payments.
~~Section 501. Payment of Food Instruments.~~
~~Section 601. Correction of Rejected Food Instruments.~~
Section ~~701~~501. Monitoring of Vendors.
Section ~~801~~601. Disqualifications and Sanctions.
Section ~~901~~701. Program Violations.
Section ~~1001~~801. Administrative Appeals.

SECTION 101. Definitions.

As used in these regulations, the following terms shall have the meaning specified:

- (A) ~~DHEC~~ Department. The South Carolina Department of Health and Environmental Control.
- (B) ~~State Agency~~. ~~The South Carolina Department of Health and Environmental Control.~~
- (~~E~~B) WIC Program. The Special Supplemental Nutrition Program for Women, Infants and Children.
- (~~D~~C) State WIC Program (“Program”). The Division of WIC Services, Bureau of Maternal and Child Health in the Bureau of Community Nutritional Services, South Carolina Department of Health and Environmental Control.
- (~~E~~D) ~~Food Instrument~~Electronic WIC Card (eWIC Card). ~~The document which is used by a participant to obtain supplemental foods.~~ A magnetic stripe card used to purchase WIC-authorized foods or formulas from a WIC family’s eWIC account.
- (~~F~~E) WIC Vendor (“Vendor”). Any store, ~~or~~ pharmacy, or commissary approved for participation which has a valid, current WIC Vendor Agreement on file at the State WIC Program Office and continues to meet the minimum criteria for participation as listed in the agreement.

SECTION 201. Approval of Vendors.

- (A) Only vendors authorized by the ~~State Agency~~Department may redeem ~~food instruments~~electronic WIC benefits or otherwise provide supplemental foods to participants.
- (B) To be authorized for participation as a WIC Vendor, a vendor must:
 1. Request, in writing, ~~or~~ by phone, or by email a WIC Vendor application packet.
 2. Submit a completed application packet to the State WIC Program Office, including the WIC Vendor Application, WIC Price Survey, Vendor Agreement, and an IRS W-9, Request for Taxpayer Identification and Certification form.

3. Be authorized to participate in the Supplemental Nutrition Assistance Program (SNAP). (Pharmacies are exempt from this requirement.)

4. Not be employed by the WIC program nor have a spouse, child, parent, or sibling who is employed by the WIC program serving the county in which the vendor applicant conducts business. The vendor applicant also shall not have an employee who handles, or transacts deposits or stores WIC food instruments ~~WIC~~ who is employed by, or has a spouse, child, or parent who is employed by the WIC Program serving the county in which the vendor applicant conducts business.

5. Pass a pre-approval visit completed by the State WIC Program Office.

6. Inform and train cashiers and other staff on program requirements.

7. Ensure employees receive instruction regarding the WIC Program policies, procedures, and requirements.

8. Maintain the minimum stock of WIC foods as required by the Vendor Agreement. (Pharmacies are exempt from this requirement.)

9. Comply with at least one established definition for store type within the four (4) Regions. ~~Type 1 Chain, Type 2 Franchise, Type 3 Commissary, Type 4 Independent/Convenience~~ Store Type 1 - Total Food Sales > \$10,000,000; Store Type 2 - Total Food Sales of \$10,000,000-\$5,000,000; Store Type 3 - Total Food Sales < \$5,000,000; Store Type 4 - Government-owned facilities (Commissaries), and Store Type 5 - Pharmacy.

10. Operate the store at a single, fixed location (no mobile/home delivery stores).

11. Purchase infant formula only from a state-approved wholesaler, distributor, or supplier.

12. Be located in South Carolina.

13. Must be open for business at least six (6) days a week for a minimum of eight (8) consecutive hours a day between the hours of 8 a.m. - 10 p.m.

14. Have no convictions or civil judgments within the last six (6) years that indicate a lack of business integrity on the part of the current owners, officers, or managers. Such activities include, but are not limited to: fraud, antitrust, violations, embezzlement, theft, forgery, bribery, falsification of records, making false statements, receiving stolen property, making false claims, or obstruction of justice.

15. Provide to WIC participants only those foods authorized by the State WIC Program and in the exact quantities prescribed.

The following is a list of acceptable foods:

i) Infant formula must be iron-fortified, supply approximately twenty ~~(20)~~ kilocalories (20 kcal) per fluid ounce, and not require the addition of any ingredient other than water.

ii) Infant cereal which contains a minimum of ~~45~~ forty-five milligrams (45 mg) of iron per ~~100~~ one hundred grams (100 g) of dry cereal and contains no other ingredients, such as fruit, formula, or DHA. No organic infant cereal.

iii) Infant juice which contains a minimum of ~~30~~thirty milligrams (30 mg) of Vitamin C per ~~100~~one hundred milliliters (100 ml) of single strength or reconstituted frozen juice concentrate. Juice must be pasteurized, one hundred percent (100%) unsweetened fruit or vegetable juice. No calcium-fortified or organic juice.

iv) Pasteurized fluid whole, fat free, low-fat, or reduced fat milk which is flavored (low-fat only) or unflavored and contains ~~400~~four hundred international units (400 IU) of Vitamin D and ~~2000~~two thousand international units (2000 IU) of Vitamin A per fluid quart;~~or.~~

v) Nonfat dry milk solids may be substituted on a reconstituted quart basis and must contain ~~400~~four hundred international units (400 IU) of Vitamin D and ~~2000~~two thousand international units (2000 IU) of Vitamin A per reconstituted quart;~~or.~~

vi) Quarts and half (1/2) gallons of lactose-free milk (whole, reduced fat, low-fat, and fat free).

vii) Domestic cheese made from one hundred percent (100%) pasteurized milk (American, Monterey Jack, Cheddar, ~~&~~Mozzarella, Colby, Muenster, Swiss, and a blend of any of these flavors). Block style, ~~or~~ sliced, crumbled, string, pearled, low-fat, reduced fat, low cholesterol, and/or low sodium are allowed.

viii) Calcium-set prepared Tofu with calcium salts of fourteen to sixteen ounces (14-16 oz), and organic tofu.

~~viii) ix)~~ ix) Cereal (hot or cold) which contains a minimum of ~~28~~twenty-eight milligrams (28 mg) of iron per ~~100~~one hundred grams (100 g) of dry cereal and not more than 21.2 grams of sucrose and other sugars per ~~100~~one hundred grams (100 g) of cereal (no more than ~~6~~six grams (6 g) of sugar per ounce). Half of the cereals authorized must have whole grain as the primary ingredient by weight and meet labeling requirements.

~~ix) x)~~ x) Eggs, Grade A large, white only.

~~x) xi)~~ xi) Peanut butter, with no added flavorings.

~~xi) xii)~~ xii) Mature legumes or beans.

~~xii) xiii)~~ xiii) Canned tuna or pink salmon packed in water or oil.

~~xiii) xiv)~~ xiv) Infant fruits and vegetables include any variety of single ingredient, commercial infant food fruits or vegetables without added sugars, starches, or salt. No organic infant foods or foods with added DHA.

~~xiv) xv)~~ xv) Infant meats include any variety of commercial infant food having meat or poultry as a single major ingredient, with added broth or gravy, and no added sugars, salt, or DHA.

~~xv) xvi)~~ xvi) Whole ~~G~~grains include whole wheat bread, whole grain bread, brown rice, whole wheat, or soft corn tortillas. Whole grain must be the primary ingredient by weight in all whole grain products and meet labeling requirements for making a health claim as a “whole grain food with moderate fat content.”

(C) To retain authorization for participation a vendor must:

1. Renew the Vendor Agreement with the State WIC Program by the established renewal date.

2. Abide by the terms of the Agreement in effect.
3. Have prices which are competitive, based on the WIC Program definition, with similar type stores' prices.

SECTION 301. ~~Redemption of Food Instruments. Processing EBT/eWIC Transactions.~~

In providing supplemental foods to participants, the ~~V~~ vendor shall:

~~(A) Only provide the supplemental foods as specified in the WIC Food Guide and only the types, sizes and quantities specified on the food instrument. Charge WIC participants the exact total price for the WIC foods provided to the participant.~~

~~(B) Accept food instruments only from individuals who present a valid South Carolina WIC Program ID Card listing them as authorized to redeem the food instruments and receive the supplemental foods. Ensure that all product scans (that is, the scanning and entry of the universal product code (UPC) in the redemption system) are completed or made directly from the product being sold. The vendor may not maintain a "scan book" or similar device and use the UPC labels in a book or other device in place of scanning the product UPC directly from the product being sold.~~

~~(C) Provide the supplemental foods at the current price or less than the current price charged to other customers, as indicated on individual food items or shelf labels indicating the price of the items. Scan and charge for only the types, sizes, and quantities of food specified on the participant's eWIC account, and only provide the types, sizes, and quantities of food specified on the participant's eWIC account.~~

~~(D) Accept food instruments from participants only within the allowed time period, as listed on each food instrument. Require the WIC participant accept/approve the eWIC transaction. Ensure store personnel do not accept/approve any eWIC transaction for WIC participants under any circumstances.~~

~~(E) Accept manual food instruments only if they have been stamped with a WIC Program stamp. Confirm the identity of the authorized person by requiring the use of the individual's personal identification number (PIN) to execute the eWIC transaction.~~

~~(F) Refuse to accept any food instruments on which the valid dates or food prescriptions have been altered in any way. Refuse to accept eWIC cards from any person unable to demonstrate their authorization to use the eWIC card.~~

~~(G) Enter the date of purchase and total purchase amount (less tax) for the supplemental foods on the food instruments prior to obtaining the signature of the person authorized to receive the foods. Release food benefits to WIC participants any time the eWIC card is decremented even if the system fails to build a claim.~~

~~(H) Obtain the signature of the person receiving the supplemental foods and check that signature against the signature on the WIC Program ID Card. Accept eWIC only from authorized participants, or an authorized representative, caretaker, or proxy within the store premises.~~

(I) Offer WIC participants the same courtesies as other customers, including, but not limited to:

1. Providing promotional specials, such as reduced prices on items as advertised.
2. Allowing use of any open check-out line except for those indicated as "cash only."

(J) Provide WIC participants with an itemized receipt for each eWIC transaction that clearly identifies the item(s) purchased, the individual price charged for each item listed, the remaining balances of WIC available items, and benefit expiration date.”

(K) Upon request, provide WIC participants with an eWIC balance inquiry.

(L) Return any eWIC cards found in the store or facility and unclaimed after twenty-four (24) hours to the local county WIC office.

(M) Mark the current shelf prices of all WIC Foods clearly on the appropriate store shelf holding the WIC food items at all times.

(N) Sell all WIC foods at competitive prices consistent with those of the vendors’ peer group at all times during the terms of the Agreement.

SECTION 401. Submitting Food Instruments for Payment. Vendor eWIC Settlement Payments.

(A) The vendor must deposit food instruments into their local retail bank within thirty (30) days of the “Void after Date”.

(B) Each food instrument must be stamped with the official WIC vendor stamp provided to the vendor by the State WIC Program Office prior to depositing. (A) Vendors must maintain a bank account for the Automated Clearing House (ACH) transactions for eWIC settlement payments.

(B) Payments are made to the vendor daily during the end-of-day process of the eWIC system.

(C) Vendors will receive their settlement/reimbursements for eWIC transactions within two (2) business days.

(D) The eWIC benefits will be paid up to the maximum amount allowed based on the vendor’s peer group for each individual food UPC.

(E) The State WIC Program may delay payment or establish a claim if the Program determines the vendor has committed a violation that affects the payment to the vendor. The State WIC Program may offset any claim against current and subsequent amounts to be paid to the vendor. The vendor is responsible for any claim assessed by the State WIC Program.

(F) The State WIC Program, at its discretion, may allow the payment of a civil monetary penalty, in lieu of disqualification, as a result of Program abuse.

SECTION 501. Payment of Food Instruments.

(A) The State Agency may reject food instruments improperly redeemed and may request reimbursement for payments already made for improperly redeemed food instruments. Reasons food instruments may be rejected include, but are not limited to:

1. Food instruments accepted prior to or after the valid dates.
2. Food instruments on which the date of purchase has not been entered.

- ~~3. Food instruments on which the purchase amount has not been entered.~~
- ~~4. Manual food instruments on which the local WIC Program stamp has not been applied.~~
- ~~5. Food instruments on which a valid WIC vendor stamp has not been applied.~~
- ~~6. Food instruments on which the serial number is illegible.~~
- ~~7. Food instruments on which a valid participant signature has not been applied.~~
- ~~8. Food instruments on which the valid dates or food prescription/quantities have been altered.~~
9. Food instruments accepted by a vendor which is not an authorized vendor as stipulated in Section 201 of these regulations.
10. Food instruments deposited more than thirty days (30) after the “Void after” date.

~~(B) The State WIC Program may delay payment or establish a claim if the Program determines the vendor has committed a violation that affects the payment to the vendor. The State WIC Program may offset any claim against current and subsequent amounts to be paid to the vendor. The vendor is responsible for any claim assessed by the State WIC Program.~~

~~(C) The State WIC Program, at its discretion, may allow the payment of a civil monetary penalty, in lieu of disqualification, as a result of the Program abuse.~~

SECTION 601. Correction of Rejected Food Instruments.

- ~~(A) Vendors shall have the opportunity to correct food instruments which are rejected for errors.~~
- ~~(B) Vendors must justify, correct or provide adequate proof that food instruments were accepted according to the procedures listed in Section 401 of these regulations.~~
- ~~(C) The State WIC Program has the authority to refuse payment for food instruments on which proper corrections have not been made or with which adequate proof of proper acceptance has not been received.~~

SECTION ~~701~~501. Monitoring of Vendors.

- (A) All vendors participating in the WIC Program agree to allow periodic monitoring of their business to assess compliance with Program requirements.
- (B) During a monitoring visit, the vendor shall allow access to all ~~food instruments accepted and located in the store at the time of the monitoring visit.~~ invoices to ensure that formula was purchased from an approved wholesaler, distributor, and/or manufacturer.

SECTION ~~801~~601. Disqualifications and Sanctions.

- (A) The State WIC Program may disqualify a vendor for Program abuse, failure to meet the requirements of the WIC Vendor Agreement, or other just causes.
- (B) Mandatory Vendor Sanctions.

1. One (1) Year Disqualification. A vendor shall be disqualified from the WIC Program for a period of one (1) year for:

~~(a) A pattern of providing unauthorized food items in exchange for WIC food instruments, including charging for supplemental food provided in excess of those listed on the WIC check~~A pattern of providing unauthorized food items by type, size, or quantity in exchange for WIC EBT, including charging for supplemental foods provided in excess of those listed on the WIC EBT account;

~~(b) A pattern of charging prices for WIC items above the maximum allowable price for WIC items stores within the same peer group and geographical area;~~

~~(c) A pattern of not providing a receipt at the end of the transaction showing the date of the transaction, product(s) purchased, and the remaining balance of available benefits;~~

~~(d) Intentionally providing incorrect quantity or type of infant formula specified on a WIC EBT account;~~

~~(e)~~(e) Intentionally providing false information on the WIC Vendor Application;

~~(d)~~(f) Intentionally providing false information on the Vendor Price Survey;

~~(e)~~(g) Non-payment of any claim for overcharges to the WIC ProgramFailure to provide an itemized receipt with each WIC EBT transaction;

~~(f)~~(h) Failure to allow monitoring of stores by a WIC Investigator or failure to provide WIC food instruments for review when requested by the WIC InvestigatorFailure to allow monitoring of the store by a WIC Program Coordinator or threatening or abusing, either verbally or physically, a WIC participants or WIC personnel in the conduct of official WIC business;

~~(g)~~(i) Forging a signature on WIC food instrumentsEntering the PIN for the WIC participant; or

~~(h)~~Failure to submit a WIC Vendor Price Survey; or

~~(i)~~(j) Failure to attend WIC Vendor Training.

2. Three (3) Year Disqualification. A vendor shall be disqualified from the WIC Program for three (3) years for:

~~(a) One incident of the sale of alcoholic beverage or tobacco products in exchange for WIC food instruments~~One (1) incidence of the sale of alcohol or alcoholic beverages or tobacco products in exchange for one (1) or more WIC EBT cards;

~~(b) A pattern of claiming reimbursement for the sale of a specific supplemental food item which exceeds the store's documented inventory of that supplemental food item for a specific period of time, failing to supply store records, or failing to allow an audit of such records by the State WIC Program;~~

~~(c) A pattern of charging WIC participants more for supplemental food than non-WIC customers or charging participants more than the current shelf price;~~

(d) A pattern of receiving, transacting, and/or redeeming ~~WIC food instruments~~ WIC EBT cards outside of authorized channels (laundering) including the use of an unauthorized vendor and/or an unauthorized person;

(e) A pattern of charging for supplemental food not received by the WIC participant; or

(f) A pattern of providing credit or non-food items, other than alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances in exchange for ~~WIC food instruments~~ WIC EBT cards.

3. Six (6) Year Disqualification. A vendor shall be disqualified from the WIC Program for six (6) years for:

(a) ~~One incident of buying or selling WIC food instruments for cash (trafficking);~~ One (1) incidence of buying or selling one (1) or more WIC EBT cards (trafficking); or

(b) One (1) incident of buying or selling firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802 in exchange for ~~WIC food instruments~~ WIC EBT cards.

4. Permanent Disqualification. A vendor shall be permanently disqualified from the WIC Program for any ~~conviction of trafficking (buying or selling WIC food instruments for cash) or selling firearms, ammunition, explosives or controlled substances in exchange for a WIC food instrument. A vendor is not entitled to receive any compensation for revenues lost as a result of such violation. A conviction of trafficking WIC EBT cards or selling firearms, ammunition, explosives or controlled substances (defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)) in exchange for WIC EBT cards. A vendor is not entitled to receive any compensation for revenues lost as a result of such violation.~~

~~(C) A vendor who has been disqualified from SNAP shall also be disqualified from the WIC Program. This disqualification shall be the same length of time as SNAP disqualification, and may begin at a later date than the SNAP disqualification. This disqualification shall not be subject to administrative or judicial review under the WIC Program. The WIC Program must disqualify a vendor who has been disqualified from SNAP. The disqualification must be for the same length of time as the SNAP disqualification, may begin later than the SNAP disqualification, and is not subject to administrative or judicial review under the WIC Program.~~

(D) Second Mandatory Sanction. When a vendor, who has been sanctioned for violating any of the provisions listed in this section, receives a sanction for a second violation of these provisions, the second sanction shall be double the amount of the first.

(E) Third or Subsequent Mandatory Sanctions. When a vendor, who has been assessed two (2) or more sanctions for violation of any of the provisions listed in this section, receives a third or subsequent sanction for a violation of these provisions, the third and all subsequent sanctions shall be double the amount of the immediately preceding sanction.

SECTION ~~901~~701. Program Violations.

Each violation of ~~p~~Program regulations has a set point value and a specific time period during which the points will remain on a vendor's record. If a vendor accumulates fifteen (15) or more violation points, the store will be disqualified from the WIC Program. The period of disqualification is determined by the nature of the violation(s), the number of violations, and past disqualifications.

(A) The following violations carry a point value of ten (10) and remain on a vendor's record for eighteen (18) months:

1. Failure to stock eight (8) or more required quantities and/or varieties of foods as listed in the Agreement.

~~1.~~(B) The following violations carry a point value of eight (8) and remain on a vendor's record for eighteen (18) months:

~~(a) Contacting WIC participants in an attempt to recoup funds for instruments not paid by the Program.~~1. Contacting WIC participants in an attempt to recoup funds for eWIC transactions not paid by the Department.

~~(b) Not providing "promotional specials" to WIC participants or not accepting cents-off coupons or store discount cards from WIC participants to reduce the amount charged to the program.~~2. Not providing promotional specials or not accepting cents-off coupons or store discount cards to reduce WIC price.

~~(c)~~3. Issuing "RAIN" checks.

~~(d)~~4. Requiring WIC participants to use special check-out lanes, not showing WIC participants the same courtesies courtesy as other customers or engaging (committing) in any act of discrimination involving a WIC participant.

~~(e)~~5. Knowingly entering false information on food instruments.

~~(f) Requiring participants to make a cash purchase to redeem food instruments.~~5. Requiring cash purchase to redeem WIC checks or use eWIC cards.

~~(g)~~6. Failure to stock between four to eight (4-8) food items as listed in the Vendor Agreement.

7. Failure to scan and enter all sold UPC items directly from the product being sold into the redemption system, or the use of a "scan book" or similar device used in place of scanning the product.

8. Keeping record of a participant's name or PIN after the eWIC card is transacted by or on behalf of a participant.

9. Verbal or physical abuse of a WIC participant or Department employee while the employee is conducting official WIC business.

10. Failure to allow the return of any WIC purchases for identical items that are damaged, spoiled, or has exceeded its "sell by," "best if used by," "manufacturer suggested," or other date limiting the sale or use of the food.

~~2.~~(C) The following violations carry a point value of five (5) and remain on a vendor's record for one (1) year:

~~(a) Allowing substitution for foods listed on the food instrument.~~1. Allowing the purchase of ineligible foods or substitutions for foods on an eWIC card account.

~~(b) Failure to stock between 1-3 food items as listed in the Vendor Agreement.~~ 2. Failure to stock one to three (1-3) required quantities and/or varieties of foods as listed in the Agreement.

~~(c) Requiring participants to purchase a specific brand of WIC approved foods when more than one brand is available.~~ 3. Where no specific brand is prescribed, requiring a participant to purchase a specific brand of WIC approved foods when more than one (1) brand is available.

~~(d) Using a WIC stamp other than the one issued by the State WIC Program.~~ 4. Allowing manual entry of the eWIC card number.

~~(e) Failure to properly redeem food instruments including but not limited to: not asking for I.D. cards, not completing date and purchase price on food instrument prior to obtaining participant's signature.~~ 5. Failing to provide valid supplier invoices proving sufficient inventory was available on the vendor's sales shelf that support the amount claimed in EBT redemptions the vendor has submitted for payment to the Department.

~~(f) 6.~~ 6. Not marking WIC items with price labels or shelf tags.

~~(g) 7.~~ 7. Collecting sales tax on WIC Purchases.

~~(h) 8.~~ 8. Stocking WIC-approved food outside of the manufacturer's expiration date.

~~(i) 9.~~ 9. Providing (selling or giving) incentive items to WIC participants.

10. Not allowing split-tender transactions on Cash Value Benefits (CVB) or eWIC transactions.

11. Asking for additional identification or the WIC participant's PIN.

12. Charging the WIC customer any fee, either directly or indirectly, arising out of or associated with operating, manufacturing, or processing WIC participants.

13. Charging the Program for food not received by a participant.

SECTION ~~4001~~ 801. Administrative Appeals.

All vendors have the opportunity to request a fair hearing (administrative review) regarding certain adverse actions taken by the ~~State Agency~~ Department. The vendor must provide the ~~State Agency~~ Department with a written fair hearing request within fifteen ~~days~~ calendar days of the receipt of the notice of the adverse action. The written request must list the actions with which the vendor disagrees, as well as reasons the vendor disagrees with these actions. If the vendor does not request a hearing within the fifteen (15) calendar-day period following notification, the ~~State Agency's~~ Department's decision becomes final.

If a timely request of final review is filed with the DHEC Clerk of the Board, the Clerk will provide additional information regarding review procedures. If the DHEC Board declines, in writing, to schedule a final review conference, the ~~State Agency's~~ Department's decision becomes final and the vendor may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed informing the vendor that the Board declined to hold a final review conference.

Fiscal Impact Statement:

The amendments will have no substantial fiscal or economic impact on the state. Implementation of these amendments will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or state government due to any inherent requirements of these amendments.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-94, WIC Vendors.

Purpose: The amendments to R.61-94, WIC Vendors, include revised provisions and outline the responsibilities and duties of all potential and authorized WIC Vendors. The Department amends R.61-94 to update verbiage of South Carolina Electronic WIC Benefits (eWIC). These amendments include changes to definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and the transaction of South Carolina WIC Benefits. The amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Legal Authority: 1976 Code Section 43-5-930.

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

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

The amendments update R.61-94 to include provisions in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) that require the establishment of a vendor peer group system, distinct peer competitive price criteria, allowable reimbursement levels for each peer group, and other vendor-related provisions to ensure program integrity. Additionally, the amendments include revisions to the WIC food packages as published in the interim rule by the U.S. Department of Agriculture, Food and Nutrition Services, in the Federal Register. The revisions align the WIC food packages with the Dietary Guidelines for Americans and infant feeding practice guidelines of the American Academy of Pediatrics. The Department also makes vendor-related amendments to ensure adequate and appropriate monitoring of the WIC Program's food delivery system to prevent fraud, waste, and abuse from occurring and to safeguard program benefits. Further proposed amendments include updating verbiage of South Carolina Electronic WIC Benefits (eWIC) to align with the Healthy, Hunger-Free Kids Act of 2010, which improves the shopping experience for WIC participants by requiring states to transition from paper benefits to electronic benefit (EBT) systems by Oct. 1, 2020.

These amendments are reasonable to realize the abovementioned benefits as they provide more efficient procedures without any anticipated cost increase and provide clearer standards and criteria for the regulated community.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the state or its political subdivisions in complying with these amendments. Amendments to R.61-94 will benefit the regulated community and the general public by implementing provisions to ensure program integrity. Participants served by the program will benefit from these amendments by gaining access to more nutritious foods.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The changes will not have any effect on the environment. If implemented, these amendments will have a positive impact on public health by improving WIC procedures and systems and expanding access and resources to healthy foods.

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

There is no anticipated detrimental effect on the environment.

Statement of Rationale:

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

The Department amends R.61-94, WIC Vendors, to incorporate vendor-related provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) and an interim rule published by the U.S. Department of Agriculture, Food and Nutrition Services, in the Federal Register on December 6, 2007, revising the WIC food packages. Other amendments include updating verbiage to South Carolina Electronic WIC Benefits, definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and WIC transactions to improve services and procedures.