

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

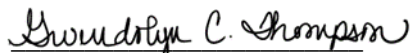
January 5, 2023

- () ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Healthcare Quality Administrative and Consent Orders.
- II. SUBJECT:** Healthcare Quality Administrative Orders and Consent Orders for the period of November 1, 2022, through November 30, 2022.
- III. FACTS:** For the period of November 1, 2022, through November 30, 2022, Healthcare Quality reports 0 Administrative Orders and 3 Consent Orders totaling \$13,500 in assessed monetary penalties.

Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Residential Treatment Facility for Children and Adolescents (RTF)	0	1	\$8,000	\$8,000
	Nursing Home	0	1	\$5,000	\$5,000
Healthcare Systems and Services	Paramedic	0	1	\$500	\$500
TOTAL		0	3	\$13,500	\$13,500

Submitted By:


Gwen C. Thompson
Deputy Director
Healthcare Quality

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

January 5, 2023

Bureau of Community Care

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

1. Broadstep Academy-South Carolina-Venice (60 Beds) – Simpsonville

Investigation and Violations: The Department conducted complaint investigations in April and July 2022, and found the facility repeatedly failed to implement policies and procedures regarding resident care, rights, and operation of the facility. Specifically, the facility did not implement its Abuse, Neglect, and Exploitation Employee Conduct policy.

Additionally, the Department found the facility failed to ensure a resident was free from harm, including isolation, excessive medication, if applicable, abuse, or neglect. Specifically, video surveillance footage showed a staff member pushing a resident to the ground.

The Department also found the facility failed to ensure a resident was treated with consideration, respect and dignity, including privacy in treatment and in care for personal needs. Specifically, the facility documented that a staff member and resident repeatedly engaged in inappropriate sexual behavior.

Enforcement Action: The parties met in July and September 2022 for enforcement conferences and agreed to resolve the matter with a Consent Order. The facility agreed to the assessment of a \$8,000 monetary penalty and was required to pay the assessed monetary penalty within 30 days of executing the Consent Order.

Remedial Action: The facility has paid the required \$8,000. The facility staff members involved were terminated.

Prior Orders: None in the past 5 years.

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Nursing Home	194	20,665

2. NHC Healthcare Laurens (176 Beds) – Laurens

Investigation and Violations: The Department conducted a complaint investigation in August 2022, regarding alleged suspicious bruising on a resident that was initially reported as a fall. The Department found the facility failed to ensure residents were protected from physical abuse in accordance with S.C. Code Section 44-81-40(G) of the Bill of Rights for Residents of Long-Term Care Facilities. S.C. Code Section 44-81-40(G) provides, “Each resident must be free from mental and physical abuse and free from

chemical and physical restraints except those restraints ordered by a physician.” Specifically, the Department’s investigation found that a resident had been physically abused by a facility staff member.

Enforcement Action: The parties met for an enforcement conference and agreed to resolve the matter with a Consent Order. The facility agreed to the assessment of a \$5,000 monetary penalty and was required to pay the assessed monetary penalty within 30 days of executing the Consent Order.

Remedial Action: The facility has paid the required \$5,000. The staff member involved was terminated by the facility and added to the CNA abuse registry. The facility also assigned relevant retraining for all employees.

Prior Orders: None in the past 5 years.

Bureau of Healthcare Systems and Services

Emergency Medical Technician (EMT) Certification Level	Total Number of Certified Paramedics
Paramedic	4,273

3. Jason Gibson – Paramedic

Investigation and Violations: The Department received a complaint from Murrells Inlet Garden City Fire District that Mr. Gibson failed to complete seven (7) electronic patient care reports (ePCRs) for seven (7) patients. Based on the complaint, the Department investigated and determined that Mr. Gibson committed misconduct as defined by the Emergency Medical Services Act of South Carolina and Regulation 61-7, *Emergency Medical Services*, by failing to complete ePCRs for seven (7) patients.

Enforcement Action: The parties met for an enforcement conference and agreed to resolve the matter with a Consent Order. Mr. Gibson agreed to the assessment of a \$500 monetary penalty and was required to pay the assessed monetary penalty within 30 days of executing the Consent Order.

Remedial Action: Mr. Gibson has paid the required \$500.

Prior Orders: None in the past 5 years.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
January 5, 2023

_____ # ACTION/DECISION

X # INFORMATION

1. **TITLE:** Administrative and Consent Orders issued by the Office of Environmental Affairs.#
2. **SUBJECT:** Administrative and Consent Orders issued by the Office of Environmental Affairs during the period November 1, 2022, through November 30, 2022.#
3. **FACTS:** For the reporting period of November 1, 2022, through November 30, 2022, the Office of Environmental Affairs issued seventy-six (76) Consent Orders with total assessed civil penalties in the amount of one hundred forty-two thousand, seven hundred eighty dollars (\$142,780.00). Also, four (4) Administrative Orders with total assessed civil penalties in the amount of twenty-seven thousand, three hundred eighty dollars (\$27,380.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	0	0	1	\$3,600.00
Aboveground Tanks	0	0	0	0
Solid Waste	2	\$27,380.00	0	0
Hazardous Waste	0	0	2	\$28,400.00
Infectious Waste	0	0	0	0
Mining	0	0	0	0
SUBTOTAL	2	\$27,380.00	3	\$32,000.00
Water				
Recreational Water	0	0	32	\$38,480.00
Drinking Water	0	0	1	0
Water Pollution	0	0	7	\$38,750.00
Dam Safety	0	0	0	0
SUBTOTAL	0	0	40	\$77,230.00
Air Quality				
SUBTOTAL	0	0	0	0
Environmental Health Services				
Food Safety	0	0	33	\$33,550.00
Onsite Wastewater	2	0	0	0
SUBTOTAL	2	0	33	\$33,550.00
OCRM				
SUBTOTAL	0	0	0	0
TOTAL	4	\$27,380.00	76	\$142,780.00

Submitted by:



Myra C. Reece
Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
January 5, 2023**

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Consent Order 22-0290-UST
 Order Date: November 28, 2022
 Individual/Entity: **Radha, LLC**
 Facility: Red Bay Stop
 Location: 1032 Boulevard Street
 Sumter, SC 29153
 Mailing Address: 4210 Highway 15 South
 Sumter, SC 29150
 County: Sumter
 Previous Orders: None.
 Permit/ID Number: 19938
 Violations Cited: The State Underground Petroleum
 Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-
 2-10 et seq. (2018); and South Carolina Underground Storage Tank Control
 Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(c)(1)(ii) (2012 & Supp 2022).

Summary: Radha, LLC (Individual/Entity) owns underground storage tanks (USTs) in Sumter County, South Carolina. On August 29, 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 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 January 12, 2023.

Update: None.

Solid Waste Enforcement

- 2) Order Type and Number: Administrative Order 22-15-SW
 Order Date: September 27, 2022
 Individual/Entity: **Prestige Properties Group, LLC**
 Facility: TMS #s R22-601-01-10 and R22-601-01-14
 Location: 3143 Percival Road
 Columbia, SC 29223
 Mailing Address: 169 Belle Valley Lane
 Columbia, SC 29223
 County: Richland

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 IV.A.3. (Rev. 2008 & Supp. 2016).

Summary: Prestige Properties Group, LLC (Individual/Entity), owns property located in Richland County, South Carolina. Based on a complaint, the Department conducted an inspection on February 18, 2022. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, as follows: operated a Class 2 landfill without a Department-issued permit.

Action: The Individual/Entity is required to remove all solid waste debris from the Site, dispose of it at a permitted facility, and submit disposal receipts to the Department as proof of proper disposal by December 22, 2022. The Department has assessed a total civil penalty of three thousand, five hundred dollars (\$3,500.00). The Individual/Entity shall pay a civil penalty of three thousand, five hundred dollars (**\$3,500.00**) by December 22, 2022.

Update: None.

3) Order Type and Number: Administrative Order 22-19-SW
Order Date: November 11, 2022
Individual/Entity: **Eloise Hutto**
Facility: Hutto's Salvage
Location: Broxton Bridge Road
Bamberg, SC 29003
Mailing Address: 410 Broxton Bridge Road
County: Bamberg
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: Solid Waste Policy and Management Act of 1991, S.C. Code Ann. 44-96-10 et seq. (Rev. 2018 & Supp. 2019); Solid Waste Management: Waste Tires, R.61-107.3, Part III B.3., Solid Waste Management: Solid Waste Landfills and Structural Fill Regulations 61-107.19 (Rev. 2008 and Supp. 2016): R.61-19, Part IV.A.3.; and Pollution Control Act, S.C. Code Ann. 48-1-50 et seq. (Rev. 2008 & Supp. 2014).

Summary: Eloise Hutto (Individual/Entity), owns property which was used as a salvage yard located in Bamberg County, South Carolina. The Department conducted inspections and issued a Notice of Alleged Violation/Notice of Enforcement Conference. The Individual/Entity has violated the Acts and the Regulations as follows: failed to obtain a permit from the Department prior to operating a Class II Landfill; failed to obtain a permit from the Department prior to operating a waste tire collection facility; and failed to investigate environmental contamination at the Site.

Action: The Individual/Entity is required to: remove and dispose of all waste tires at a facility permitted to accept waste tires and provide disposal receipts to the Department; remove and properly dispose of all solid waste at the site at a facility permitted to accept solid waste and provide disposal receipts to the Department; and remove and properly dispose of fuel/oil liquid and contaminated soil at a facility

permitted to accept fuel/oil liquid and contaminated soil and provide disposal receipts to the Department by December 29, 2022. The Department has assessed a total civil penalty in the amount of twenty-three thousand, eight hundred eighty dollars (\$23,880.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-three thousand, eight hundred eighty dollars (**\$23,880.00**) by December 29, 2022.

Update: None.

Hazardous Waste Enforcement

- 4) Order Type and Number: Consent Order 22-20-HW
Order Date: November 1, 2022
Individual/Entity: **Aalberts Integrated Piping System Americas**
Facility: Aalberts Integrated Piping System Americas
Location: 1418 South Pearl Street
Pageland, SC 29728
Mailing Address: P.O. Box 125
Pageland, SC 29728
County: Chesterfield
Previous Orders: None
Permit/ID Number: SCD 059 616 482
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: Aalberts Integrated Piping System Americas (Individual/Entity) develops and produces connectors, metal and plastic pipes, valves, and fastening technology for the distribution and control of liquids and gases at its facility located in Chesterfield County, South Carolina. The Department conducted an inspection at the facility on June 30, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to have containers of solvent-contaminated wipes closed and labeled “Excluded Solvent-Contaminated Wipes”; failed to mark or label containers with an indication of the hazards of the contents, failed to ensure personnel take part in a hazardous waste training program and an annual review; failed to maintain personnel training records; failed to submit Quarterly Reports to the Department that included a description, the EPA hazardous waste number, DOT hazardous class, and the types and quantities of such wastes as required by the instructions included with the form; failed to have a Quick Reference Guide that included types/names of hazardous wastes present onsite, a map showing where hazardous waste is generated and stored onsite, and the locations for the water supply; failed to perform daily tank inspections; and failed to document tank inspections in the facility’s operating record.

Action: The Individual/Entity is required to: submit a written hazardous waste tank certification, a Quick Reference Guide, and personnel training records by December 1, 2022. The Department assessed a total civil penalty in the amount of twenty-three thousand dollars (\$23,000.00). The Individual/Entity is required to pay a civil penalty in the amount of twenty-three thousand dollars (**\$23,000.00**) by February 1, 2023.

Update: None

- 5) Order Type and Number: Consent Order 22-21-HW
Order Date: November 18, 2022
Individual/Entity: **BASF Corporation**
Facility: BASF Corporation
Location: 554 Engelhard Drive
Seneca, SC 29678
Mailing Address: Same
County: Oconee
Previous Orders: None
Permit/ID Number: SCD 981 066 007
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: BASF Corporation (Individual/Entity), specializes recovering precious metals from spent catalyst, refines the metals, and uses them to manufacture specialty chemical catalysts and precious metal salts and solutions at its facility located in Oconee County, South Carolina. The Department conducted an inspection on May 5, 2022. The Individual/Entity violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to mark or label containers with the words “Hazardous Waste” and an indication of the hazards of the contents; failed to keep containers closed except when adding or removing waste; failed to ensure that the contingency plan must describe arrangements agreed to with local emergency response teams; failed to submit a copy of the contingency plan and all revisions to all local emergency responders; failed to include the following in the Quick Reference Guide: the type/names of hazardous waste in layman’s terms and the associated hazard with each waste present at any one time, a street map of the facility in relation to surrounding business, schools, and residential areas; the locations of water supply, and the name(s) and telephone number(s) of the emergency coordinator(s); and failed to label each universal lamp or container of lamps with one of the following phrases: “Universal Waste – Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

Action: The Individual/Entity corrected all violations prior to the issuance of the Consent Order. The Department has assessed a total civil penalty in the amount of five thousand, four hundred dollars (\$5,400.00). The Individual/Entity shall pay the civil penalty in the amount of five thousand, four hundred dollars (**\$5,400.00**) by December 19, 2022.

Update: The Individual/Entity has paid the penalty and the Order has been closed.

BUREAU OF WATER

Recreational Waters Enforcement

- 6) Order Type and Number: Consent Order 22-187-RW

Order Date: November 1, 2022
Individual/Entity: **Springdale Hospitality, LLC**
Facility: La Quinta Inn
Location: 1235 Springdale Road
Rock Hill, SC 29730
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-1195B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Springdale Hospitality, LLC (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 17, 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: a handrail was not tight and secure; the flow meter was not operating; 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 did not have a permanently attached rope; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; the water level was too low; and 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.

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 16, 2022.

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

7) Order Type and Number: Consent Order No. 22-188-RW
Order Date: November 1, 2022
Individual/Entity: **500 Alexander, LLC**
Facility: Redtail on the River Apartments
Location: 500 Alexander Road
West Columbia, SC 29169
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 32-1055B
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: 500 Alexander, 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 May 31, 2022, and August 3, 2022, and violations were issued for failure to properly operate and maintain; and on August 18, 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 pool deck were broken; ladders were not tight and secure; the pool floor was dirty; algae was present on the pool floor; there were no frost

proof tiles on the walls and floor of the pool; the pool furniture was not at least four feet from the edge of the pool; skimmer baskets were floating; skimmers were missing weirs; skimmer lids were cracked; the equipment room was not locked; the chlorine level was not within the acceptable range of water quality standards; the life ring rope was deteriorated; the emergency notification device was not operational; the pool rules sign was not legible and was not completely filled out; only one “Shallow Water – No Diving Allowed” sign was 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 available for Department review on the first inspection; the bound and numbered log book was not maintained on a daily basis on the second inspection; and the pool 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 November 21, 2022.

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

8) <u>Order Type and Number:</u>	Consent Order 22-189-RW
<u>Order Date:</u>	November 2, 2022
<u>Individual/Entity:</u>	HPI Broad River Trace, LLC
<u>Facility:</u>	Broad River Trace
<u>Location:</u>	551 Riverhill Circle Columbia, SC 29210
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	20-044-RW (\$680.00)
<u>Permit/ID Number:</u>	40-386-1 & 40-387-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: HPI Broad River Trace, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Richland County, South Carolina. The Department conducted inspections on June 6, 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 were broken; waterline tiles were dirty; there was algae on the pool walls; the pool deck had cracks; the water level was too low at the pool and was too high at the spa; skimmers were missing weirs; the bathrooms were dirty; there were chlorine pucks in the skimmer baskets; there were non-pool related items stored in the pump room; 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; the cyanuric acid level was above the water quality standards acceptable limit; the spa temperature was not monitored; the recirculation equipment was leaking; there were frost proof tiles missing on the pool wall; the gate did not self-close and latch; and the current Vac-Alert certification was expired.

Action: The Individual/Entity has corrected all violations. 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**) by November 17, 2022.

Summary: I & A Properties, 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 17, 2022, and August 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 depth marker tile at the waterline was missing; the water level was too low; 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 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 November 20, 2022.

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

11)	<u>Order Type and Number:</u>	Consent Order 22-192-RW
	<u>Order Date:</u>	November 4, 2022
	<u>Individual/Entity:</u>	Sejwad V, LLC
	<u>Facility:</u>	Holiday Inn Express
	<u>Location:</u>	7329 Garners Ferry Road Columbia, SC 29209
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	40-1057B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Sejwad V, 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 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 waterline tiles were dirty; the plaster on the pool floor was deteriorated; a skimmer was missing a weir; the drinking water fountain was not operating properly; the pool equipment room was not accessible; the chlorine and pH levels were not within the acceptable range of water quality standards; 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 on the first inspection and 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 November 10, 2022.

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

12)	<u>Order Type and Number:</u>	Consent Order 22-193-RW
	<u>Order Date:</u>	November 7, 2022
	<u>Individual/Entity:</u>	Patel Management, LLC
	<u>Facility:</u>	Quality Inn & Suites

Location: 1601 Highway 17 North
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-1085B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Patel Management, 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 21, 2022, and September 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 furniture was not at least four feet from the edge of the pool; there was algae on the walls and floor of the pool; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not available for review on the first inspection; and the bound and numbered log book 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 November 10, 2022.

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

13) Order Type and Number: Consent Order 22-194-RW
Order Date: November 7, 2022
Individual/Entity: **Two Notch Hospitality, LLC**
Facility: Best Western Plus
Location: 7525 Two Notch Road
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-256-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Two Notch Hospitality, 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 27, 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: a ladder was missing bumpers; the pool floor was dirty; the chlorine and PH levels were not within the acceptable range of water quality standards; the life ring was deteriorated; the bolts on the shepherd's crook were reversed; the bound and numbered log book was not maintained on a daily basis; the waterline tiles were dirty; the water level was too low; the pump room did not have an exhaust fan; and the emergency notification device was non-compliant.

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 21, 2022.

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

14) <u>Order Type and Number:</u>	Consent Order 22-195-RW
<u>Order Date:</u>	November 7, 2022
<u>Individual/Entity:</u>	Riverside Glen Homeowners Association, Inc.
<u>Facility:</u>	Riverside Glen
<u>Location:</u>	1 Valley Glen Court Greer, SC 29650
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenville
<u>Previous Orders:</u>	20-066-RW (\$680.00) 21-147-RW (\$1,600.00)
<u>Permit/ID Number:</u>	23-495-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Riverside Glen 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 July 12, 2022, and August 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 and a ladder were not tight and secure; algae was present on the walls of the pool; skimmers were missing weirs; the men's bathroom did not have soap; there was no drinking water fountain; the flow meter was not operating; 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 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 16, 2022.

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

15) <u>Order Type and Number:</u>	Consent Order 22-196-RW
<u>Order Date:</u>	November 7, 2022
<u>Individual/Entity:</u>	Hiddenbrooke Home Owners Association, Inc.
<u>Facility:</u>	Hiddenbrooke
<u>Location:</u>	701 Flowering Branch Avenue Little River, SC 29566
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-1977B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Hiddenbrooke Home 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 23, 2022, and September 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: algae was present on the walls and floor of the pool; 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 was not completely filled out; and the disinfection equipment and the automatic controller were not operating.

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 21, 2022.

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

16) <u>Order Type and Number:</u>	Consent Order 22-197-RW
<u>Order Date:</u>	November 7, 2022
<u>Individual/Entity:</u>	Myrtle Beach 2711, LLC
<u>Facility:</u>	Aventura on the Ocean
<u>Location:</u>	2711 South Ocean Boulevard Myrtle Beach, SC 29577
<u>Mailing Address:</u>	1160 Kane Concourse, Suite 301 Bay Harbor Islands, FL 33154
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-293-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J) & 61-51(K) (1)(c)

Summary: Myrtle Beach 2711, 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 9, 2022, and September 13, 2022, and violations were issued for failure to properly operate and maintain; and on September 13, 2022, a violation was issued for re-opening the pool prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the lifeline did not have the minimum number of floats required; there were cracked floats on the lifeline; a ladder was missing bumpers; ladder rungs were not non-slip; the life ring was deteriorated; the life ring rope was too short; there was no emergency notification device on the first inspection; the emergency notification device was not approvable 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; 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 on the second inspection; and the pool 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 November 23, 2022.

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

- 17) Order Type and Number: Consent Order 22-198-RW
Order Date: November 7, 2022
Individual/Entity: **Waterford Apts. Easley, LLC**
Facility: Waterford Apartments
Location: 122 Riverstone Court
Easley, SC 29640
Mailing Address: Same
County: Pickens
Previous Orders: None
Permit/ID Number: 39-070-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Waterford Apts. Easley, LLC (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 29, 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 pool floor was dirty; the bathrooms did not have soap; the gate did not self-close and latch; the bound and numbered log book was not available for review; 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 November 15, 2022.

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

- 18) Order Type and Number: Consent Order 22-199-RW
Order Date: November 7, 2022
Individual/Entity: **West Shore Wildewood, LLC**
Facility: Vantage at Wildewood
Location: 811 Mallet Hill Road
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-389-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: West Shore Wildewood, 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 8, 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: a ladder was not tight and secure and was missing non-slip tread inserts; the pool floor was dirty; the pool coping was missing caulk; the pool deck was uneven with sharp edges; there was debris in the skimmer baskets; skimmers were missing weirs; the bathrooms were dirty; the pool chemical room door was missing; the pool equipment room was not locked; there were non-pool related items stored in the equipment room; the flow meter

was not operating; the pH level was not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; the pool closed time on the pool rules sign was not appropriate since the pool is not approved for night swimming; there was only one “No Lifeguard On Duty – Swim At Your Own Risk” sign posted during the first inspection and one of the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted on the second inspection did not have the correct wording; 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; there were loose pavers on the pool deck; 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 November 22, 2022.

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

19) <u>Order Type and Number:</u>	Consent Order 22-200-RW
<u>Order Date:</u>	November 7, 2022
<u>Individual/Entity:</u>	Rickert Properties, Inc.
<u>Facility:</u>	Crestview Mobile Home Park
<u>Location:</u>	501 Crestview Drive Summerville, SC 29485
<u>Mailing Address:</u>	Same
<u>County:</u>	Dorchester
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	18-096-1 & 18-097-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Rickert Properties, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Dorchester County, South Carolina. The Department conducted inspections on June 3, 2022, and August 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: skimmers were missing weirs; the chlorine level was 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; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; 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 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 November 17, 2022.

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

20) <u>Order Type and Number:</u>	Consent Order 22-201-RW
<u>Order Date:</u>	November 7, 2022

<u>Individual/Entity:</u>	Hunting Creek Racquet & Swim, LLC
<u>Facility:</u>	Hunting Creek Swim & Racquet
<u>Location:</u>	5102 Circle Drive Columbia, SC 29206
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-040-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Hunting Creek Racquet & Swim, 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 July 12, 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: a lane line was used as a lifeline; depth marker tiles were broken; the pool furniture was not at least four feet from the pool edge; the deck was uneven with sharp edges; the fill spout was not co-located with a ladder or diving board; 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 main drain grates were not visible due to cloudy water; the life ring was deteriorated; the life ring was not properly hung in its designated location; the facility address was not posted at the emergency notification device; there were no “No Lifeguard On Duty – Swim At Your Own Risk” signs posted; the bound and numbered log book was from the previous year; the cyanuric acid level was not recorded weekly in the bound and numbered log book; skimmers were missing weirs; a ladder was not tight and secure; 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 November 17, 2022.

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

21) <u>Order Type and Number:</u>	Consent Order 22-202-RW
<u>Order Date:</u>	November 14, 2022
<u>Individual/Entity:</u>	Bridge WF SC Reserve River Walk, LLC
<u>Facility:</u>	Reserve at River Walk
<u>Location:</u>	4501 Bentley Drive Columbia, SC 29210
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-325-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Bridge WF SC Reserve River Walk, 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 3, 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: depth marker tiles were broken; a ladder was missing bumpers and non-slip tread inserts;

the pool deck was not clear of hazards in that there was a hole in the pool deck and the pool deck was uneven with sharp edges; the water level was too high; there was debris in the skimmer baskets; skimmers were missing weirs; skimmer baskets were floating; the bathrooms were dirty and did not have toilet paper, soap, or paper towels; a pool vacuum was operating in the pool when the pool was open to the public; there was no drinking water fountain; the fill spout was not stainless steel or equivalent; a gate did not self-close and latch; 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 pool rules sign was not completely filled out and did not have all of the required rules; there were no “Shallow Water – No Diving Allowed” signs posted on the first inspection; only one “Shallow Water – No Diving Allowed” sign was posted on the second inspection; the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted did not have the correct size letters or the correct wording on the first inspection; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted on the second inspection; the current pool operator of record information was not posted to the public; the facility could not produce current valid documentation of pool operator certification; and the log book was not properly bound and numbered and 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 November 12, 2022.

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

22) <u>Order Type and Number:</u>	Consent Order 22-203-RW
<u>Order Date:</u>	November 14, 2022
<u>Individual/Entity:</u>	LMS Harbison, LLC
<u>Facility:</u>	The Lory of Harbison
<u>Location:</u>	100 Fairforest Road Columbia, SC 29212
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-136-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: LMS Harbison, 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 July 12, 2022, and August 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: depth marker tiles on the deck were broken; a ladder was missing rungs; the water line tiles were dirty; the plaster on the pool floor was deteriorated; the pool furniture was not at least four feet from the pool edge; there were chlorine pucks in the skimmer baskets; the bathrooms were dirty; the fill spout was not stainless steel or equivalent; the fill spout was not co-located with a ladder or diving board; the life ring 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 available for review; the lifeline floats were not properly spaced; a ladder was not tight and secure; there was debris in the skimmer baskets; the drinking water fountain was not operating; 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 November 21, 2022.

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

23) Order Type and Number: Consent Order 22-204-RW
Order Date: November 14, 2022
Individual/Entity: **The Lutheran Homes of South Carolina, Inc.**
Facility: The Heritage at Lowman
Location: 2101 Dutch Fork Road
White Rock, SC 29177
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-1110D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Lutheran Homes of South Carolina, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of spa located in Richland 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 waterline tiles were dirty; the chlorine and pH levels were not within the acceptable range of water quality standards; the spa temperature was not posted; and the plaster on the spa 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 November 21, 2022.

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

24) Order Type and Number: Consent Order 22-205-RW
Order Date: November 14, 2022
Individual/Entity: **Rock Hill Holdings 124, LLC**
Facility: Yorktowne Village Apartments
Location: 2172 Ebinport Road
Rock Hill, SC 29732
Mailing Address: Same
County: York
Previous Orders: 21-215-RW (\$1,360.00)
Permit/ID Number: 46-062-1 & 46-063-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Rock Hill Holdings 124, LLC (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 June 9, 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: depth marker tiles on the deck were broken; a ladder was not tight and secure; there was no flow meter; the gate did not self-close and latch; 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 level was not recorded weekly in the bound and numbered log book on the second inspection; there were chlorine pucks in the skimmer baskets; the deck was dirty; there was debris in the skimmer baskets; 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; 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 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 December 1, 2022.

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

25) <u>Order Type and Number:</u>	Consent Order 22-206-RW
<u>Order Date:</u>	November 14, 2022
<u>Individual/Entity:</u>	Palmetto Investment Group, Inc.
<u>Facility:</u>	Hampton Inn
<u>Location:</u>	1021 Clemson Frontage Road Columbia, SC 29229
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-1075B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Palmetto Investment Group, Inc. (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 9, 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 deck was uneven with sharp edges; there was debris in the skimmer baskets; the pool equipment room was not locked; there was standing water on the pool equipment room floor; 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 not clear of obstructions on the first inspection; there was no life ring on the second inspection; the shepherd's crook was missing a bolt; the emergency notification device was not operational; the pool rules sign was not completely filled out on the first inspection; the pool rules sign was not legible on the second inspection; one of the "Shallow Water – No Diving Allowed" signs posted was deteriorated; 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 November 21, 2022.

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

26) Order Type and Number: Consent Order 22-207-RW
Order Date: November 14, 2022
Individual/Entity: **Reflections Owner's Association, Inc.**
Facility: Reflections
Location: 2 Stoney Creek Road
Columbia, SC 29209
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-118-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Reflections Owner's Association, Inc. (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 July 13, 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: there were broken depth marker tiles on the pool deck; the pool floor was dirty; the waterline tiles were dirty; the pool furniture was not at least four feet from the edge of the pool; there was debris in the skimmer baskets; the water level was too low; the bathrooms did not have soap, paper towels, or a hand dryer; 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 20, 2022.

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

27) Order Type and Number: Consent Order 22-208-RW
Order Date: November 14, 2022
Individual/Entity: **Park Circle Members, LLC**
Facility: Village at Park Circle
Location: 4251 South Rhett Avenue
North Charleston, SC 29405
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: 08-1122B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Park Circle Members, 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 14, 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 bathrooms were dirty and did not have toilet paper; the chlorine and pH levels were not within the acceptable range of water quality standards; the log book was not properly bound and numbered; and the cyanuric acid level was not recorded weekly in the 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 November 24, 2022.

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

28) Order Type and Number: Consent Order 22-209-RW
Order Date: November 14, 2022
Individual/Entity: **HNI Management, LLC**
Facility: Tahitian Princess II
Location: 300 33rd Avenue South
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-1391D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: HNI Management, LLC (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 2, 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 drinking water fountain was not operating; 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 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 November 28, 2022.

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

29) Order Type and Number: Consent Order 22-210-RW
Order Date: November 14, 2022
Individual/Entity: **Sirolina Property, LLC**
Facility: Sleep Inn Orangeburg
Location: 3689 St. Matthews Road
Orangeburg, SC 29118
Mailing Address: Same
County: Orangeburg
Previous Orders: None

Permit/ID Number: 38-081-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sirolina Property, 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 July 7, 2022, and August 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: algae was present on the walls and floor of the pool; skimmers were missing weirs and skimmer baskets were floating; the foot rinse shower was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring and life ring rope were deteriorated; 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 December 1, 2022.

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

30) Order Type and Number: Consent Order 22-211-RW
Order Date: November 15, 2022
Individual/Entity: **Myrtle Beach Villas Homeowners Association, Inc.**
Facility: Myrtle Beach Villas
Location: 402 70th Avenue North
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-B84-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Myrtle Beach Villas 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 May 31, 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 water level was too low; the foot rinse shower was not operating properly; the fill spout was not stainless steel or equivalent; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring rope was deteriorated; 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 December 5, 2022.

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

31)	<u>Order Type and Number:</u>	Consent Order 22-212-RW
	<u>Order Date:</u>	November 15, 2022
	<u>Individual/Entity:</u>	Reva, LLC
	<u>Facility:</u>	Holiday Inn Express
	<u>Location:</u>	131 Innkeeper Drive Lexington, SC 29072
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	32-171-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Reva, 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 1, 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 coping was damaged; the plaster on the pool floor was deteriorated; some of the waterline tiles were missing; there was standing water on the pool deck; the skimmer lids would not open; the skimmers were missing weirs; the water level was too low; the drinking water fountain was not operating properly; there was no foot rinse shower; non-pool related items were stored in the equipment room; the step edge stripe was not within one inch of the edge of the step; the fill-spout was not stainless steel or equivalent; the gate did not self-close and latch; the shepherd's crook was not attached to a non-telescoping pole; 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 October 26, 2022.

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

32)	<u>Order Type and Number:</u>	Consent Order 22-213-RW
	<u>Order Date:</u>	November 15, 2022
	<u>Individual/Entity:</u>	Sun TRS Ocean Club, LLC
	<u>Facility:</u>	Carolina Pines Beach Club
	<u>Location:</u>	1814 North Ocean Drive North Myrtle Beach, SC 29582
	<u>Mailing Address:</u>	2777 Franklin Road, Suite 200 Southfield, MI 48034
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	26-1780D
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Sun TRS Ocean Club, LLC (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 July 8, 2022, and August 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

skimmer baskets were full of sand; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the spa temperature was not monitored and was not posted to the public; there was no spa rules sign; 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 November 28, 2022.

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

33) Order Type and Number: Consent Order 22-214-RW
Order Date: November 21, 2022
Individual/Entity: **Kiawah Island Community Association, Inc.**
Facility: Sandcastle Community Center
Location: 1 Shipwatch Road
Kiawah Island, SC 29455
Mailing Address: 23 Beachwalker Drive
Kiawah Island, SC 29455
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1338B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)(10)

Summary: Kiawah Island Community 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 issued a Notice of Alleged Violation on November 3, 2022, as a result of a review of Department records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to report to the Department in writing, on a Department approved form, any death, injury, or accident requiring an EMS response, emergency room visit, or hospitalization within seventy-two hours of the occurrence.

Action: The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (**\$400.00**) by November 10, 2022.

Update: The Individual/Entity submitted the incident report on October 12, 2022. The civil penalty has been paid and the Consent Order is closed.

34) Order Type and Number: Consent Order 22-215-RW
Order Date: November 21, 2022
Individual/Entity: **The Palace Horizontal Property Regime, Inc.**
Facility: Palace Resort
Location: 7400 North Kings Highway
Myrtle Beach, SC 29572
Mailing Address: Same
County: Horry

Previous Orders: 18-112-RW (\$680.00)
21-204-RW (\$4,800.00)
Permit/ID Number: 26-C31-1, 26-C32-1, & 26-C33-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Palace Horizontal Property Regime, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of three spas located in Horry County, South Carolina. The Department conducted inspections on May 31, 2022, and October 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; the main drain grate was not in place; skimmers were missing weirs; the pool equipment room was not locked; the pool rules sign was not completely filled out; the bound and numbered log book was not maintained on a daily basis; and the disinfection equipment was not operating properly.

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 December 7, 2022.

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

35) Order Type and Number: Consent Order 22-216-RW
Order Date: November 22, 2022
Individual/Entity: **West Shore Riverwalk, LLC**
Facility: Riverwalk Apartments
Location: 517 Pink Moon Drive
Rock Hill, SC 29730
Mailing Address: One International Place, Suite 3900
Boston, MA 02110
County: York
Previous Orders: None
Permit/ID Number: 46-1147B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: West Shore Riverwalk, LLC (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 21, 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 flow meter was not operating properly; the pH level was not within the acceptable range of water quality standards; there was no pool rules sign; only one "Shallow Water – No Diving Allowed" sign was posted and the letters on the sign posted were not the appropriate size; the letters on one of the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted were not the appropriate size and the sign did not have the correct wording; the log book was not properly bound or numbered and was not maintained on a daily basis; and the cyanuric acid level was not recorded 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 December 5, 2022.

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

36) Order Type and Number: Consent Order 22-217-RW
Order Date: November 22, 2022
Individual/Entity: **Waypoint Watercrest Fort Mill RE, LLC**
Facility: Watercrest Senior Living
Location: 8154 English Clover Lane
Lancaster, SC 29720
Mailing Address: Same
County: Lancaster
Previous Orders: None
Permit/ID Number: 29-1060B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Waypoint Watercrest Fort Mill RE, 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 May 17, 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 foot rinse shower was not operating properly; 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 sign posted was in disrepair; the current pool operator of record information was not posted to the public; the bound and numbered log book provided was not for the correct year; 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 December 5, 2022.

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

37) Order Type and Number: Consent Order 22-218-RW
Order Date: November 28, 2022
Individual/Entity: **Bahama Sands Homeowners’ Association, Inc.**
Facility: Bahama Sands Motel
Location: 1321 S Ocean Boulevard
N Myrtle Beach, SC 29582
Mailing Address: 4615 Oleander Drive
Myrtle Beach, SC 29577
County: Horry
Previous Orders: None
Permit/ID Number: 26-1647B, 26-1649C, 26-1650D, & 26-1651D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Bahama Sands Homeowners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool, kiddie pool, and two spas located in Horry County, South Carolina. The Department conducted inspections on March 7, 2022, July 21, 2022, and October 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 pool equipment room was not locked; the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; the bound and numbered log book was not available for review; the plaster on the spa floors was deteriorated; the spa rules sign was not completely filled out; the pH level was not within the acceptable range of water quality standards; and a ladder was missing bumpers.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of five thousand four hundred forty dollars (\$5,440.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand four hundred forty dollars (**\$5,440.00**) by December 7, 2022.

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

Drinking Water Enforcement

38) <u>Order Type and Number:</u>	Consent Order 22-026-DW
<u>Order Date:</u>	November 2, 2022
<u>Individual/Entity:</u>	Town of Calhoun Falls
<u>Facility:</u>	Town of Calhoun Falls
<u>Location:</u>	401 N Washington Street Calhoun Falls, SC 29628
<u>Mailing Address:</u>	P.O. Box 246 Calhoun Falls, SC 29628
<u>County:</u>	Abbeville
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	0110002
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: The Town of Calhoun Falls (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Abbeville County, South Carolina. On September 9, 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 February 1, 2023. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has hired an engineering firm to conduct an assessment and propose a corrective action plan.

Water Pollution Enforcement

39) Order Type and Number: Consent Order 22-064-W
Order Date: November 1, 2022
Individual/Entity: **City of Florence**
Facility: Timmonsville WWTF
Location: 706 South Hill Street
Timmonsville, SC 29501
Mailing Address: 324 West Evans Street
Florence, SC 29501
County: Florence
Previous Orders: 21-030-W (\$3,000.00)
Permit/ID Number: SC0025356
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 National Pollutant Discharge Elimination System (NPDES) Permit SC0025356

Summary: City of Florence (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Florence County, South Carolina. On August 10, 2022, a Notice of Alleged Violation (NOAV) was issued as a result of ammonia-nitrogen (ammonia) 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 ammonia effluent limitations of its 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 December 1, 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 December 1, 2022.

Update: None.

40) Order Type and Number: Consent Order 22-065-W
Order Date: November 1, 2022
Individual/Entity: **WestRock Charleston Kraft, LLC**
Facility: WestRock Paper Mill
Location: 5600 Virginia Avenue
North Charleston, SC 29406
Mailing Address: Same
County: Charleston County
Previous Orders: None
Permit/ID Number: SC0001759
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: WestRock Charleston Kraft, LLC (Individual/Entity) is responsible for the proper operation and maintenance of a paper mill located in Charleston County, South Carolina. On October 13, 2021, a Notice of Violation was issued as a result of ultimate oxygen demand (UOD) 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 the effluent discharge limits of its National Pollutant Discharge Elimination System permit for UOD.

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 December 1, 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 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 December 1, 2022.

Update: The Individual/Entity has submitted payment of the assessed civil penalty in full and has submitted notification of the corrective action completion date.

41) Order Type and Number: Consent Order 22-066-W
Order Date: November 14, 2022
Individual/Entity: **Town of Pamplico**
Facility: Pamplico WWTF
Location: Junction of State Road S-21-57 and S-21-86
east southeast of downtown Pamplico
Mailing Address: P.O. Box 296
Florence, SC 29583
County: Florence
Previous Orders: None
Permit/ID Number: SC0021351
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 National Pollutant Discharge Elimination System (NPDES) Permit SC0021351

Summary: Town of Pamplico (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Florence County, South Carolina. On April 21, 2022, a Notice of Violation was issued as a result of biochemical oxygen demand percent removal (BOD % removal) 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 BOD % removal effluent limitations of its 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 December 14, 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 one hundred

dollars (\$5,100.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand one hundred dollars (**\$5,100.00**) by December 14, 2022.

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

42) Order Type and Number: Consent Order 22-067-W
Order Date: November 28, 2022
Individual/Entity: **Town of McColl**
Facility: Town of McColl WWTF
Location: 210 East Gibson Avenue
McColl, SC 29570
Mailing Address: 300 South Main Street
McColl, SC 29570
County: Marlboro
Previous Orders: 21-022-W (\$4,775.00);
22-039-W (\$1,000.00)
Permit/ID Number: NPDES Permit SC0041963
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 McColl (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Marlboro County, South Carolina. On October 20, 2021, a Notice of unsatisfactory conditions was issued as a result of an unsatisfactory Compliance Evaluation Inspection (CEI) conducted by the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to maintain and operate the WWTF in accordance with National Pollutant Discharge Elimination System Permit SC0041963.

Action: The Individual/Entity is required to: submit to the Department notarized documentation certifying the results of the required annual pressure backflow prevention test by January 28, 2023; and submit notarized documentation certifying that the curtain dividers in the treatment pond have been replaced and are dividing each cell for proper treatment. The Department has assessed a total civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand five hundred dollars (**\$1,500.00**) by December 28, 2022.

Update: None.

43) Order Type and Number: Consent Order 22-068-W
Order Date: November 28, 2022
Individual/Entity: **Middleton Inn Company**
Facility: Inn at Middleton Place
Location: 4290 Ashley River Road
Charleston, SC 29414
Mailing Address: Same
County: Dorchester
Previous Orders: 21-048-W (\$2,100.00)
Permit/ID Number: SC0039063

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: Middleton Inn Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Dorchester County, South Carolina. On March 22, 2022, a Notice of Violation was issued as a result of Enterococci and Ammonia Nitrogen (ammonia) 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 the effluent discharge limits of its National Pollutant Discharge Elimination System permit for Enterococci 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 December 28, 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 seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a civil penalty in the amount of seven thousand dollars (**\$7,000.00**) by December 28, 2022.

Update: The Individual/Entity has submitted payment for the civil penalty in the amount of seven thousand dollars (\$7,000.00).

44) Order Type and Number: Consent Order 22-069-W
Order Date: November 28, 2022
Individual/Entity: **DCL Corporation (BP), LLC**
Facility: DCL Corporation WWTF
Location: 1506 Bushy Park Road
Goose Creek, SC 29445
Mailing Address: Same
County: Berkeley
Previous Orders: 17-059-W (\$2,500.00)
20-054-W (\$5,600.00)
Permit/ID Number: SC0003441
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 SC0003441

Summary: DCL Corporation (BP), LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Berkeley County, South Carolina. The Individual/Entity reported violations of biochemical oxygen demand (BOD) on discharge monitoring reports (DMRs) submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the permitted effluent limitations for BOD.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve effluent violations by December 28, 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 nine thousand, four hundred and fifty dollars (\$9,450.00). The Individual/Entity shall pay the civil penalty in the amount of nine thousand, four hundred and fifty dollars (**\$9,450.00**) by December 28, 2022.

Update: The Individual/Entity has submitted required documentation, paid the civil penalty, and completed a compliance confirmation period. This Order has been closed.

45) Order Type and Number: Consent Order 22-070-W
Order Date: November 29, 2022
Individual/Entity: **Dorchester County Water & Sewer**
Facility: Dorchester WWTP
Location: Saint George, SC 29477
Mailing Address: 125 Heatherwood Drive
County: Dorchester
Previous Orders: None
Permit/ID Number: SC0025844
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) (2011), and NPDES SC0025844

Summary: Dorchester County Water and Sewer Department (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment plant in Dorchester County, South Carolina. On July 5, 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 SC0025844 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 December 29, 2022; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTP should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of three thousand five hundred dollars (\$3,500.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**) by December 29, 2022.

Update: None

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

Food Safety Enforcement

46) Order Type and Number: Consent Order 22-181-FOOD
Order Date: November 3, 2022
Individual/Entity: **The Local Bar & Kitchen**

Facility: The Local Bar & Kitchen
Location: 1525 13th Avenue North
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13878
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: The Local Bar & Kitchen (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on August 24, 2021, March 16, 2022, August 17, 2022, and August 26, 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; 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 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: None.

47) Order Type and Number: Consent Order 22-196-FOOD
Order Date: November 3, 2022
Individual/Entity: **Buffalo Wild Wings #370**
Facility: Buffalo Wild Wings #370
Location: 10056 Two Notch Road
Columbia, SC 29223
Mailing Address: 5500 Wayzata Blvd., Suite 1600
Minneapolis, MN 55416
County: Richland
Previous Orders: None
Permit Number: 40-206-06791
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Buffalo Wild Wings #370 (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on August 24, 2022, August 31, 2022, and September 9, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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.

48) Order Type and Number: Consent Order 22-229-FOOD
Order Date: November 3, 2022
Individual/Entity: **Stop-A-Minit #18**
Facility: Stop-A-Minit #18
Location: 2206 Highway 72 W
Greenwood, SC 29649
Mailing Address: P. O. Box 1347
Anderson, SC 29622
County: Greenwood
Previous Orders: None
Permit Number: 24-206-01986
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Stop-A-Minit #18 (Individual/Entity) operates a retail food establishment located in Greenwood County, South Carolina. The Department conducted inspections on September 23, 2022, September 29, 2022, and October 4, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to identify with the common name of the material, clearly and individually, on all working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies; and failed to provide a temperature measuring device required for the immersion into food.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, 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.

49) Order Type and Number: Consent Order 22-176-FOOD
Order Date: November 7, 2022
Individual/Entity: **Sweet B's Country Kitchen**
Facility: Sweet B's Country Kitchen
Location: 5215 West Turbeville Highway
Turbeville, SC 29162
Mailing Address: Same
County: Clarendon
Previous Orders: None
Permit Number: 14-206-00669
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Sweet B's Country Kitchen (Individual/Entity) operates a retail food establishment located in Clarendon County, South Carolina. The Department conducted

inspections on July 15, 2022, July 22, 2022, and August 26, 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: None.

50) Order Type and Number: Consent Order 22-183-FOOD
Order Date: November 7, 2022
Individual/Entity: **S F & H**
Facility: S F & H
Location: 201 South Main Street
Bethune, SC 29009
Mailing Address: Same
County: Kershaw
Previous Orders: None
Permit Number: 28-206-00474
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: S F & H (Individual/Entity) operates a retail food establishment located in Kershaw County, South Carolina. The Department conducted inspections on August 11, 2022, August 19, 2022, and August 29, 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 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 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.

51) Order Type and Number: Consent Order 22-186-FOOD
Order Date: November 7, 2022
Individual/Entity: **Trinity Services Group, Inc.**
Facility: Marion County Detention Center
Location: 2715 US-76
Mullins, SC 29574
Mailing Address: 477 Commerce Boulevard
Oldsmar, FL 34677

County: Marion
Previous Orders: None
Permit Number: 33-206-01313
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Marion County Detention Center (Individual/Entity) operates a retail food establishment located in Marion County, South Carolina. The Department conducted inspections on May 18, 2022, August 4, 2022, August 11, 2022, and August 19, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair.

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

Update: None.

52) Order Type and Number: Consent Order 22-192-FOOD
Order Date: November 7, 2022
Individual/Entity: **Clemson Habanero's Mexican Grill**
Facility: Clemson Habanero's Mexican Grill
Location: 115 Batson Drive, Lot 202
Greenville, SC 29617
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 39-206-02060
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Clemson Habanero's Mexican Grill (Individual/Entity) operates a mobile retail food establishment in Pickens County, South Carolina. The Department conducted investigations on August 17, 2022, August 26, 2022, August 31, 2022, and September 7, 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 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.

53) Order Type and Number: Consent Order 22-195-FOOD
Order Date: November 7, 2022

<u>Individual/Entity:</u>	Burger King #8502
<u>Facility:</u>	Burger King #8502
<u>Location:</u>	4377 Augusta Road Lexington, SC 29073
<u>Mailing Address:</u>	279 Cedarcrest Drive Lexington, SC 29072
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	32-206-06735
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Burger King #8502 (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on March 23, 2022, August 31, 2022, and September 7, 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 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.

54) <u>Order Type and Number:</u>	Consent Order 22-198-FOOD
<u>Order Date:</u>	November 7, 2022
<u>Individual/Entity:</u>	El Jimador Mexican Restaurant
<u>Facility:</u>	El Jimador Mexican Restaurant
<u>Location:</u>	1062 Tiger Boulevard Clemson, SC 29631
<u>Mailing Address:</u>	Same
<u>County:</u>	Pickens
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	39-206-01568
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: El Jimador Mexican Restaurant (Individual/Entity) operates a retail food establishment located in Pickens County, South Carolina. The Department conducted inspections on January 26, 2022, February 4, 2022, August 24, 2022, and September 1, 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; 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 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.

55) Order Type and Number: Consent Order 22-202-FOOD
Order Date: November 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); and
22-96-FOOD (\$1,000.00)
Permit Number: 39-206-02077
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Charleston Sports Pub (Individual/Entity) operates a retail food establishment located in Pickens County, South Carolina. The Department conducted inspections on February 25, 2022, May 17, 2022, August 29, 2022, August 31, 2022, September 7, 2022, and September 9, 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; failed to ensure that physical facilities were maintained in good repair; failed to clean the physical facilities as often as necessary to keep them clean; failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; failed to ensure that the handwashing sinks were accessible at all times; and failed to clean non-food contact surfaces at a frequency to preclude accumulation of soil residues.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand five hundred dollars (\$2,500.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand five hundred dollars (**\$2,500.00**).

Update: None.

56) Order Type and Number: Consent Order 22-213-FOOD
Order Date: November 7, 2022
Individual/Entity: **O'Keefe's Irish Pub**
Facility: O' Keefe's Irish Pub
Location: 843 Inlet Square Drive
Murrells Inlet, SC 29576
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13519
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: O' Keefe's Irish Pub (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on November 4, 2021, May 19, 2022, and September 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 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.

57) <u>Order Type and Number:</u>	Consent Order 22-222-FOOD
<u>Order Date:</u>	November 7, 2022
<u>Individual/Entity:</u>	Caribbean Jerk Cuisine
<u>Facility:</u>	Caribbean Jerk Cuisine
<u>Location:</u>	1022 3 rd Avenue Conway, SC 29526
<u>Mailing Address:</u>	1639 Dunn Shortcut Road Conway, SC 29527
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-14390
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Caribbean Jerk Cuisine (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on April 13, 2022, April 22, 2022, and August 31, 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.

58) <u>Order Type and Number:</u>	Consent Order 22-223-FOOD
<u>Order Date:</u>	November 7, 2022
<u>Individual/Entity:</u>	NY Pizza Kitchen Main Street
<u>Facility:</u>	NY Pizza Kitchen Main Street

Location: 227 Main Street
North Myrtle Beach, SC 29582
Mailing Address: P. O. Box 3034
Myrtle Beach, SC 29578
County: Horry
Previous Orders: None
Permit Number: 26-206-14330
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: NY Pizza Kitchen Main Street (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on July 15, 2021, February 25, 2022, and September 13, 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 Department has entered into a payment plan with the Individual/Entity for the civil penalty.

59) Order Type and Number: Consent Order 22-226-FOOD
Order Date: November 7, 2022
Individual/Entity: **Buffalo Wild Wings #3308**
Facility: Buffalo Wild Wings #3308
Location: 1990 Oakheart Road
Myrtle Beach, SC 29579
Mailing Address: 3710 Shipyard Boulevard, Suite C
Wilmington, NC 28403
County: Horry
Previous Orders: None
Permit Number: 26-206-10600
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Buffalo Wild Wings #3308 (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on August 26, 2022, September 2, 2022, and September 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.

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.

60) Order Type and Number: Consent Order 22-233-FOOD
Order Date: November 7, 2022
Individual/Entity: **Pancho's Del Lago**
Facility: Pancho's Del Lago
Location: 111 Rochester Highway
Seneca, SC 29672
Mailing Address: 123 Harrow Lane
Central, SC 29630
County: Oconee
Previous Orders: None
Permit Number: 37-206-04162
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pancho's Del Lago (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted a site visit on October 12, 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.

61) Order Type and Number: Consent Order 22-237-FOOD
Order Date: November 7, 2022
Individual/Entity: **Lil' Rebel Family Restaurant**
Facility: Lil' Rebel Family Restaurant
Location: 2608 Locust Hill Road
Taylors, SC 29687
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-08823
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lil' Rebel Family Restaurant (Individual/Entity) operates a retail food establishment located in Greenville County, South Carolina. The Department conducted inspections on December 1, 2021, December 8, 2021, and September 22, 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 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.

62) Order Type and Number: Consent Order 22-216-FOOD
Order Date: November 8, 2022
Individual/Entity: **Jing Jing Chinese Cuisine**
Facility: Jing Jing Chinese Cuisine
Location: 2260 Crosspointe Drive, Suite 99
Rock Hill, SC 29730
Mailing Address: Same
County: York
Previous Orders: None
Permit Number: 46-206-01918
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jing Jing Chinese Cuisine (Individual/Entity) operates a retail food establishment located in York County, South Carolina. The Department conducted inspections on September 30, 2021, August 1, 2022, and September 27, 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 provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; and failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

63) Order Type and Number: Consent Order 22-221-FOOD
Order Date: November 8, 2022
Individual/Entity: **Bob Evans #249**
Facility: Bob Evans #249
Location: 3384 Waccamaw Boulevard
Myrtle Beach, SC 29526
Mailing Address: 8111 Smith's Mill Road
New Albany, NY 43054
County: Horry
Previous Orders: None
Permit Number: 26-206-00988

Violations Cited:

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

Summary: Bob Evans #249 (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 5, 2021, May 2, 2022, and September 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

64)	<u>Order Type and Number:</u>	Consent Order 22-220-FOOD
	<u>Order Date:</u>	November 9, 2022
	<u>Individual/Entity:</u>	Moe's Southwest Grill
	<u>Facility:</u>	Moe's Southwest Grill
	<u>Location:</u>	3144 North Main Street Anderson, SC 29621
	<u>Mailing Address:</u>	2 Parkins Oak Court Greenville, SC 29607
	<u>County:</u>	Anderson
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	04-206-03381
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Moe's Southwest Grill (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on February 2, 2022, February 11, 2022, September 20, 2022, September 21, 2022, and September 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 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: None.

65)	<u>Order Type and Number:</u>	Consent Order 22-235-FOOD
	<u>Order Date:</u>	November 10, 2022
	<u>Individual/Entity:</u>	Shuckin Shack

Facility: Shuckin Shack
Location: 3620 Pelham Road #4
Greenville, SC 29615
Mailing Address: 3620 Pelham Road, PMB #353
Greenville, SC 29615
County: Greenville
Previous Orders: None
Permit Number: 23-206-11313
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Shuckin Shack (Individual/Entity) operates a retail food establishment located in Greenville County, South Carolina. The Department conducted inspections on August 9, 2022, August 16, 2022, and September 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

66) Order Type and Number: Consent Order 22-249-FOOD
Order Date: November 15, 2022
Individual/Entity: **Popeyes**
Facility: Popeyes
Location: 10002 Two Notch Road
Columbia, SC 29223
Mailing Address: 200 N. Washington Street #320760
Alexandria, VA 22320
County: Richland
Previous Orders: None
Permit Number: 40-206-07662
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Popeyes (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on September 20, 2022, September 27, 2022, October 5, 2022, and October 14, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: 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; 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.

67) Order Type and Number: Consent Order 22-203-FOOD
Order Date: November 16, 2022
Individual/Entity: **Country Junction**
Facility: Country Junction
Location: 2289 Pickens Highway
West Union, SC 29696
Mailing Address: Same
County: Oconee
Previous Orders: None
Permit Number: 37-206-01309
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Country Junction (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted inspections on August 2, 2022, August 12, 2022, August 22, 2022, and August 31, 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; 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 nine hundred fifty dollars (\$950.00). The Individual/Entity shall pay a civil penalty in the amount of nine hundred fifty dollars (**\$950.00**).

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

68) Order Type and Number: Consent Order 22-234-FOOD
Order Date: November 16, 2022
Individual/Entity: **La Reata (Seven Coronas, LLC)**
Facility: La Reata (Seven Coronas, LLC)
Location: 5322 Wade Hampton Blvd., Suite D
Taylors, SC 29687
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-11608
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: La Reata (Seven Coronas LLC) (Individual/Entity) operates a retail food establishment located in Greenville County, South Carolina. The Department

conducted inspections on October 27, 2021, September 19, 2022, and September 27, 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.

69) Order Type and Number: Consent Order 22-244-FOOD
Order Date: November 16, 2022
Individual/Entity: **Jake's Dive Bar**
Facility: Jake's Dive Bar
Location: 4476 Socastee Boulevard
Myrtle Beach, SC 29588
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-14208
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jake's Dive Bar (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on June 15, 2022, June 24, 2022, July 7, 2022, and October 4, 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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

Update: None.

70) Order Type and Number: Consent Order 22-215-FOOD
Order Date: November 17, 2022
Individual/Entity: **Church's Chicken #821**
Facility: Church's Chicken #821
Location: 4000 North Main Street
Columbia, SC 29203
Mailing Address: 980 Hammond Drive, Suite 1100
Atlanta, GA 30328
County: Richland
Previous Orders: None

Permit Number: 40-206-08216
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Church's Chicken #821 (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on July 12, 2022, September 15, 2022, September 21, 2022, and September 27, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clean non-food contact surfaces at a frequency to preclude accumulation of soil residues; and failed to clean the physical facilities as often as necessary to keep them clean.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. 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: None.

71) Order Type and Number: Consent Order 22-243-FOOD
Order Date: November 17, 2022
Individual/Entity: **Wooden Spoon Eatery**
Facility: Wooden Spoon Eatery
Location: 828 Surfside Drive
Surfside Beach, SC 29575
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-14078
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wooden Spoon Eatery (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 26, 2021, September 20, 2022, September 21, 2022, and September 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 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 at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of 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: None.

72) Order Type and Number: Consent Order 22-259-FOOD
Order Date: November 21, 2022
Individual/Entity: **Menkoi Ramen**
Facility: Menkoi Ramen
Location: 1004 Gervais Street
Columbia, SC 29201
Mailing Address: Same
County: Richland
Previous Orders: 2019-206-03-101 (\$1,000.00); and
22-79-FOOD (\$1,250.00)
Permit Number: 40-206-06890
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Menkoi Ramen (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on May 18, 2022, July 19, 2022, and September 14, 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; and failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

73) Order Type and Number: Consent Order 22-166-FOOD
Order Date: November 22, 2022
Individual/Entity: **Bojangles #880**
Facility: Bojangles #880
Location: 2041 E. Greenville Street
Anderson, SC 29621
Mailing Address: 7750 N. MacArthur Boulevard, #120-223
Irving, TX 75063
County: Anderson
Previous Orders: None
Permit Number: 04-206-04729
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles #880 (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on October 4, 2021, October 14, 2021, July 5, 2022, July 15, 2022, July 21, 2022, and July 28, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch; and failed to ensure that 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.

74) Order Type and Number: Consent Order 22-248-FOOD
Order Date: November 22, 2022
Individual/Entity: **China Kitchen of Richland**
Facility: China Kitchen of Richland
Location: 8602 Farrow Road
Columbia, SC 29203
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-08192
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: China Kitchen of Richland (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on March 7, 2022, March 8, 2022, and September 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 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.

75) Order Type and Number: Consent Order 22-217-FOOD
Order Date: November 28, 2022
Individual/Entity: **Mexican Deli**
Facility: Mexican Deli
Location: 3131 North Main Street
Anderson, SC 29621
Mailing Address: 213 Olive Branch
Anderson, SC 29626
County: Anderson
Previous Orders: None

Permit Number: 04-206-03456
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mexican Deli (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on September 15, 2022, September 16, 2022, and September 22, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide a test kit or other device that accurately measures the concentration 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 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.

76) Order Type and Number: Consent Order 22-232-FOOD
Order Date: November 28, 2022
Individual/Entity: **Lombardo's Restaurant**
Facility: Lombardo's Restaurant
Location: 7604 North Kings Highway
Myrtle Beach, SC 29572
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13480
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lombardo's Restaurant (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 13, 2021, October 21, 2021, September 12, 2022, September 22, 2022, and September 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 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 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.

77) Order Type and Number: Consent Order 22-255-FOOD
Order Date: November 28, 2022

<u>Individual/Entity:</u>	Johnny D's Waffles
<u>Facility:</u>	Johnny D's Waffles
<u>Location:</u>	1200 Highway 17 North Surfside Beach, SC 29575
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-14262
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Johnny D's Waffles (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on June 23, 2021, November 22, 2021, September 21, 2022, and September 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 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.

78) <u>Order Type and Number:</u>	Consent Order 22-199-FOOD
<u>Order Date:</u>	November 29, 2022
<u>Individual/Entity:</u>	The Tiki Hut Lakeside Grill
<u>Facility:</u>	The Tiki Hut Lakeside Grill
<u>Location:</u>	156 Keowee Marina Drive Seneca, SC 29672
<u>Mailing Address:</u>	Same
<u>County:</u>	Oconee
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	37-206-01362
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: The Tiki Hut Lakeside Grill (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted inspections on June 3, 2022, August 4, 2022, and August 19, 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; and failed to provide water at a temperature of at least 100°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: None.

On-Site Wastewater Enforcement

79) Order Type and Number: Administrative Order 22-060-OSWW
Order Date: November 7, 2022
Individual/Entity: **Isais Xolo Martinez and Ofelia Nicolas Escarcega**
Facility: Isais Xolo Martinez and Ofelia Nicolas Escarcega
Location: 112 Columns Road
Summerville, SC 29483
Mailing Address: 9496 Highway 78
Ladson, SC 29456
County: Dorchester
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Isais Xolo Martinez and Ofelia Nicolas Escarcega (Individual/Entity) owns property located in Dorchester County, South Carolina. The Department conducted an investigation on September 15, 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 December 9, 2022, the Department issued a legal demand letter to the Individual/Entity informing them of the intent to file a complaint with the Administrative Law court if the discharge did not cease.

80) Order Type and Number: Administrative Order 22-061-OSWW
Order Date: November 7, 2022
Individual/Entity: **Eloise Lusk**
Facility: Eloise Lusk
Location: 134 Rolling Drive
Westminster, SC 29693
Mailing Address: Same as Location
County: Oconee
Previous Orders: None
Permit Number: None

Violations Cited:

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

Summary: Eloise Lusk (Individual/Entity) owns property located in Oconee County, South Carolina. The Department conducted an investigation on September 19, 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: allowed 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; or move the camper to a location with a means of domestic wastewater treatment and disposal; or immediately vacate the camper until a Department approved OSWW system can be installed. 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 December 1, 2022, the Department issued a Legal Demand letter addressing the failure to comply with the Administrative Order.

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

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

January 5, 2023

(X) ACTION/DECISION
() INFORMATION

I. TITLE: Request for Placement of Methiopropamine in Schedule I for Controlled Substances in South Carolina

II. SUBJECT: Placement of Methiopropamine in Schedule I for Controlled Substances

III. FACTS:

Controlled substances are governed by the South Carolina Controlled Substances Act (“CSA”), Title 44, Chapter 53 of the South Carolina Code of Laws. Schedule I substances are listed in Section 44-53-190 of the South Carolina Code of Laws. Pursuant to Section 44-53-160, titled “Manner in which changes in schedule of controlled substances made,” controlled substances are generally designated by the General Assembly upon recommendation by the Department. Section 44-53-160(C) provides a process for the Department to expeditiously designate a substance if the federal government has so designated.

South Carolina Section 44-53-160(C) states:

If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, at the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairman of the Medical, Military, Public and Municipal Affairs Committee, the Chairman of the Judiciary Committee of the House of Representatives, the Clerks of the Senate and House, and the Code Commissioner, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

On December 9, 2022, the Administrator of the Drug Enforcement Administration (“DEA”) issued a final rule placing methiopropamine (chemical name: N-methyl-1- (thiophen-2-yl)propan-2-amine), including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act (“CSA”). This action is being taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import,

export, engage in research, conduct instructional activities or chemical analysis with, or possess), or propose to handle methiopropamine. This final rule has an effective date of January 9, 2023, *Federal Register* 87, Number 236, pages 75470-75473; <https://www.govinfo.gov/content/pkg/FR-2022-12-09/pdf/2022-26805.pdf>.

IV. ANALYSIS:

Methiopropamine (chemical name: N-methyl-1-(thiophen-2-yl)propan-2-amine) is a central nervous system (“CNS”) stimulant and is structurally related to the schedule II stimulants methamphetamine and amphetamine. Methiopropamine is not approved by the Food and Drug Administration for use in the United States. On March 16, 2017, the Commission on Narcotic Drugs voted to place N-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine) in Schedule II of the 1971 Convention.

On August 27, 2020, in accordance with 21 U.S.C. 811(b), and in response to the Drug Enforcement Administration’s November 20, 2018 request, the Department of Health and Human Services (“HHS”) provided to DEA a scientific and medical evaluation and a scheduling recommendation for methiopropamine. DEA subsequently reviewed HHS’ evaluation and recommendation for schedule I placement and all other relevant data and conducted its own analysis under the eight factors stipulated in 21 U.S.C. 811(c). DEA found, under 21 U.S.C. 812(b)(1), that this substance warrants control in schedule I.

After consideration of the public comments, the scientific and medical evaluation and accompanying recommendation of HHS, and conducting an independent eight-factor analysis, DEA finds substantial evidence of potential for abuse of methiopropamine. As such, DEA is permanently scheduling methiopropamine as a controlled substance under the CSA.

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. After consideration of the analysis and recommendation of the Assistant Secretary for HHS and review of all other available data, the Administrator, pursuant to 21 U.S.C. 811(a) and 812(b)(1), finds that:

- 1) Methiopropamine has a high potential for abuse. Methiopropamine, similar to the schedule II stimulants amphetamine and methamphetamine, is a CNS stimulant with a high potential for abuse.
- 2) Methiopropamine has no currently accepted medical use in treatment in the United States.
- 3) There is a lack of accepted safety for use of methiopropamine under medical supervision.

V. RECOMMENDATION:

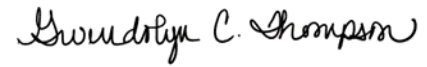
Pursuant to S.C. Code Section 44-53-160(C), the Department recommends placing methiopropamine in Schedule I in the same manner as the federal Drug Enforcement Administration. The listing includes its salts, isomers, and salts of isomers in schedule I for controlled substances in South Carolina and the amendment of Section 44-53-190 of the South Carolina Controlled Substances Act to include:

- () Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine)

Submitted by:



Lisa Thomson
Director, Bureau of Drug Control



Gwen Thompson
Director for Healthcare Quality

Attachment:

Federal Register 87, Number 236, December 9, 2022

AIRAC Date	State	City	Airport	FDC No.	FDC date	Subject
29-Dec-22 ...	MS	Greenwood	Greenwood-Leflore	2/6483	8/15/22	VOR RWY 5, Amdt 13B.
29-Dec-22 ...	MS	Corinth	Roscoe Turner	2/7401	10/24/22	RNAV (GPS) RWY 36, Amdt 1C.
29-Dec-22 ...	MS	Corinth	Roscoe Turner	2/7406	10/24/22	ILS OR LOC RWY 18, Amdt 4.
29-Dec-22 ...	MS	Corinth	Roscoe Turner	2/7420	10/24/22	RNAV (GPS) RWY 18, Amdt 1A.
29-Dec-22 ...	IN	Logansport	Logansport/Cass County	2/7662	9/23/22	RNAV (GPS) RWY 9, Amdt 1B.
29-Dec-22 ...	OH	Millersburg	Holmes County	2/8082	10/24/22	RNAV (GPS) RWY 9, Orig-B.
29-Dec-22 ...	OH	Millersburg	Holmes County	2/8083	10/24/22	RNAV (GPS) RWY 27, Orig-B.
29-Dec-22 ...	IA	Vinton	Vinton Veterans Meml Airpark	2/9284	10/26/22	RNAV (GPS) RWY 9, Orig.
29-Dec-22 ...	AL	Troy	Troy Muni At N Kenneth Campbell Fld.	2/9433	9/7/22	RNAV (GPS) RWY 32, Amdt 1C.
29-Dec-22 ...	AL	Troy	Troy Muni At N Kenneth Campbell Fld.	2/9434	9/7/22	ILS OR LOC RWY 7, Amdt 11A.

[FR Doc. 2022-26721 Filed 12-8-22; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-737]

Schedules of Controlled Substances: Placement of Methiopropamine in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.
ACTION: Final rule.

SUMMARY: With the issuance of this final rule, the Drug Enforcement Administration places *N*-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine), including its salts, isomers, and salts of isomers in schedule I of the Controlled Substances Act. This action is being taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle methiopropamine.

DATES: *Effective date:* January 9, 2023.
FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362-3249.

SUPPLEMENTARY INFORMATION:

Legal Authority

The United States is a party to the 1971 United Nations Convention on Psychotropic Substances (1971

Convention), February 21, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175, as amended. Procedures respecting changes in drug schedules under the 1971 Convention are governed domestically by 21 U.S.C. 811(d)(2)-(4). When the United States receives notification of a scheduling decision pursuant to Article 2 of the 1971 Convention adding a drug or other substance to a specific schedule, the Secretary of the Department of Health and Human Services (HHS),¹ after consultation with the Attorney General, shall first determine whether existing legal controls under subchapter I of the Controlled Substances Act (CSA) and the Federal Food, Drug, and Cosmetic Act meet the requirements of the schedule specified in the notification with respect to the specific drug or substance. 21 U.S.C. 811(d)(3). In the event that the Secretary of HHS (Secretary) did not so consult with the Attorney General, and the Attorney General did not issue a temporary order, as provided under 21 U.S.C. 811(d)(4), the procedures for permanent scheduling are set forth in 21 U.S.C. 811(a) and (b). Pursuant to 21 U.S.C. 811(a)(1), the Attorney General, by rule, may add to such a schedule any drug or other substance, if he finds that such drug or other substance has a potential for abuse, and makes with respect to such drug or other substance the findings prescribed by 21 U.S.C. 812(b) for the schedule in which such drug is to be placed. The Attorney General has delegated this scheduling authority to the Administrator of the Drug Enforcement Administration (DEA

¹ As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), FDA acts as the lead agency within HHS in carrying out the Secretary's scheduling responsibilities under the Controlled Substances Act, with the concurrence of NIDA. 50 FR 9518 (March 8, 1985). The Secretary of HHS has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460 (July 1, 1993).

Administrator or Administrator). 28 CFR 0.100.

Background

Methiopropamine is a central nervous system (CNS) stimulant and is structurally related to the schedule II stimulants methamphetamine and amphetamine. Methiopropamine is not approved by the Food and Drug Administration for use in the United States. On March 16, 2017, the Commission on Narcotic Drugs voted to place *N*-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine) in Schedule II of the 1971 Convention (CND Dec/60/8) during its 60th session.

DEA and HHS Eight Factor Analyses

On August 27, 2020, in accordance with 21 U.S.C. 811(b), and in response to DEA's November 20, 2018, request, HHS provided to DEA a scientific and medical evaluation and scheduling recommendation for methiopropamine. DEA reviewed HHS's evaluation and recommendation for schedule I placement, and all other relevant data, and conducted its own eight-factor analysis stipulated in 21 U.S.C. 811(c). DEA found, under 21 U.S.C. 812(b)(1), that this substance warrants control in schedule I. Both DEA and HHS eight-factor analyses are available in their entirety under the tab "Supporting Documents" of the public docket of this rulemaking action at <https://www.regulations.gov>, under docket number "DEA-737."

Notice of Proposed Rulemaking To Schedule Methiopropamine

On September 2, 2021 (86 FR 49267), DEA published a notice of proposed rulemaking (NPRM) to permanently control methiopropamine in schedule I. Specifically, DEA proposed to add methiopropamine to 21 CFR 1308.11(f) (the stimulants category of schedule I). The NPRM provided an opportunity for interested persons to file a request for hearing in accordance with DEA regulations on or before October 4, 2021. No requests for such a hearing were

received by DEA. The NPRM also provided an opportunity for interested persons to submit comments on or before October 4, 2021.

Comments Received

In response to the NPRM, DEA received four comments. Three of the submissions were from individuals or anonymous commenters. Of these three, two commenters provided support for the NPRM, and one opposed the NPRM. A fourth comment was either submitted or posted to the wrong docket as it involved a different DEA rulemaking. As such, the fourth comment is outside the scope of this current scheduling action.

Support for NPRM

Two commenters were in support of this rulemaking. One stated that methiopropamine is a stimulant and a user can get high from it, so it should be a controlled substance. The second commenter stated that if there is not an accepted medical use, then it should be a schedule I substance.

DEA Response: DEA appreciates the comments in support of this rulemaking.

Opposition to NPRM

One commenter opposed the NPRM to control methiopropamine as a schedule I drug. The commenter stated that scheduling methiopropamine will only expand the number of people in the United States who can be captured in the mass incarceration net. The commenter thought the approach should not be a criminal issue but a public health issue.

DEA Response: Substances are scheduled to protect the public health and provide safety for individuals. Thus, pursuant to 21 U.S.C. 811(a), the CSA authorizes DEA's Administrator, under authority delegated by the Attorney General, to control any drug or other substance if the Administrator finds that the drug or other substance has a potential for abuse, and makes with respect to such drug or other substance the findings prescribed by 21 U.S.C. 812(b).

Scheduling Conclusion

After consideration of the public comments, scientific and medical evaluation and accompanying recommendation of HHS, and after its own eight-factor evaluation, DEA finds that these facts and all other relevant data constitute substantial evidence of the potential for abuse of methiopropamine. DEA is permanently scheduling methiopropamine as a controlled substance under the CSA.

Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary for Health of HHS and review of all other available data, the Administrator, pursuant to 21 U.S.C. 811(a) and 812(b)(1), finds that:

1. *Methiopropamine has a high potential for abuse.*

Methiopropamine, similar to the schedule II stimulants amphetamine and methamphetamine, is a CNS stimulant with a high potential for abuse. Data from animal behavioral locomotor studies show that methiopropamine produces stimulation similar to that of methamphetamine. As HHS mentions, methiopropamine abuse in humans has been reported in at least 16 countries, including some countries in North America and Europe. Additionally, typical stimulant effects such as euphoria, psychomotor stimulation, and anxiety have been described from self-reports of methiopropamine abusers. These effects are similar to those of schedule II stimulants such as methamphetamine and amphetamine. These data collectively indicate that methiopropamine has a high potential for abuse similar to other schedule II stimulants such as amphetamine and methamphetamine.

2. *Methiopropamine currently has no accepted medical use in treatment in the United States.*

According to HHS, FDA has not approved a marketing application for a drug product containing methiopropamine for any therapeutic indication. As HHS states, there are also no clinical studies or petitioners that claim an accepted medical use in the United States. Thus, methiopropamine has no currently accepted medical use in treatment in the United States.²

² Although there is no evidence suggesting that methiopropamine has a currently accepted medical use in treatment in the United States, it bears noting that a drug cannot be found to have such medical use unless DEA concludes that it satisfies a five-part test. Specifically, with respect to a drug that has not been approved by FDA, to have a currently accepted medical use in treatment in the United States, all of the following must be demonstrated: i. The drug's chemistry must be known and reproducible; ii. there must be adequate safety studies; iii. there must be adequate and well-controlled studies proving efficacy; iv. The drug must be accepted by qualified experts; and v. the scientific evidence must be widely available. 57 FR 10499 (1992), *pet. for rev. denied, Alliance for Cannabis Therapeutics v. DEA*, 15 F.3d 1131, 1135 (D.C. Cir. 1994).

3. *There is a lack of accepted safety for use of methiopropamine under medical supervision.*

The safety of methiopropamine or use under medical supervision has not been determined because it has no approved medical use in treatment in the United States and has not been investigated as a new drug. Therefore, there is a lack of accepted safety for use of methiopropamine under medical supervision.

Based on these findings, the Administrator concludes that methiopropamine (chemical name: *N*-methyl-1-(thiophen-2-yl)propan-2-amine), including its salts, isomers, and salts of isomers, warrants control in schedule I of the CSA. 21 U.S.C. 812(b)(1).

Requirements for Handling Methiopropamine

Methiopropamine is subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, engagement in research, and conduct of instructional activities or chemical analysis with, and possession of schedule I controlled substances, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) methiopropamine, or who desires to handle methiopropamine must be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. Any person who currently handles methiopropamine and is not registered with DEA must submit an application for registration and may not continue to handle methiopropamine, unless DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Disposal of Stocks.* Any person unwilling or unable to obtain a schedule I registration must surrender or transfer all quantities of currently held methiopropamine to a person registered with DEA before the effective date of a final scheduling action in accordance with all applicable Federal, State, local, and tribal laws. Methiopropamine must be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable Federal, State, local, and tribal laws.

3. *Security.* Methiopropamine is subject to schedule I security

requirements and must be handled and stored pursuant to 21 U.S.C. 823 and in accordance with 21 CFR 1301.71–1301.76, as of the effective date of this final scheduling action. Non-practitioners handling methiopropamine must also comply with the employee screening requirements of 21 CFR 1301.90–1301.93.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of methiopropamine must comply with 21 U.S.C. 825, and be in accordance with 21 CFR part 1302.

5. *Quota.* Only registered manufacturers are permitted to manufacture methiopropamine in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

6. *Inventory.* Every DEA registrant who possesses any quantity of methiopropamine must take an inventory of methiopropamine on hand at that time, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (d).

Any person who registers with DEA must take an initial inventory of all stocks of controlled substances (including methiopropamine) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (b).

After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including methiopropamine) on hand every two years, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

7. *Records and Reports.* Every DEA registrant must maintain records and submit reports for methiopropamine, or products containing methiopropamine, pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1301.74(b) and (c) and 1301.76(b) and parts 1304, 1312, and 1317. Manufacturers and distributors must submit reports regarding methiopropamine to the Automation of Reports and Consolidated Order System pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* Every DEA registrant who distributes methiopropamine must comply with the order form requirements, pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305.

9. *Importation and Exportation.* All importation and exportation of methiopropamine must comply with 21 U.S.C. 952, 953, 957, and 958, and be in accordance with 21 CFR part 1312.

10. *Liability.* Any activity involving methiopropamine not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866 and 13563 (Regulatory Planning and Review; Improving Regulation and Regulatory Review)

In accordance with 21 U.S.C. 811(a), this final scheduling action is subject to formal rulemaking procedures performed “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the procedures and criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563.

Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of E.O. 13132. The rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information requirement under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–612, has reviewed this final rule, and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities.

DEA is placing the substance methiopropamine (chemical name: *N*-methyl-1-(thiophen-2-yl)propan-2-amine), including its salts, isomers, and salts of isomers, in schedule I of the CSA. This action is being taken to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess), or propose to handle methiopropamine.

According to HHS, methiopropamine has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and lacks accepted safety for use under medical supervision. DEA’s research confirms that there is no legitimate commercial market for methiopropamine in the United States. Therefore, DEA estimates that no United States entity currently handles methiopropamine and does not expect any United States entity to handle methiopropamine in the foreseeable future. DEA concludes that no legitimate United States entity would be affected by this rule. As such, this rule will not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

On the basis of information contained in the “Regulatory Flexibility Act” section above, DEA has determined pursuant to the Unfunded Mandates Reform Act (UMRA) of 1995 (2 U.S.C. 1501 *et seq.*) that this final rule would not result in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year * * *.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, pursuant to the CRA, DEA is submitting

a copy of the final rule to the Government Accountability Office, the House, and the Senate.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

(9) Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine) 1478

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on November 14, 2022, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2022-26805 Filed 12-8-22; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9969]

RIN 1545-BP01

Treatment of Special Enforcement Matters

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that except certain partnership-related items from the centralized partnership audit regime created by the Bipartisan Budget Act of 2015, and sets forth alternative rules that will apply to the examination of excepted items by the IRS. The centralized partnership audit regime does not apply to a partnership-related item if the item involves a special enforcement matter described in these

For the reasons set out above, 21 CFR part 1308 is amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

regulations. Additionally, these regulations make changes to the existing centralized partnership audit regime regulations to account for changes to the Internal Revenue Code (Code) as well as changes that clarify those regulations. The regulations affect partnerships and partners to whom special enforcement matters apply.

DATES:

Effective date: These regulations are effective on December 9, 2022.

Applicability date: For dates of applicability, see §§ 301.6221(b)–1(f); 301.6225–1(i)(1); 301.6225–2(g)(1); 301.6225–3(e)(1); 301.6226–2(h)(1); 301.6241–3(g); 301.6241–7(j)

FOR FURTHER INFORMATION CONTACT:

Jennifer M. Black of the Office of Associate Chief Counsel (Procedure and Administration), (202) 317–6834 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains final amendments to the Procedure and Administration Regulations (26 CFR part 301) regarding special enforcement matters under section 6241(11) of the Code and the collection of amounts due under the centralized partnership audit regime pursuant to section 6241(7) of the Code. Section 6241(11) was enacted by section 206 of the Tax Technical Corrections Act of 2018, contained in Title II of Division U of the Consolidated Appropriations Act of 2018, Public Law 115–141 (TTCA). This document also contains several amendments to the final regulations on the centralized partnership audit regime published in TD 9844 (84 FR 6468) on February 27, 2019.

Section 1101(a) of the Bipartisan Budget Act of 2015, Public Law 114–74 (BBA) amended chapter 63 of the Code (chapter 63) by removing former subchapter C of chapter 63 effective for partnership taxable years beginning after December 31, 2017. Former subchapter C of chapter 63 contained the unified partnership audit and litigation rules enacted by the Tax Equity and Fiscal Responsibility Act of

■ 2. Amend § 1308.11 by:

■ a. Redesignating paragraphs (f)(9) through (11) as (f)(10) through (12); and

■ b. Adding a new paragraph (f)(9).

The addition reads as follows:

§ 1308.11 Schedule I.

* * * * *
(f) * * *

1982, Public Law 97–248 (TEFRA) that were commonly referred to as the TEFRA partnership procedures, or simply TEFRA. Section 1101(b) of the BBA removed subchapter D of chapter 63 and amended chapter 1 of the Code (chapter 1) by removing part IV of subchapter K of chapter 1, rules applicable to electing large partnerships, effective for partnership taxable years beginning after December 31, 2017. Section 1101(c) of the BBA replaced the TEFRA partnership procedures and the rules applicable to electing large partnerships with a centralized partnership audit regime that determines adjustments and, in general, determines, assesses, and collects tax at the partnership level. Section 1101(g) of the BBA set forth the effective dates for these statutory amendments, which are effective generally for returns filed for partnership taxable years beginning after December 31, 2017. On December 18, 2015, section 1101 of the BBA was amended by the Protecting Americans from Tax Hikes Act of 2015, Public Law 114–113 (PATH Act). The amendments under the PATH Act are effective as if included in section 1101 of the BBA, and therefore, subject to the effective dates in section 1101(g) of the BBA.

Enacted on March 23, 2018, the TTCA made a number of technical corrections to the centralized partnership audit regime, including adding sections 6241(11) (regarding the treatment of special enforcement matters) and 6232(f) (regarding the collection of the imputed underpayment and other amounts due from partners of the partnership in the event the amounts are not paid by the partnership) to the Code. The amendments to subchapter C of chapter 63 included in the TTCA are effective as if included in section 1101 of the BBA, and therefore, subject to the effective dates in section 1101(g) of the BBA.

On January 2, 2018, the Department of the Treasury (Treasury Department) and the IRS published in the **Federal Register** (82 FR 28398) final regulations under section 6221(b) providing rules

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

January 5, 2023

(X) ACTION/DECISION

() INFORMATION

I. TITLE: Request for Removal of Fenfluramine from Schedule IV for Controlled Substances in South Carolina

II. SUBJECT: Removal of Fenfluramine from Schedule IV for Controlled Substances

III. FACTS:

Controlled substances are governed by the South Carolina Controlled Substances Act (“CSA”), Title 44, Chapter 53 of the South Carolina Code of Laws. Schedule IV substances are listed in Section 44-53-250 of the South Carolina Code of Laws. Pursuant to Section 44-53-160, titled “Manner in which changes in schedule of controlled substances made,” controlled substances are generally designated by the General Assembly upon recommendation by the Department. Section 44-53-160(C) provides a process for the Department to expeditiously designate a substance if the federal government has so designated.

South Carolina Section 44-53-160(C) states:

If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, at the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairman of the Medical, Military, Public and Municipal Affairs Committee, the Chairman of the Judiciary Committee of the House of Representatives, the Clerks of the Senate and House, and the Code Commissioner, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

On December 23, 2022, the Administrator of the Drug Enforcement Administration (“DEA”) issued a final rule removing fenfluramine (chemical name: N-ethyl- α -methyl-3-(trifluoromethyl)phenethylamine), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts is possible, from the schedules of the Controlled Substances Act (“CSA”). Prior to the effective date of this rule, fenfluramine was a schedule IV controlled substance. This action removes the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to

schedule IV controlled substances, on persons who handle (manufacture, distribute, reverse distribute, dispense, engage in research, import, export, conduct instructional activities or chemical analysis with, or possess) or propose to handle fenfluramine. This final rule has an effective date of December 23, 2022, *Federal Register* 87, Number 246, pages 78857-78859; <https://www.govinfo.gov/content/pkg/FR-2022-12-23/pdf/2022-27400.pdf>.

IV. ANALYSIS:

Fenfluramine (chemical name: N-ethyl- α -methyl-3-(trifluoromethyl)phenethylamine), including its salts, isomers, and salts of such isomers, has been controlled under 21 CFR 1308.14(d) as a schedule IV substance of the CSA since June 15, 1973. On September 25, 2019, Zogenix, Inc. (Zogenix; the Sponsor) submitted to the Food and Drug Administration (“FDA”) a New Drug Application (“NDA”) for Fintepla (fenfluramine), for the treatment of seizures associated with Dravet syndrome in patients two years of age and older. FDA approved the NDA on June 25, 2020, with the labelling listing fenfluramine as a schedule IV controlled substance. On October 18, 2018, Zogenix submitted to DEA a petition requesting that fenfluramine be removed from schedule IV of the CSA. The petition complied with the requirements of 21 CFR 1308.43(b) and DEA accepted the petition for filing on November 13, 2018.

Based on FDA’s scientific and medical review of the eight factors and findings related to the substance’s abuse potential, legitimate medical use, and dependence liability, the Department of Health and Human Services (“HHS”) recommended that fenfluramine and its salts be removed from all schedules of the CSA. Pursuant to 21 U.S.C. 811(b), the recommendations of HHS shall be binding on DEA as to such scientific and medical matters and if the Secretary recommends that a drug or other substance not be controlled, DEA shall not control the drug or other substances. After careful review of all relevant data including HHS’ scientific and medical evaluation and scheduling recommendation, DEA is therefore promulgating this final rule to remove fenfluramine, including its salts, isomers, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible, from control under the CSA.

V. RECOMMENDATION:

The Department recommends the removal of fenfluramine, including its salts, isomers, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible, from Schedule IV for controlled substances in Section 44-53-250 of the South Carolina Controlled Substances Act.

Submitted by:



Lisa Thomson
Director, Bureau of Drug Control



Gwen Thompson
Director for Healthcare Quality

Attachment:

Federal Register 87, Number 246, December 23, 2022

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR

45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 19, 2022, 87 FR 57569 (September 21, 2022); Notice of November 8, 2022, 87 FR 68015 (November 10, 2022).

■ 2. Supplement No. 4 to part 744 is amended under RUSSIA by revising the entry for “Private Military Company ‘Wagner’ ” to read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	Federal Register citation
* * * * *				
RUSSIA	Private Military Company ‘Wagner’, a.k.a., the following five aliases: —Chastnaya Voennaya Kompaniya ‘Vagner’; —Chvk Vagner; —PMC Wagner; —Wagner Group; and —Vagner Group. 15 Zolnaya Street, Saint Petersburg, 195213, Russia	For all items subject to the EAR. (See §§ 734.9(g), ³ 746.8(a)(3), and 744.21(b) of the EAR). The license requirements under this entry also extend to any export, reexport and transfer (in-country) to the entity wherever located worldwide	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	82 FR 28408, 6/22/17. 87 FR [INSERT FR PAGE NUMBER] 12/23/22.
* * * * *				

* * * * *
Thea D. Rozman Kendler,
Assistant Secretary for Export Administration.
 [FR Doc. 2022–28033 Filed 12–21–22; 4:15 pm]
BILLING CODE 3510–JT–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
21 CFR Parts 130 and 131
[Docket No. FDA–2000–P–0126 (formerly Docket No. 2000P–0658)]
RIN 0910–AI40

International Dairy Foods Association and Chobani, Inc.: Response to the Objections and Requests for a Public Hearing on the Final Rule To Revoke the Standards for Lowfat Yogurt and Nonfat Yogurt and To Amend the Standard for Yogurt; Correction
AGENCY: Food and Drug Administration, HHS.
ACTION: Final rule; response to objections and denial of public hearing requests; removal of administrative stay; correction.

SUMMARY: The Food and Drug Administration is correcting a final rule entitled “International Dairy Foods Association and Chobani, Inc.: Response

to the Objections and Requests for a Public Hearing on the Final Rule To Revoke the Standards for Lowfat Yogurt and Nonfat Yogurt and To Amend the Standard for Yogurt” that appeared in the **Federal Register** of December 15, 2022. The final rule revoked the standards of identity for lowfat yogurt and nonfat yogurt and amended the standard of identity for yogurt in numerous respects. The document was published with an errant reference to its effective date in the preamble discussion. This document corrects that error.

DATES: This correction is effective January 17, 2023, and applicable December 15, 2022.

FOR FURTHER INFORMATION CONTACT: Andrea Krause, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2371, or Joan Rothenberg, Center for Food Safety and Applied Nutrition, Office of Regulations and Policy (HFS–024), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Wednesday, December 15, 2022 (87 FR 765590), appearing on page 76567, in FR Doc. 2022–27040, the following correction is made:

1. On page 76567, in the third column, in the fifth sentence of the third

paragraph under IV. Summary and Conclusions, “[DATE OF PUBLICATION IN THE **FEDERAL REGISTER**]” is corrected to read “January 17, 2023”.

Dated: December 16, 2022.

Lauren K. Roth,
Associate Commissioner for Policy.
 [FR Doc. 2022–27816 Filed 12–22–22; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE
Drug Enforcement Administration
21 CFR Part 1308
[Docket No. DEA–945]
Schedules of Controlled Substances: Removal of Fenfluramine From Control
AGENCY: Drug Enforcement Administration, Department of Justice.
ACTION: Final rule.

SUMMARY: With the issuance of this final rule, the Drug Enforcement Administration removes fenfluramine (chemical name: *N*-ethyl- α -methyl-3-(trifluoromethyl)phenethylamine), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts is possible, from the schedules of the Controlled Substances Act. Prior to the effective date of this rule, fenfluramine was a

schedule IV controlled substance. This action removes the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to schedule IV controlled substances, on persons who handle (manufacture, distribute, reverse distribute, dispense, engage in research, import, export, conduct instructional activities or chemical analysis with, or possess) or propose to handle fenfluramine.

DATES: Effective December 23, 2022.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Ph.D., Chief, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362-3249.

SUPPLEMENTARY INFORMATION:

Legal Authority

Under the Controlled Substances Act (CSA), each controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause.¹ The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c) and the current list of scheduled substances is published at 21 CFR part 1308.

Pursuant to 21 U.S.C. 811(a)(2), the Attorney General may, by rule, “remove any drug or other substance from the schedules if he finds that the drug or other substance does not meet the requirements for inclusion in any schedule.” The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the Drug Enforcement Administration (DEA).²

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General on the petition of any interested party.³ This action was initiated by a petition to remove fenfluramine from the list of scheduled controlled substances of the CSA, and is supported by, *inter alia*, a recommendation from the Assistant Secretary for Health of the Department of Health and Human Services (HHS) and an evaluation of all relevant data by DEA. This action removes the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those

specific to schedule IV controlled substances, on persons who handle or propose to handle fenfluramine.

Background

Fenfluramine (chemical name: *N*-ethyl- α -methyl-3-(trifluoromethyl)phenethylamine), including its salts, isomers, and salts of such isomers, has been controlled under 21 CFR 1308.14(d) as a schedule IV substance of the CSA since June 15, 1973.⁴ On September 25, 2019, Zogenix, Inc. (Zogenix; the Sponsor) submitted to the Food and Drug Administration (FDA) a New Drug Application (NDA) for Fintepla (fenfluramine), for the treatment of seizures associated with Dravet syndrome (DS) in patients two years of age and older. FDA approved the NDA on June 25, 2020, with the labelling listing fenfluramine as a schedule IV controlled substance.

On October 18, 2018, Zogenix submitted to DEA a petition requesting that fenfluramine be removed from schedule IV of the CSA. The petition complied with the requirements of 21 CFR 1308.43(b) and DEA accepted the petition for filing on November 13, 2018.

Notice of Proposed Rulemaking To Decontrol Fenfluramine

On July 19, 2022, DEA published a notice of proposed rulemaking (NPRM) to remove fenfluramine from the schedules of the CSA.⁵ The NPRM provided an opportunity for interested persons to file a request for a hearing in accordance with DEA regulations by August 18, 2022. No requests for such a hearing were received by DEA. The NPRM also provided an opportunity for interested persons to submit comments on the proposal on or before August 18, 2022.

Comment Received

DEA received one comment on the NPRM to remove fenfluramine from control.

Opposition to rulemaking: One commenter opposed decontrol of fenfluramine, however the comment was at times ambiguous. The commenter seemed to be concerned about children using fenfluramine illicitly and the potential harm related to the combined use with a stimulant, specifically noting the fenfluramine-phentermine (“fen-phen”) combination and noting “Stimulants+Psychedelics=Psychosis.”

DEA Response: DEA acknowledges the commenter’s concerns about relative

harm, especially related to children. DEA notes FDA approved Fintepla (fenfluramine) on June 25, 2020, for the treatment of DS in patients two years of age and older. Currently Fintepla is the only FDA-approved drug product with fenfluramine. HHS considered the harms the fenfluramine-phentermine combination produced in their April 2021 scientific and medical evaluation, which was provided to DEA as part of this rulemaking process, pursuant to 21 U.S.C. 811(b).

DEA notes that the combination historically produced serious cardiac effects, not psychological effects. The FDA-approved labeling for Fintepla indicates that patients must be enrolled in the Fintepla risk evaluation and mitigation strategy (REMS) program and undergo cardiac monitoring before, during, and after treatment with Fintepla to monitor for serious heart valve changes or high blood pressure in the arteries of the lungs. The FDA-required REMS program for Fintepla, including ongoing cardiac monitoring, would still be applicable under the FDA rules even after fenfluramine is decontrolled by DEA.

Based on FDA’s scientific and medical review of the eight factors and findings related to the substance’s abuse potential, legitimate medical use, and dependence liability, HHS recommended that fenfluramine and its salts be removed from all schedules of the CSA. Pursuant to 21 U.S.C. 811(b), the recommendations of HHS shall be binding on DEA as to such scientific and medical matters and if the Secretary recommends that a drug or other substance not be controlled, DEA shall not control the drug or other substances. As stated in the NPRM, after careful review of all relevant data including HHS’ scientific and medical evaluation and scheduling recommendation, DEA is therefore promulgating this final rule to remove fenfluramine, including its salts, isomers, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible, from control under the CSA.

Determination To Decontrol Fenfluramine

Based on consideration of the comment, and the rationale set forth in the NPRM, the Administrator finds that fenfluramine does not meet the requirements for inclusion in any schedule. As such, DEA is removing fenfluramine, including its salts, isomers, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible, from control under the CSA.

¹ 21 U.S.C. 812.

² 28 CFR 0.100.

³ 21 U.S.C. 811(a).

⁴ 38 FR 15719, May 9, 1973.

⁵ 87 FR 42979.

Regulatory Analyses

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

In accordance with 21 U.S.C. 811(a), this scheduling action is subject to formal rulemaking procedures done “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for removing a drug or other substance from the list of controlled substances. Such actions are exempt from review by the Office of Management and Budget pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563.

Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of E.O. 13132. This rule does not have substantial direct effects on the States, on the relationship between the Federal government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have tribal implications warranting the application of E.O. 13175. This rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612), has reviewed this rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. The purpose of this rule is to remove fenfluramine from the list of schedules of the CSA. This action will remove regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances for handlers and proposed

handlers of fenfluramine. Accordingly, it has the potential for some economic impact in the form of cost savings.

Fenfluramine as a pharmaceutical product (Fintepla) is currently available and marketed in the U.S. Because fenfluramine is currently a schedule IV drug, all legal handling of fenfluramine is currently done under appropriate DEA license. In such instances, DEA’s knowledge of its registrant population forms the basis for estimating the number of affected entities and small entities that are affected by this rulemaking. There are currently 40 unique registrations authorized to handle fenfluramine specifically, as well as a number of registered analytical labs that are authorized to handle schedule IV controlled substances generally. From review of entity names, DEA estimates these 40 registrations represent 27 entities. Some of these entities are likely to be small entities. However, since DEA does not have information of registrant size and the majority of DEA registrants are small entities or are employed by small entities, DEA estimates a maximum of 27 entities are small entities. Therefore, DEA conservatively estimates as many as 27 small entities are affected by this final rule. However, because this rule would remove fenfluramine from regulatory controls of the CSA, it is likely to result in some cost savings. Any person planning to handle fenfluramine will realize cost savings in the form of saved DEA registration fees, and the elimination of physical security, recordkeeping, and reporting requirements. Because of these factors, DEA projects that this rule will not result in a significant economic impact on a substantial number of small entities.

Administrative Procedure Act

The Administrative Procedure Act requires the publication of a substantive rule to be made not less than 30 days before its effective date.⁶ However, this requirement need not apply for “a substantive rule which . . . relieves a restriction.”⁷ Therefore, DEA makes this rule effective immediately upon publication.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, DEA has determined that this action would not result “in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the

aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, pursuant to the CRA, DEA is submitting a copy of the final rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is amended to read as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

- 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

§ 1308.14 [Amended]

- 2. In § 1308.14, remove and reserve paragraph (d).

Signing Authority

This document of the Drug Enforcement Administration was signed on December 12, 2022, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2022–27400 Filed 12–22–22; 8:45 am]

BILLING CODE 4410–09–P

⁶ 5 U.S.C. 553(d).

⁷ 5 U.S.C. 553(d)(1).