

Date: October 12, 2023

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

From: Bureau of Land and Waste Management

Re: Public Hearing for Notice of Final Regulation R.61-63, Radioactive Materials (Title A), Document No. 5189

I. Introduction

The Bureau of Land and Waste Management proposes the attached Notice of Final Regulation amending R.61-63, Radioactive Materials (Title A) for publication in the October 27, 2023, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Section 13-7-40 (Supp. 2016), which designates the Department of Health and Environmental Control (“Department”) as the agency responsible for the control and regulations of radiation sources. The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as it is for compliance with federal law. The amendments will take legal effect as of the October 27, 2023, publication in the *State Register*.

II. Facts

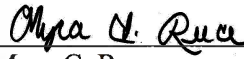
1. The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear materials. 42 U.S.C Section 2121. The Commission enters into such agreements if it finds the state regulatory program is in compliance with applicable federal regulations, *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Bureau requests approval to amend R.61-63, ensuring state standards comply with the Commission’s regulatory updates. The proposed amendments update Parts II, III, IV, and XII.
2. The Department had a Notice of Drafting published in the February 24, 2023, *State Register*.
3. Appropriate Department staff conducted an internal review of the proposed amendment on April 11, 2023.
4. The Bureau held a stakeholder meeting on April 12, 2023, to discuss the schedule and implementation process for the proposed amendment.
5. Upon receiving approval during the May 11, 2023, Board meeting, the Bureau had a Notice of Proposed Regulation published in the May 26, 2023, *State Register*. The Department received public comments from two people by the June 26, 2023, close of the public comment period. Attachment B presents a summary of these public comments received and Department responses.
6. The Bureau also submitted copies to the Commission for review on May 2, 2023. The Bureau has received the Commission’s comments and they have been integrated in the proposed amendment.

III. Request for Approval

The Bureau of Land and Waste Management respectfully requests the Board to find need and reasonableness of the attached proposed amendment of R.61-63, Radioactive Materials (Title A), for legal effect as of October 27, 2023, publication in the *State Register*.



Henry J. Porter
Bureau Chief



Myra C. Reece
Director

Attachments:

- A. Notice of Final Regulation

ATTACHMENT A

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

October 12, 2023

Document No. 5189

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

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

61-63. Radioactive Materials (Title A).

Synopsis:

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

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

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

Section-by-Section Discussion of Proposed Amendments:

| Section | Type of Change | Purpose |
|------------------|-----------------------|---|
| 2.10.10.1.9.1.2 | Amendment | Update code designation |
| 2.10.10.1.9.1.3 | Amendment | Update code designation |
| 2.22.1 | Amendment | Include new references for accuracy. |
| 2.22.5 | Deletion | Duplication of requirements |
| 2.22.6 | Deletion | Duplication of requirements |
| 3.26 | Amendment | Update contact information for accuracy. |
| 3.45 | Addition/Deletion | Delete event conditions to require fewer specific conditions. Add updated contact information for accuracy. |
| 3.58 | Deletion | Delete Cat 1/Cat 2 references due to reporting date that is expired. |
| 4.20, 4.22, 4.23 | Technical correction | Correct spelling errors for accuracy. |

| | | |
|------------------------|-----------|---|
| 4.22, 4.43, 4.54, 4.74 | Amendment | Update organization names for accuracy. |
| 12.7 | Amendment | Correct Mail Stop address for accuracy. |

Instructions:

Amend R.61-63 pursuant to each individual instruction provided with the text of the amendments below.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

61-63. Radioactive Materials (Title A).

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

Amend RHA 2.10.10.1.9.1.2 to read:

2.10.10.1.9.1.2 An entity (as that term is defined in 11 U.S.C. 101(~~4415~~)) controlling the licensee or listing the license or licensee as property of the estate: or

Amend RHA 2.10.10.1.9.1.3 to read:

2.10.10.1.9.1.3 An affiliate (as that term is defined in 11 U.S.C. 101(a2)) of the licensee.

Amend RHA 2.22.1 to read:

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

Amend RHA 2.22.5 to read:

~~2.22.5 General License: NRC approved package.~~

~~2.22.5.1 A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, Certificate of Compliance (Co), or other approval has been issued by the NRC.~~

~~2.22.5.2 This general license applies only to a licensee who has a quality assurance program approved by the Department as satisfying the provisions of subpart H of 10 CFR 71.~~

~~2.22.5.3 Each licensee issued a general license under 2.22.5.1 of this section shall:~~

~~2.22.5.3.1 Maintain a copy of the NRC issued CoC, or other approval of the package, and the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;~~

~~2.22.5.3.2 Comply with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of subparts A, G, and H of 10 CFR 71; and~~

~~2.22.5.3.3 Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportations, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in 10 CFR 71.1(aa), the licensee's name and license number, and the package identification number specified in the package approval.~~

~~2.22.5.4 This general license applies only when the package approval authorizes use of the package under the general license.~~

~~2.22.5.5 For a Type B package or fissile material package, the design of which was approved by NRC before April 1, 1996, the general license is subject to the additional restrictions of 10 CFR 71.19.~~

Amend RHA 2.22.6 to read:

~~2.22.6 General License: Use of foreign approved package.~~

~~2.22.6.1 A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has an approved in a foreign national competent authority certificate, that has been revalidated by DOT as meeting the applicable requirements of 49 CFR 171.23~~

~~2.22.6.2 Except as otherwise provided in this section, the general license applies only to a licensee having a quality assurance program approved by the Department as satisfying the applicable provisions of subpart H of 10 CFR 71.~~

~~2.22.6.3 This general license applies only to shipments made to or from locations outside the United States.~~

~~2.22.6.4 Each licensee issued a general license under 2.22.6.1 of this section shall:~~

~~— 2.22.6.4.1 Maintain a copy of the applicable certificate, the revalidation and, and the drawings and other documents referenced in the CoC, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and~~

~~— 2.22.6.4.2 Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of subparts A, G, and H of 10 CFR 71.~~

Amend RHA 3.26.4 to read:

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

Amend RHA 3.45 to read:

RHA 3.45. Notification of Incidents.

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

3.45.1.1 An individual to receive—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amend RHA 3.58.8 to read:

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

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

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

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

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

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

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

Amend RHA 4.20.3.2 to read:

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

Amend RHA 4.22.1.1 to read:

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

Amend RHA 4.23.2.2 to read:

4.23.2.2 Physicians, dentists, or podiatrists not identified as authorized users for the medical use of radioactive material on a license issued by the Nuclear Regulatory Commission or an Agreement State, a permit issued by a Nuclear Regulatory Commission master material licensee, a permit issued by a Nuclear Regulatory Commission or an Agreement State broad scope licensee license, or a permit issued by a Nuclear Regulatory Commission master material license of broad scope on or before October

24, 2005, need not comply with the training requirements of subparts D through H of this part for those materials and uses that these individuals performed on or before October 24, 2005, as follows:

Amend RHA 4.43.1.1 to read:

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

Amend RHA 4.54.1.1 to read:

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

Amend RHA 4.54.2.3 to read:

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

Amend RHA 4.74.1.1 to read:

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

Amend RHA 4.74.2.3 to read:

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

Amend RHA 12.7.3.1 to read:

12.7.3.1 For the purpose of complying with this subpart, Department licensees shall use an appropriate method listed in 10 CFR 37.7 to submit to the U.S. Nuclear Regulatory Commission, Director Division of

Physical and Cyber Security Policy, 11545 Rockville Pike, ATTN: Criminal History Program, Mail Stop T-8B20, T-07D04M, Rockville, MD 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to Category 1 or Category 2 quantities of radioactive material. Copies of these forms may be obtained by e-mailing MAILSVS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at <https://www.nrc.gov/security/chp.html>.

Amend RHA 12.27, Appendix A to read:

Appendix A. Category 1 and Category 2 Radioactive Materials.

Table 1—Category 1 and Category 2 Threshold

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

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

Note: Calculations Concerning Multiple Sources or Multiple Radionuclides

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

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

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

R_1 = total activity for radionuclide 1
 R_2 = total activity for radionuclide 2
 R_n = total activity for radionuclide n
 AR_1 = activity threshold for radionuclide 1
 AR_2 = activity threshold for radionuclide 2
 AR_n = activity threshold for radionuclide n

$$\sum_{i=1}^n \frac{R_i}{AR_i} \geq 1.0$$

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

Statement of Need and Reasonableness:

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

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

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

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

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

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

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

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Date: October 12, 2023

To: South Carolina Board of Health and Environmental Control

From: Division of Public Health

Re: **Continuation of Public Hearing and Request for Placement of Xylazine in Schedule III Pursuant to S.C. Code Section 44-53-160(B).**

SUMMARY

A Public Hearing for the Request for Placement of Xylazine in Schedule III was conducted before the Board on September 7, 2023. After hearing comments from the public, the Board decided to continue the Public Hearing to the October 12, 2023, Board meeting, to allow more time for the public to comment on the proposed drug scheduling action.

The Department recommends the Board place xylazine in schedule III of the South Carolina Controlled Substances Act for the reasons set forth in Attachment A, September 7, 2023, Board Summary Sheet for Request for Placement of Xylazine in Schedule III.

Attachments:

A. September 7, 2023, Board Summary Sheet for Request for Placement of Xylazine in Schedule III.

**BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
SUMMARY SHEET**

(X) ACTION
() INFORMATION

- I. TITLE:** Placement of Xylazine in Schedule III for Controlled Substances
- II. SUBJECT:** Request for Placement of Xylazine in Schedule III Pursuant to S.C. Code Section 44-53-160(B).

III. INTRODUCTION

Controlled substances are governed by the South Carolina Controlled Substances Act, Title 44, Chapter 53 of the South Carolina Code of Laws. Schedule III substances are listed in S.C. Code Section 44-53-230. South Carolina Code Section 44-53-160 provides for the manner in which changes in schedule of controlled substances are made in South Carolina. Pursuant to S.C. Code Section 44-53-160(B), the South Carolina Board of Health and Environmental Control (Board) is authorized to add, delete, or reschedule a substance as a controlled substance during the time the General Assembly is not in session after providing notice and a hearing to interested parties. The addition, deletion, or rescheduling of a substance pursuant to this subsection has the full force of law unless overturned by the General Assembly.

The South Carolina Department of Health and Environmental Control (DHEC) published the attached Notice of General Public Interest in the July 28, 2023, *State Register*, to notify the public of DHEC's proposed scheduling of xylazine, to announce the public hearing as an opportunity to be heard before the Board on the proposed scheduling action, and to provide contact information to the public for questions or comments about the scheduling proposal. DHEC has not received any questions or comments through the contact information listed on the Notice.

DHEC is requesting the Board's approval of xylazine to be added to Schedule III of the South Carolina Controlled Substances Act.

IV. ANALYSIS

South Carolina Code Section 44-53-160(B) authorizes the Board to add a substance as a controlled substance during the time the General Assembly is not in session and S.C. Code Section 44-53-220 provides the tests for inclusion of substances in Schedule III.

South Carolina Code Section 44-53-220 states:

- The Department shall place a substance in Schedule III if it finds that:
- (a) It has a potential for abuse less than the substances listed in Schedules I and II;
 - (b) It has a currently accepted medical use in treatment in the United States; and
 - (c) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

Below is the Department's analysis of the test for inclusion of xylazine in Schedule III for controlled substances in South Carolina.

A. Xylazine has a potential for abuse less than the substances listed in Schedules I and II.

1. The history and current pattern of abuse.

Xylazine [2(2,6-dimethyl phenylamine)-4-H-5,6-dihydro-1, 3-thiazine hydrochloride (trade and other names: Rompun, Sedazine, AnaSed)] was developed by Bayer Pharmaceuticals in 1962 and later approved by the U.S. Food and Drug Administration (FDA) in 1972 for use in veterinary medicine as a sedative and analgesic.⁴

Nationally and in South Carolina, trends in overdose patients' toxicology lab results indicate increasing xylazine use by humans, despite there being no legitimate use for the drug by humans and it only being approved by the FDA for use in veterinary medicine.¹ Some users intentionally consume xylazine in combination with drugs of abuse, such as illicit fentanyl and heroin, to strengthen those drugs' effects, while other users unintentionally consume xylazine, unaware that it is sometimes added to illicit opioids or stimulants as an adulterant.² Those who purposefully use fentanyl adulterated with xylazine do so to prolong their high, as the combination is longer-acting than fentanyl alone.¹ Conversely, there are some users who try to avoid opioids adulterated with xylazine, stating it reduces the euphoria experienced with heroin and/or fentanyl mixtures.² Some illicit users of the drug refer to it as "tranq" or "tranq dope."

The drug's presence has been reported in forensic toxicology casework since the 1980s.⁶ Its use has been reported among drug users in Puerto Rico since the early 2000s with reports of increased use in Philadelphia beginning in 2006 and in New York City beginning in 2007 and 2008.^{5,7} The U.S. Drug Enforcement Administration (DEA) reports an increased prevalence of xylazine beyond the Northeast markets since then, increasing next in the South, followed by the Midwest and then the West. DEA laboratories now show xylazine use in all four census regions with the South showing the largest percent increase in forensic lab samples between 2020 and 2021, as shown in Figure 1 below.¹

(U) Figure 1. DEA Forensic Laboratory Identifications of Xylazine by Region

| Region | 2020 | 2021 | Percent Increase |
|-----------|------|------|------------------|
| Northeast | 346 | 556 | 61% |
| South | 198 | 580 | 193% |
| Midwest | 110 | 118 | 7% |
| West | 77 | 163 | 112% |

Source: DEA

2. The scope, duration, and significance of abuse.

Reporting from DEA's 23 domestic field divisions shows that all four U.S. census regions have seen an increase in xylazine positive fatal overdoses in recent years, with the South exhibiting a 1,127% increase between 2020 and 2021 (see Figure 2 below).¹

(U) Figure 2. Number of Xylazine-Positive Overdose Deaths by Region

| Region | 2020 | 2021 | Percent Increase |
|-----------|------|-------|------------------|
| Northeast | 631 | 1,281 | 103% |
| South | 116 | 1,423 | 1,127% |
| Midwest | 57 | 351 | 516% |
| West | 4 | 34 | 750% |

Source: DEA

The DHEC Division of Biostatistics also reports a 379% increase in Xylazine involved deaths in the same time frame in South Carolina.⁸ This trend has continued, as seen in Figure 3, with almost twice as many deaths in 2022 (provisional data) compared to 2021.

Figure 3. South Carolina overdose deaths involving xylazine from 2019 through June 23, 2023.

| Year | Deaths involving both Opioid & Xylazine | All Deaths involving Xylazine | Cumulative Frequency |
|-------|---|-------------------------------|----------------------|
| 2019 | 11 | 11 | 11 |
| 2020 | 19 | 19 | 30 |
| 2021 | 88 | 91 | 121 |
| 2022* | 175 | 178 | 299 |
| 2023* | 28 | 36 | 335 |

*2022 and 2023 numbers are provisional and subject to change.

Increases in the availability of xylazine in the drug supply, profit by drug traffickers, and its use make xylazine’s potential for abuse substantial. Xylazine can be purchased from Chinese suppliers with prices ranging from \$6-\$20 U.S. dollars per kilogram.¹ At these low prices, using xylazine as an adulterant may increase profit for illicit drug traffickers as the psychoactive effects allows them to reduce the amount of fentanyl or heroin in a mixture.¹ Diversion from veterinary sources has also been reported. Xylazine is legitimately sold to veterinarians through pharmaceutical distributors and internet sites and is available in liquid form in vials or preloaded syringes by general size and weight of the animal. The drug is also readily available on the internet for purchase with no association to the veterinary profession, or any subsequent requirements for purchase, in liquid and powder form.¹

Xylazine’s potential for abuse is less than the substances listed in Schedules I and II.

B. Xylazine has a currently accepted medical use in treatment in the United States.

1. The state of current scientific knowledge regarding the substance.

Bayer Pharmaceuticals developed Xylazine in 1962, which was later approved by the FDA for use as a sedative, analgesic and muscle relaxant for large animals.⁴ The pharmacology of xylazine is well established in animal species; however, studies of it in humans are scarce. Despite the lack of benefits of the drug in humans, data shows xylazine has been linked to an increasing number of human overdose deaths.⁵

2. Whether the substance is an immediate precursor of a substance already controlled pursuant to this chapter.

Xylazine is not an immediate precursor of an already-controlled substance.

C. Abuse of Xylazine may lead to moderate or low physical dependence or high psychological dependence.

1. The scientific evidence of the substance's pharmacological effect, if known.

Xylazine [2(2,6-dimethyl phenylamine)-4-H-5,6-dihydro-1, 3-thiazine hydrochloride (trade and other names: Rompun, Sedazine, AnaSed)], which is not an opioid, acts as an alpha-2 adrenergic receptor agonist in the brainstem, rapidly decreasing the release of norepinephrine and dopamine in the central nervous system, resulting in effects such as analgesia, sedation, and muscle relaxation.³ During clinical trials for its use as a sedative or anesthetic in humans after the drug's development in the 1960s, the drug was found to cause significant hypotension (low blood pressure) and central nervous system depressant effects, and the trials were stopped early due to this.³ Reports of the drug's effects in humans are primarily from drug users because of the limited clinical trials in humans.

Side effects associated with xylazine include dry mouth, drowsiness, hypotension, bradycardia (slow heart beat), hyperglycemia (high blood sugar), hypothermia (low body temperature), coma, respiratory depression, heart rhythm abnormalities, and potentially death.^{1,4} Individuals who repeatedly inject xylazine or drug mixtures with xylazine can develop soft tissue damage that can lead to acute and/or chronic wounds, necrotic tissue, and may result in significant debridement and even amputation. These wounds can occur anywhere on the body, not necessarily at the site of injection.^{3,4}

Physical dependence can develop in individuals who were repeatedly exposed to xylazine and severe withdrawal symptoms can occur. In Puerto Rico, where xylazine use began in the early 2000s, reports of dependence on xylazine alone have been observed.¹⁰ The DEA reports that users may develop a physical dependence to the drug, and there is no medication approved to treat withdrawal from it.^{1,4} Standard medication treatment used for opioid use disorder does not treat xylazine withdrawal, nor is there an approved medication for managing symptoms from xylazine withdrawal.⁴

Because xylazine is not an opioid, its effects are not reversed by the opioid antagonist, naloxone. The reversal agents used in veterinary medicine are not known to be safe and/or effective in humans, and the FDA recommends against their use in people.⁴

Xylazine is not detected by standard toxicology screens but requires additional analytical techniques for detection in blood or urine. Overdoses involving xylazine are likely underdiagnosed due to the additional testing required as well as the drug's fast elimination from the body.⁴

D. The risk to public health.

Xylazine is not approved for human use by the FDA due to the adverse effects, including the potential for overdose which can be fatal. When taken in combination with opioids, xylazine can prolong their effects, but it does not respond to naloxone or other opioid antagonists or reversal agents because it is not an opioid. Therefore, naloxone will be less effective in reversing the adverse effects of an overdose of fentanyl adulterated by xylazine, as it does not address the negative impact of xylazine on breathing. There is currently no antidote or reversal agent to xylazine that is approved by the FDA for use in humans.⁴ In an overdose of xylazine, supportive medical care, including potential ventilator use or medications to support blood pressure, is required until the effects of the xylazine resolve as the drug is metabolized by the body.

Therefore, treatment of an overdose involving xylazine requires much more medical knowledge and skill than treatment of an overdose of an opioid alone, which can be quickly performed using naloxone by lay members of the public with little training. As more overdoses occur from fentanyl adulterated with xylazine, it is likely that a higher proportion of the overdoses will be fatal compared to overdoses of fentanyl alone.

Continued increases in repeated use of xylazine by drug users will lead to not only an increase in fatal and nonfatal overdoses but will also result in an increase in severe wounds, requiring significant medical care, which will be a functional and financial burden on the healthcare system. Additionally, the lack of approved pharmaceutical treatment for withdrawal from xylazine makes treatment of those who repeated use it significantly more challenging.

The DEA published a DEA Joint Intelligence Report in October 2022 warning about the increasing threats from xylazine, and DHEC put out a Health Advisory the same month, notifying providers about the dangers in and increased use of xylazine.^{1,8} The FDA then notified healthcare providers of the risks of xylazine in November 2022, and The White House's Office of National Drug Control Policy (ONDCP) designated fentanyl adulterated with xylazine an emerging threat to the country in April 2023.^{4,9}

V. RECOMMENDATION

Pursuant to S.C. Code Section 44-53-160(B), the Department recommends the Board find that xylazine:

- (a) Has a potential for abuse less than the substances listed in Schedules I and II;
- (b) Has a currently accepted medical use in treatment in the United States; and
- (c) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

Having reached the above findings, the Department recommends the placement of xylazine in schedule III for controlled substances in South Carolina and the amendment of Section 44-53-230 of the South Carolina Code of Laws to include:

- (c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

() Xylazine.

The Department recommends the Board place xylazine in schedule III of the South Carolina Controlled Substances Act.



L. Brannon Traxler, MD, MPH
Director of Public Health

Attachments:

- A. References
- B. Notice of General Public Interest

ATTACHMENT A

REFERENCES

1. The Growing Threat of Xylazine and Its Mixture with Illicit Drugs: DEA Joint Intelligence Report. United States Drug Enforcement Administration. <https://www.dea.gov/documents/2022/2022-12/2022-12-21/growing-threat-xylazine-and-its-mixture-illicit-drugs>. Published October 2022. Accessed March 7, 2023.
2. Sacco LN and Sheikh HZ. Xylazine: Considerations for Federal Control. Congressional Research Service. <https://crsreports.congress.gov/product/pdf/IN/IN12086>. Published February 2, 2023. Accessed March 7, 2023.
3. Xylazine. United States Drug Enforcement Administration. https://www.deadiversion.usdoj.gov/drug_chem_info/Xylazine.pdf. Published May 2023. Accessed June 25, 2023.
4. FDA warns about the risk of xylazine exposure in humans. Food and Drug Administration. <https://www.fda.gov/media/162981/download>. Published November 8, 2022. Accessed June 15, 2023.
5. Friedman J, Montero F, Bourgois P, et al. Xylazine spreads across the US: A growing component of the increasingly synthetic and polysubstance overdose crisis. *Drug and alcohol dependence*. 2022;233:109380-109380. doi: 10.1016/j.drugalcdep.2022.109380.
6. Kacinko SL, Mohr ALA, Logan BK, Barbieri EJ. Xylazine: pharmacology review and prevalence and drug combinations in forensic toxicology casework. *J Anal Toxicol*. 2022;46(8):911-917. doi:10.1093/jat/bkac049.
7. Thangda S, Clinton HA, Ali S, et al. Notes from the Field: Xylazine, a veterinary tranquilizer, identified as an emerging novel substance in drug overdose deaths-Connecticut, 2019-2020. *MMWR Morb Mortal Wkly Rep* 2021;70;1303-1304. doi: 10.15585/mmwr.mm7037a5.
8. Increase in Overdose Deaths and Health Hazards Associated with Xylazine in South Carolina. S.C. Department of Health and Environmental Control. https://scdhec.gov/sites/default/files/media/document/10537-DHA-10-24-2022-XYLA_0.pdf. Published October 24, 2022. Accessed March 7, 2023.
9. Biden-Harris Administration Designates Fentanyl Combined with Xylazine as an Emerging Threat to the United States. The White House. <https://www.whitehouse.gov/ondcp/briefing-room/2023/04/12/biden-harris-administration-designates-fentanyl-combined-with-xylazine-as-an-emerging-threat-to-the-united-states/>. Published April 12, 2023. Accessed June 26, 2023.
10. Torruella RA. Xylazine (veterinary sedative) use in Puerto Rico. *Subst Abuse Treat Prev Policy*. 2011;6:7. doi:10.1186/1747-597X-6-7.

ATTACHMENT B

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

**PROPOSED PLACEMENT OF XYLAZINE INTO THE CONTROLLED SUBSTANCE SCHEDULES
AND PUBLIC HEARING**

In accordance with Section 44-53-160(B), Code of Laws of South Carolina, the public is hereby notified that the South Carolina Department of Health and Environmental Control proposes to add Xylazine [N-(2,6-dimethylphenyl)-5,6-dihydro-4H-1,3-thiazin-2-amine hydrochloride (trade and other names: Rompun, Sedazine, AnaSed)] to the schedules of controlled substances.

A public hearing for the proposed addition of Xylazine into the schedules of controlled substances will take place Thursday, September 7, 2023, during the Board of Health and Environmental Control's monthly meeting. The public hearing and meeting will be held at 10:00 AM on the 3rd Floor, Room 3420, of the S.C. DHEC Central Office located at 2600 Bull St., Columbia, S.C. 29201, at which time interested persons will be given the opportunity to appear and present views to the Board on the scheduling of Xylazine as a controlled substance.

If you have questions or comments, please email publichealthpolicy@dhec.sc.gov.

Date: October 12, 2023

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

From: Office of Ocean and Coastal Resource Management

Re: Public Hearing for Notice of Final Regulation Amending R.30-1, *Statement of Policy*; R.30-2, *Applying for a Permit*; R.30-11, *General Guidelines for All Critical Areas*; and R.30-13, *Specific Project Standards for Beaches and the Beach/Dune System*, Document No. 5200

I. Introduction

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

II. Facts

1. The Department proposes amending R.30-1, R.30-2, R.30-11.D., and R.30-13, to provide a definition for beach preservation and clarify beach preservation standards and requirements for activities in any critical area along or adjacent to the beach. These amendments also provide for a process to permit pilot projects within the beachfront critical areas.
2. In 2018, Act 173 amended the Beachfront Management Act to replace the state's 40-year policy of retreat with a policy of beach preservation. However, Coastal Division regulations currently lack specific guidance to effectively implement the new policy.
3. In 2022, the Department convened the Beach Preservation Stakeholder Workgroup ("Workgroup") to provide input and diverse perspectives on beach preservation in South Carolina. The Workgroup, composed of seventeen members representing a variety of backgrounds and constituencies, met in person seven (7) times between June and December 2022. Workgroup recommendations and notable findings are documented in a final report, published in January 2023 (available upon request). These recommendations and key findings were the primary basis for developing these proposed amendments. Specific meeting dates, agendas, the final report, and other information documenting the efforts of the Workgroup are publicly available on the Department website.
4. The Department had a Notice of Drafting published in the February 24, 2023, *State Register*.
5. Appropriate Department staff conducted an internal review of the proposed amendments on June 26, 2023.
6. Upon receiving approval during the July 13, 2023 Board meeting, the Bureau had a Notice of Proposed Regulation published in the July 28, 2023, *State Register*. The Department received public comments from six (6) people by the August 28, 2023, close of the public comment period. Attachment B presents a summary of these public comments received and Department responses.

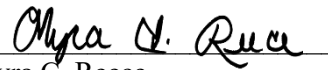
7. After consideration of all timely received comments, staff has made substantive changes to the regulatory text of the Notice of Proposed Regulation approved by the Board in the July 13, 2023, Board meeting and published in the July 28, 2023, *State Register*. Descriptions of the changes appear in Attachment B, Summary of Public Comments and Department Responses.

III. Request for Approval

The Office of Ocean and Coastal Resource Management respectfully requests the Board to find need and reasonableness of the attached proposed amendments of R.30-1, *Statement of Policy*; R.30-2, *Applying for a Permit*; R.30-11, *General Guidelines for All Critical Areas*; and R.30-13, *Specific Project Standards for Beaches and the Beach/Dune System*, for submission to the General Assembly.



Elizabeth B. von Kolnitz
Bureau Chief, Ocean and Coastal Resource Management



Myra C. Reece
Director of Environmental Affairs

Attachments:

- A. Notice of Final Regulation
- B. Summary of Public Comments and Department Responses

ATTACHMENT A

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

October 12, 2023

Document No. 5200

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

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

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

Synopsis:

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

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

Section-by-Section Discussion of Amendments:

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

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

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

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

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

| | | |
|-----------------------------|--------------------------------------|---|
| R.30-13.K(5)(a) | Revision | Amend to add clarifying article. |
| R.30-13.L | Revision, Technical Correction | Amend language to clarify that the Department applies requirements for sand fences, minor beach renourishment, and dune revegetation consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. Amend to add clarifying article and to correct punctuation. |
| R.30-13.L(1)(h) | Revision | Amend language to clarify that the Department evaluates impacts from sand fencing consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. |
| R.30-13.L(2) | Revision | Amend to correct spelling. |
| R.30-13.L(2)(a) | Revision | Amend language to generally refer to the Department's recommendations for planting dune vegetation. |
| R.30-13.M | Revision | Amend language to clarify that sand that has drifted out of the beaches and/or beach/dune system critical areas may be returned to them, to clarify that the Department applies requirements for returning sand consistently within the beaches and beach/dune system critical areas, and to conform with the title of R.30-13. |
| R.30-13.M(1) | Revision | Amend to add clarifying article. |
| R.30-13.N(2)(c)-(d) | Technical Correction, Revision | Amend to add clarifying article and correct punctuation. |
| R.30-13.N(3) | Technical Correction | Amend to correct punctuation. |
| R.30-13.N(3)(a) | Revision | Amend language to clarify that the Department applies restrictions for erosion control structures consistently within the beaches and beach/dune system critical areas and to conform with the title of R.30-13. |
| R.30-13.N(3)(c)-(d) | Technical Correction | Amend to correct punctuation and for Code reference clarity. |
| R.30-13.N(3)(e)(i)-(iii) | Technical Correction | Amend for stylistic clarity. |
| R.30-13.O(1), (1)(a)-(c) | Revision, Technical Correction | Amend for code reference clarity. Amend criteria to allow wood-like material to be used for walkways over dunes and to conform to statute. Amend for stylistic clarity. |
| R.30-13.O(1)(f)-(h) | Technical Correction, Revision | Amend for stylistic clarity, to correct punctuation, to add clarifying article, and to correct wording. |
| R.30-13.O(2)(a) | Technical Correction | Amend to correct spelling. |
| R.30-13.P | Technical Correction, Revision | Amend to correct punctuation, for Code reference clarity, and to correct wording. |
| R.30-13.Q(1) | Technical Correction | Amend to correct punctuation and for Code reference clarity. |
| R.30-13.Q(2)(c) | Revision | Amend language to clarify that the Department applies requirements for lighting associated with golf courses consistently within the beaches and beach/dune system |

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

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

CHAPTER 30

Department of Health and Environmental Control – Coastal Division

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

R.30-1, Statement of Policy.

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

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

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

(6) The 1977 Coastal Zone Management Act, as amended, rejects construction of new erosion control devices and adopts ~~retreat and renourishment as the basic~~ a state policy towards preserving and of beach preservation, including restoring restoration of the beaches of our state. The Department, as steward of the

State's coastal resources, has the responsibility ~~under the new statute~~ to implement the ~~forty year retreat~~ policy of beach preservation by designating a baseline and setback line on all oceanfront properties of the State, developing a long-range comprehensive state plan for management of the beach/ and dune resources, and supporting the efforts of local governments in developing local long-range beach management plans. In addition, the Department shall require property owners to move new construction and reconstruction as far landward as possible, to limit the size of structures within the constraints of the Coastal Zone Management Act, and to seek innovative ways to ameliorate the effects of beach erosion.

Amend R.30-1.D to read:

D. Definitions:

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

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

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

(4) Baselines:

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

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

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

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

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

~~(67)~~ Best Management Practices - measures to reduce adverse environmental impacts.

~~(78)~~ Boat - A vessel or watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, paddle, or other means, which is used to travel from place to place by water.

~~(89)~~ Boat Storage Structure - any structure associated with a dock that is used for the purpose of storing a boat out of the water and may include, but is not limited to, boatlifts, davits, and any other type of floating vessel platform. A boat storage structure is not a fixed pierhead, walkway, ramp, or gangway.

~~(910)~~ Boat Yard - a facility where boats are repaired.

~~(101)~~ Bridge:

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

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

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

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

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

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

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

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

(17) Destroyed Beyond Repair:

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

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

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

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

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

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

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

(18) Division - the Administrative Law Judge Division.

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

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

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

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

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

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

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

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

(22) Erosion Control Structures and Beach Renourishment:

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

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

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

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

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

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

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

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

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

Garden City:

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

Pawleys Island:

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

Isle of Palms:

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

Sullivans Island:

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

Folly Beach:

8. Forty-seven (47) groins.

Edisto Island:

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

Hunting Island:

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

Fripp Island:

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

Hilton Head Island:

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

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

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

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

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

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

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

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

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

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

(a) locked harbor facility;

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

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

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

(e) a dry stack facility.

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

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

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

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

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

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

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

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

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

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

(44) Primary Oceanfront Sand Dunes - those dunes that constitute the front row of dunes adjacent to the Atlantic Ocean. For the purposes of establishing the jurisdictional baseline, the dune must have a minimum height of thirty-six (36) inches, as measured vertically from the seaward toe to the crest of the dune. The dune must also form a nearly continuous dune ridge for five hundred (500) shore parallel feet and may exhibit minimal breaks such as those resulting from pedestrian or emergency vehicle access points. This dune typically exhibits the presence of stable, native vegetation, and is not scarped, eroded, or overtopped by the highest predicted astronomical tides. However, this dune may be inundated by storm surge which normally accompanies major coastal storm events.

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

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

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

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

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

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

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

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

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

(54) Waterfront property - For purposes of these regulations, waterfront property will generally be defined as upland sites where a straight-line extension of both, generally shore perpendicular, upland property lines reaches a navigable watercourse within one thousand (1000²) feet of the marsh critical line. Waterfront property may also be identified via an approved dock master plan where designated corridors differing from upland property line extensions are delineated.

R.30-2, Applying for a Permit.

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

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

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

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

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

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

Amend R.30-11.D to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Emergency vehicle access ways shall:

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

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

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

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

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

(f) Provide for pedestrian access use.

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

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

(b) Roofs will be allowed;

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

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

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

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

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

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

- (1) On front row lots, new driveways and/or parking lots shall not extend seaward of habitable structures;
- (2) Existing drives and/or parking lots may only be expanded on the landward side;
- (3) No sand from the beach may be used during construction and/or repair;
- (4) No alteration of the primary oceanfront sand dune or its dune vegetation is allowed;
- (5) At the Department's discretion, a Stormwater Management Plan may be required;
- (6) The work shall comply with applicable local ordinances;
- (7) Best Management Practices (BMP's) such as hay bales, silt fences, mulches, or other appropriate measures shall be used as necessary during the construction phase to prevent sedimentation reaching adjacent waters and wetlands. Upon project completion the disturbed areas shall be stabilized as soon as possible with grass or other appropriate vegetative cover; and
- (8) No new driveway or parking lot ~~may~~ shall be constructed seaward of the baseline unless a special permit as provided in S.C. Code Section 48-39-290(D) is obtained. In no circumstance shall a new driveway or parking lot be constructed on active beach.

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

- (1) All service lines, with the exception of subsea cables pursuant to R.30-15.F, shall be located as far landward as possible on each individual lot, and shall not be placed within active beach;
- (2) Lines, junction boxes, poles, and accessory features will be relocated landward as far as possible in the event there is a need for replacement;
- (3) Dunes allowed to be altered during construction shall be reconfigured and revegetated to preconstruction conditions;
- (4) All work shall be in compliance with applicable local ordinances; and
- (5) A comprehensive plan for new or replacement utilities shall be approved in writing by the Department.

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

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

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

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

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

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

(a) Existing structures are eliminated; and

(b) No feasible alternative exists.

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

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

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

(1) Sand fencing requirements:

(a) The fence material shall be biodegradable.

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

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

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

(e) The fencing shall not impede public access.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

N. Erosion Control.

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

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

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

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

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

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

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

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

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

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

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

(3) Erosion Control Structures or Devices;

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

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

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

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

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

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

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

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

O. Sand Dune Management.

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

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

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

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

(d) Displace no sand in a critical area;

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

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

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

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

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

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

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

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

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

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

Q. Golf Courses.

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

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

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

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

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

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

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

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

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

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

R. Fishing Piers:

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

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

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

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

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

S. Pilot Projects.

(1) Any person wishing to utilize or alter the beaches or beach/dune system critical areas as part of a pilot project qualifying under S.C. Code Section 48-39-320(C) must receive a pilot project permit from the Department. The Department may consider pilot projects that are intended to study the efficacy of any new technology, methodology or structure that has not previously been tested in South Carolina, is not

regulated elsewhere under South Carolina statute or regulation, and is reasonably anticipated to be successful in addressing an erosional issue in the beaches or beach/dune system critical areas. According to S.C. Code Section 48-39-250, the use of armoring in the form of hard erosion control devices to protect erosion-threatened structures adjacent to the beach has not proven effective and contributes to the deterioration and loss of the dry sand beach. The installation of new erosion control structures or devices as part of a pilot project will not be permitted.

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

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

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

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

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

(iv) Established control site(s);

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

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

(vii) Anticipated outcomes;

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) deployed materials have resulted in marine debris;

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

(iv) the pilot project timeline has concluded;

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

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

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

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

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

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

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

(iii) impacts to adjacent and downdrift properties;

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

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

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

Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

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

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

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

Pilot projects may have unknown risks, which could impact species and habitat, the economic benefits associated with the beaches and beach/dune system critical areas, and public use of these resources. Proposed amendments, developed in coordination with the Workgroup, specify requirements and standards for pilot projects proposed within the beaches or beach/dune system critical areas. These requirements and standards will provide clarity for those wanting to utilize or alter the beaches or

beach/dune system critical areas as part of a pilot project, improve the Department's ability to properly evaluate pilot projects, and ensure their use does not conflict with the state's policy of beach preservation.

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

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

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

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

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

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

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

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

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

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

ATTACHMENT B

SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES

Document No. 5200

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

As of the August 28, 2023, close of the Notice of Proposed Regulation comment period:

| Name | Section |
|---|--------------------|
| Amy Armstrong, South Carolina Environmental Law Project | N/A |
| <p>Comment: The Department engaged two bodies – the Beach Preservation Technical Advisory Committee (TAC) which met in 2021, and the Beach Preservation Stakeholder Work Group, which convened from June to December of 2022. The Work Group was charged with developing recommendations to implement the State’s Policy of Beach Preservation which were presented in a Report in December of 2022. I served on both of these bodies and participated in every meeting, providing feedback and input on nearly every aspect of the discussions, as well as the December 2022 Report. I am writing to support and endorse the proposed regulatory amendments. As a member of the Beach Preservation Work Group, and as the Executive Director of the South Carolina Environmental Law Project, I am requesting that the Board of the Department of Health and Environmental Control approve the proposed regulations as written.</p> | |
| <p>Department Response: This comment is in support of the proposed amendments.</p> | |
| Name | Section |
| Amy Armstrong, South Carolina Environmental Law Project | 30-1.D(6) |
| <p>Comment: Developing unanimity on the definition of “Beach Preservation” was one of the more challenging tasks, which was discussed multiple times throughout the Work Group process. While the definition proposed in 30-1.D.(6) is not perfect, I believe it is near-perfect and represents a definition that is supported by realtors, environmental consultants, local government, private practice attorneys, coastal geologists, academia and conservation groups.</p> | |
| <p>Department Response: This comment is in support of the proposed amendments.</p> | |
| Name | Section |
| Amy Armstrong, South Carolina Environmental Law Project | 30-11.D.(2) |
| <p>Comment: Also supported by the entire Work Group is the State’s findings that the use of shore-parallel structures like seawalls, revetments and bulkheads “has not proven effective. These armoring devices have given a false sense of security to beachfront property owners. In reality, these hard structures, in many instances, have increased the vulnerability of beachfront property to damage from wind and waves while contributing to the deterioration and loss of the dry sand beach which is so important to the tourism industry.” S.C. Code Ann. § 48-39- 250(5). Because of this recognition, the Act specifically</p> | |

prohibits the construction of new structures under S.C. Code Ann. § 48-39-290(B)(2)(a). The Work Group unanimously recommended affirming that seawalls, bulkheads and revetments do not support Beach Preservation and proposed regulation R. 30-11.D.(2) reflects this recommendation and the State policy behind it.

Department Response:

This comment is in support of the proposed amendments.

| Name | Section |
|---|-----------------------------------|
| Amy Armstrong, South Carolina Environmental Law Project | 30-11.D.(5), (6); 30-13.B.-N. & Q |

Comment:

One problem identified by the Work Group is that the current regulations fail to provide the proper authority governing all beachfront critical areas by limiting regulation to “seaward of the setback line” in many instances, including for erosion control devices. S.C. Code Ann. 48-39-10(J) defines the Department’s regulatory authority over “critical areas” as “(1) coastal waters; (2) tidelands; (3) beaches; (4) beach/dune system which is the area from the mean high-water mark to the setback line as determined in Section 48-39-280.” Yet numerous provisions in the current regulations limit the Department’s authority to the beach/dune system, despite the General Assembly’s clear authorization to regulate “beaches” critical area, which is defined as “those lands subject to periodic inundation by tidal and wave action so that no nonlittoral vegetation is established.” S.C. Code Ann. 48-39-10(H). The proposed amendments align the regulations with the Act and ensure that the Department has the tools needed to protect not only the “beach/dune system” critical areas, but also “beaches” critical areas, as reflected in R. 30-11.D.(5), (6); 30-13.B.-N. & Q. I am writing in support of these changes to make it clear that the Department has the necessary tools to protect all of our critical areas, as authorized by the Act and reflected in these provisions.

Department Response:

This comment is in support of the proposed amendments.

| Name | Section |
|---|---------|
| Amy Armstrong, South Carolina Environmental Law Project | 30-13.S |

Comment:

I am in support of the proposed new regulatory provisions governing pilot projects, found in R. 30-13.S. The Work Group had robust discussions regarding the use of pilot projects, also including lack of clarity, standards and process for such projects. The provisions of R. 30-13.S. tackle the regulatory hurdles, and set forth a clear process and standards to govern these projects.

Department Response:

This comment is in support of the proposed amendments.

| Name | Section |
|---|---------|
| Tom Austin, Edisto Island Open Land Trust | 30-13.J |

Comment:

We observed that septic systems and other onsite wastewater treatment systems were not mentioned nor addressed anywhere in the regulations nor in the proposed amendments to those regulations. We feel this needs to be addressed for the health and safety of coastal residents of South Carolina and to preserve the ecological integrity of our coastal environments. We propose that consideration of septic systems, and other similar onsite wastewater treatment systems, should be included in this proposed amendment to R.30-13-J. All components of a septic system and other onsite wastewater treatment systems, including drain lines, should be sited landward of the baseline and/or as landward as possible from the beaches and/or beach/dune system critical areas to limit the risk of exposure, flooding, and

pollutant contribution as much as possible from storm flooding and the dynamic forces of coastal erosion.

Department Response:

Not adopted at this time.

The Department’s Office of Ocean and Coastal Resource Management’s regulatory authority exists within the Coastal Division Regulations, S.C. Code Ann. Regs. Chapter 30. South Carolina septic system regulations are included under S.C. Code Ann. Regs. 61-56. These onsite wastewater regulations are administered by the Department’s Bureau of Environmental Health Services.

Addressing septic system regulations extends beyond the scope of these proposed regulations and would require additional stakeholder engagement and coordination with the Department’s Bureau of Environmental Health Services to ensure any new septic system regulations are not in conflict with existing regulations.

| Name | Section |
|--|---------|
| Robert Creel, Geo-Synthetics Systems LLC | N/A |

Comment:

Provide a standard material specification for Sandbags and Artificial Dune systems relative to the use of Geotextile Tubes. Please see the attached specification for reference (Document: GSI-Standard Dewatering Fabric Data Sheet). This will permit homeowners to shop for consistent and proven materials to restore, protect and fortify their homes both temporarily and permanently if accepted by OCRM and DHEC. This will also remove all inferior materials from use that cause excessive negative effects on beaches and ocean habitats.

Department Response:

Not adopted at this time.

The proposed regulations are primarily based on stakeholder workgroup engagement, which did not consider standardized material specifications. Prescribing specific materials within the regulation can have unintended consequences, including limiting the Department’s ability to consider current information and data. This could limit the Department’s ability to restrict use of materials that may later be determined to cause negative long-term effects, or prohibit the use of methods that may be beneficial, viable, and cost-effective.

| Name | Section |
|--|---------|
| Robert Creel, Geo-Synthetics Systems LLC | N/A |

Comment:

Will there be an “Emergency Dune Restoration Plan” based on previous “Pilot Projects” or Studies that could be placed into effect in this document? Typical cross sections of approved emergency structures utilizing bags or tubes, approved material specifications, and installation overview would provide homeowners in emergency situations with the tools to know exactly what they are moving forward with in case of irreparable storm impacts to their property. This could also streamline the permitting process for those in these emergency situations to fortify the beach front and minimize erosion impacts in the short term.

Department Response:

Not adopted at this time.

The Department does not have sufficient data and information from pilot projects at this time to amend the regulation to include an ‘Emergency Dune Restoration Plan’. Coastal Division Regulations currently allow the Department to authorize dune restoration projects and to issue emergency orders.

The proposed regulations state that if a pilot project is deemed successful, the Department may authorize the use of the studied technology, methodology, or structure at additional locations through a critical area permit or emergency order.

| Name | Section |
|---|-------------------|
| Robert Creel, Geo-Synthetics Systems LLC | 30-13.S(1) |
| <p>Comment: Does DHEC and OCRM plan to revise statements about Pilot Projects? Please see comments below: The initial statement is contradicted in the body of the Pilot Project Section: “Pilot projects are intended to study the efficacy of any new technology, methodology or structure that has not previously been tested, is not regulated elsewhere under South Carolina statute or regulation, and is reasonably anticipated to be successful in addressing an erosional issue in the beaches or beach/dune system critical areas.” In the same paragraph it goes on to read that the installation of new erosion control structures or devices as part of the pilot project will not be permitted. Is the purpose of the pilot project to determine effective dune fortification and erosion control products that provide minimal impact to the coastal habitat that they are installed in?</p> <p>In section 2 (viii and ix) it states: (viii) Previous findings of any existing or similar technology that has been implemented in other areas/states; and (ix) Strategy for removal and restoration, if required, after a storm event, at the conclusion of the study, and/or if the Department requires its termination pursuant to R.30-13.S(3)(g). This seems to be contradicting to the above. If Dune Fortification has been studied in other States with great results, would it not be possible to utilize along the SC Coastline due to the above statement “that the installation of new erosion control structures or devices as part of the pilot project will not be permitted”? The Pilot Program should be open to all technologies utilized for Beach Front Erosion, despite where the materials or solutions are being installed.</p> <p>Department Response: Clarification. S.C. Code of Laws Section 48-39-270 identifies that erosion control structures or devices include seawalls, bulkheads, and revetments. S.C. Code of Laws Section 48-39-250(5) states, “The use of armoring in the form of hard erosion control devices such as seawalls, bulkheads, and rip-rap to protect erosion-threatened structures adjacent to the beach has not proven effective. These armoring devices have given a false sense of security to beachfront property owners. In reality, these hard structures, in many instances, have increased the vulnerability of beachfront property to damage from wind and waves while contributing to the deterioration and loss of the dry sand beach which is so important to the tourism industry.” The impacts associated with this type of armoring support the proposed language in R.30-13.S(1) indicating “the installation of new erosion control structures or devices as part of a pilot project will not be permitted.” The proposed language is consistent with S.C. Code of Laws Section 48-39-290(B)(2)(a) which states that no new erosion control structures or devices are allowed seaward of the setback line. The proposed language is also consistent with the Beach Preservation Stakeholder Workgroup’s recommendation to prohibit erosion control structures in the beaches and the beach/dune system critical areas.</p> <p>In response to the comments regarding dune fortification, R.30-13.L currently allows for and provides specific project standards for dune stabilization methods including sand fencing, minor beach renourishment, and dune revegetation. The proposed regulatory language in R.30-13.S(3)(b) is consistent with S.C. Code of Laws Section 48-39-310 prohibiting destruction of beach or dune vegetation and the regulatory language throughout R.30-13 prohibiting alteration or impact of the primary oceanfront sand dune.</p> <p>As for the concern that it would not be possible to study a technology, methodology, or structure that has been successful in other states, the Department has amended language under proposed R.30-13.S clarifying that the Department may consider pilot projects that are intended to study the efficacy of any new technology, methodology, or structure that has not previously been tested in South Carolina.</p> | |

| Name | Section |
|--|----------------------|
| Robert Creel, Geo-Synthetics Systems LLC | 30-13.S(3)(b) |
| <p>Comment: Sub Section b states: (b) No part of the project can be constructed upon the primary oceanfront sand dune and construction activities shall not adversely impact the primary oceanfront sand dune. Are we looking to fortify and have a resilient mentality along the SC Coastline? The way this is written this document is negating the importance of reinforcing the Dune line. A reinforced dune with a finite limit to erosion should be considered to protect the longevity of our coastal visitors, homeowners, State funded renourishment efforts, and native coastal species.</p> <p>Department Response: Not adopted at this time. In response to the comments regarding dune fortification, R.30-13.L currently allows for and provides specific project standards for dune stabilization methods including sand fencing, minor beach renourishment, and dune revegetation. The proposed regulatory language in R.30-13.S(3)(b) is consistent with S.C. Code of Laws Section 48-39-310 prohibiting destruction of beach or dune vegetation and the regulatory language throughout 30-13 prohibiting alteration or impact of the primary oceanfront sand dune. In other words, there are other manners in which to reinforce the dune line without altering the primary oceanfront sand dune and dune vegetation.</p> | |
| Name | Section |
| Robert Creel, Geo-Synthetics Systems LLC | 30-13.S(3)(g) |
| <p>Comment: In subsection g section I and ii: The material should be removed if not intact and functional or resulted in marine debris. This statement goes back to the importance of a standardized material specification for all products being used in this environment. It has been my experience that the bags used in the past have littered the beaches.</p> <p>Department Response: Not adopted at this time. The proposed regulations are primarily based on stakeholder workgroup engagement, which did not consider standardized material specifications. Prescribing specific materials within the regulation can have unintended consequences, including limiting the Department’s ability to consider current information and data. This could limit the Department’s ability to restrict use of materials that may later be determined to cause negative long-term effects, or prohibit the use of methods that may be beneficial, viable, and cost-effective.</p> | |
| Name | Section |
| Robert Creel, Geo-Synthetics Systems LLC | 30-13.S(4)(a) |
| <p>Comment: Section 4 subsection a states: the final report must be submitted within 90 days of project completion. I do not believe 90 days would supply any agency with enough data to make an informed decision on the effectiveness of a new product. Would you be willing to revisit this timeline?</p> <p>Department Response: Not adopted at this time. The proposed amendments do not restrict the project timeline to 90 days. Each study will have a unique and varying timeframe, which will be proposed by the applicant in the pilot project permit application. This proposed timeline should include adequate time to allow for data collection, monitoring, and final analysis. The authorized timeline will be determined by the Department based on the specifics of the proposed project. The final report must be submitted within 90 days of the authorized end date of the study. If the applicant needs additional time to evaluate the study data, there is a provision within the</p> | |

| | |
|---|-------------------|
| proposed amendments to allow for the permittee to apply for a permit extension. | |
| Name | Section |
| Nicole Elko, South Carolina Beach Advocates | N/A |
| Comment: On behalf of the board of directors of the South Carolina Beach Advocates, please accept our comment in support of the proposed regulations on beach preservation. We support language to: <ol style="list-style-type: none"> 1. Define “beach preservation” to recognize various functions of healthy beach systems (such as recreation, storm protection and habitat), 2. Enforce critical area regulations when erosion forces the beach critical area landward of the baseline/setback line, and 3. Develop clear guidelines for pilot projects for new erosion control methods. | |
| Department Response: This comment is in support of the proposed amendments. | |
| Name | Section |
| Nicole Elko, South Carolina Beach Advocates | N/A |
| Comment: We support beach nourishment as a preservation method. We also note that S.C. beachfront communities have embraced the strategic use of groins as an effective method of beach preservation for decades with state funding support and state permits. Groins help retain nourished sand on the beach and encourage dune development by increasing sand availability and reducing wave runup. | |
| Department Response: Groins are identified as an activity allowed seaward of the baseline under S.C. Code Ann. Regs. 30-15.G. The proposed regulations do not include amendments to this regulatory provision. | |
| Name | Section |
| Joseph Little, Little Environments PLLC | 30-13.S(1) |
| Comment: In regards to R.30-13.S(1), Addition, on revision page 28, stating the following: Add subsection to clarify the intended purpose of pilot projects, specify that new erosion control structure or devices will not be permitted as part of a pilot project, and reference supporting statutory language. As a practicing fluids and coastal engineer in the State of SC and an avid environmental steward I express the following: to limit modification of existing structures as part of a pilot project is a contradictory act to the national and international coastal management principle of adaptive management. This clarification will make it more expensive to apply new innovation and new technologies that discernably make our coastlines more resilient and our communities stronger when the existing coastlines have been historically and physically reliant or defined on the structures or devices that previously existed. While ad hoc and misinformed additions are clearly poor choices, informed additions based on fact and scientific experience are good for everyone. It is my opinion this amendment should be abandoned or that it be further amended to include allowing conditional addition to existing structures subject to the provision of professional qualified scientific opinion such as an engineer or professional geologist or coastal scientist. | |

Department Response:

Not adopted at this time.

The proposed regulations allow for the applicant to apply for modifications to the project design, materials, or other aspects of the pilot project, pursuant to R.30-13.S(3)(f). Modifications must be submitted, evaluated, and approved by the Department prior to implementation. The Department may require a formal permit amendment and public notice depending on the scope of the proposed modifications. This amendment is important to ensure that any modification to the pilot project complies with current regulations, statute, and the issued permit. Modifications to the project design, materials, or other aspects of the pilot project may fundamentally change the study and could result in impacts not previously considered under the initial pilot project permit application. The proposed regulatory standard associated with project modifications is critical to ensuring the scientific integrity of the data collected as part of the study and understanding the long-term performance of the pilot project.

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

| Name | Section |
|---|------------|
| Joseph Little, Little Environments PLLC | 30-13.S(4) |

Comment:

In regards to R.30-13.S(4), Addition, on revision page 28, stating the following:

Add subsection to specify information the pilot project permittee must submit to the department in a final report upon completion of the pilot project, and to clarify departmental consideration of the study finding and the final report.

Nothing is ever final from a physical perspective on our coastlines. Final reports should be clarified to allow a report at the finale of the initial installation, however there is much to be learned in continued study of the area and additional observations. For example the 1 and 5 year storm impacting a coastline might provide valuable insights to the performance, but you may learn something even more valuable to inform coastal management from the 1 in 20 year storm. To curtail and limit monitoring and learning by demanding "final" reporting is not healthy for SC coastlines and communities.

Department Response:

Not adopted at this time.

The proposed regulations indicate that pilot project permit applications must identify a timeline associated with the project, including an end date of the study. Each study will have a unique and varying timeframe, which will be proposed by the applicant in the pilot project permit application. This proposed timeline should include adequate time to allow for data collection, monitoring, and final analysis. The authorized timeline will be determined by the Department based on the specifics of the proposed project. A project end date is critical for evaluating a pilot project's performance over time and determining its potential for future application. If the applicant needs additional time to evaluate the study data, there is a provision within the proposed amendments to allow for the permittee to apply for a permit extension.

| Name | Section |
|---|---------|
| Joseph Little, Little Environments PLLC | 30-1 |

Comment:

I recommend amending reconsidering the following in R.30-1 Statement of Policy:

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

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

I recommend amending the above as there exist many more options than 3 basic approaches to beachfront management.

At a minimum “Hard” should be removed from erosion control devices and it should be left at “erosion control devices.” For example when you build a structure from wood. Wood is softer than sand. Sand is often used as an abrasive for wood in the form of sand paper. Hence erosion control devices can have a range of hardness or softness. To progress the regulation in the interest of the state, the regulation ought to reflect real world physical properties that are objective.

Department Response:

Not adopted at this time.

S.C. Code Ann. Regs. 30-1.C, Value of Beaches and Dunes, should be interpreted in its entirety. The section of the Statement of Policy outlined in R.30-1.C(5) was not documented in the regulations to establish three broad approaches to beachfront management, but rather to document a summary of the dialogue of the 1986 Blue Ribbon Committee on Beachfront Management. This portion of the Committee’s dialogue can also be found in the Introduction (page iii) of the 1987 Report of the South Carolina Blue Ribbon Committee on Beachfront Management. The Statement of Policy continues, in R.30-1.C(6), with the Blue Ribbon Committee’s conclusion to reject construction of new erosion control devices referred to in R.30-1.C.(5)(a). This conclusion was reaffirmed by the Beach Preservation Stakeholder Workgroup recommendations, which are the primary basis for the proposed amendments.

| Name | Section |
|-------------------------------|------------|
| Joseph Owens, Burr Forman LLP | 30-13.S(1) |

Comment:

The regulation’s provision that only allows for pilot projects to be conducted on erosion control methods “that have not previously been tested” is ambiguous and could lend itself to greater clarity in intent. For example, numerous methods that have not been tested in South Carolina have been analyzed in other areas. Further, there can be a great deal of scientific variability from one study to the next, even if the subject of those studies is on the same or a similar subject. Examples include the project’s site conditions, the materials used in the erosion control method, researcher experience, and differences in study methodology, to name a few. Given the additional language which provides that “previous findings of any existing or similar technology that has been implemented in other areas/states” must be included in the proposal, is it likely that the Department does not intend for a blanket prohibition on the study of erosion control mechanisms that have been analyzed outside the State. However, the regulation should be clarified to avoid confusion on the issue.

More generally, coastal site conditions can vary significantly throughout the State. Beach preservation and erosion control methods that may be appropriate from some areas may not be for others. The regulations should acknowledge these differences. The Department should encourage innovation in beach preservation methods that are proactive, practical, effective, and appropriate for the site, in addition to other appropriate factors currently included in the regulations.

Department Response:

Clarification and Partial Adoption.

The Department has amended language under proposed R.30-13.S clarifying that the Department may

consider pilot projects that are intended to study the efficacy of any new technology, methodology, or structure that has not previously been tested in South Carolina. This amended language is intended to provide clarity between R.30-13.S(1) and R.30-13.S(2)(a)(viii) and to balance protection for the beachfront critical areas with flexibility to consider proposed projects. To further provide clarity between these two sections of the proposed regulation, the Department has amended language in R.30-13.S(2)(a)(viii) to mirror the language in R.30-13.S.(1).

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

October 12, 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 August 1, 2023, through August 31, 2023.
- III. FACTS:** For the period of August 1, 2023, through August 31, 2023, Healthcare Quality reports 3 Consent Orders totaling \$19,600 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 | | 1 | \$19,000 | \$19,000 |
| Healthcare Systems and Services | In-Home Care Provider | | 1 | \$300 | \$300 |
| | Body Piercing Facility | | 1 | \$300 | \$300 |
| TOTAL | | | 3 | \$19,600 | \$19,600 |

Submitted By:

Gwendolyn C. Thompson

Gwen C. Thompson
Deputy Director

Healthcare Quality

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

October 12, 2023

Bureau of Community Care

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

1. Palmetto Pines Behavioral Health – Summerville (64 beds)

Investigation and Violations: On November 8, 2022, Department staff visited the facility to conduct three complaint investigations. Staff observed and cited the following violations:

- The Facility failed to implement its policy regarding resident care, rights and operation of the facility.
- The Facility failed to have one registered nurse immediately accessible by phone, and available in the Facility within 30 minutes.
- The Facility failed to notify the Department of a serious accident and/or incident within 24 hours.
- The Facility failed to submit a written report of its investigation of a serious accident and/or incident within five calendar days of the accident and/or incident.
- The Facility failed to delineate the responsibilities of the Facility in meeting the needs of residents, including provisions for the sponsor to monitor the care and the effectiveness of the Facility in meeting those needs.
- The Facility failed to ensure that residents were free from harm.
- The Facility failed to ensure residents were able to communicate with parents and friends.
- The Facility failed to ensure medications were available for administration.
- The Facility Failed to ensure that all orders, including verbal orders, were signed and dated by a physician or other authorized healthcare provider.

Staff provided the Facility with a copy of the Report of Visit, which stated that the Plan of Correction was due by November 30, 2022. The Department received an untimely Plan of Correction on December 16, 2022, and December 28, 2022.

Enforcement: The Department notified the Facility via certified mail on February 9, 2023, that an enforcement action was being considered. The Department and the Facility met on February 28, 2023, and agreed to resolve this matter through a Consent Order. The Facility agreed to the assessment of a \$19,000 monetary penalty. The Facility paid the penalty in full on August 22, 2023.

Remedial Action: The Facility agreed to limit its daily census to no more than 40 residents for 120 calendar days following the execution of the consent order. The Facility also agrees to correct the violations that prompted this enforcement action, and to ensure that any other violations are not repeated. Finally, the Facility participated in a compliance assistance meeting on September 11, 2023.

Prior Orders: A Consent Order was executed in June of 2022. The Facility was cited for failing to ensure that residents were free from harm, abuse or neglect. The Facility paid a \$5,000 monetary penalty. Another Consent Order was executed in 2021 after several violations were observed and cited during a complaint investigation. A \$12,100 monetary penalty was assessed. However, the Facility was only required to pay \$7,260 with the remainder held in abeyance.

Bureau of Healthcare Systems and Services

| Facility Type | Total Number of Licensed Facilities |
|-----------------------|-------------------------------------|
| In-Home Care Provider | 945 |

1. Goldstar Care Agency

Investigation and Violations: The Facility failed to submit a timely renewal application and licensing fees by the license expiration date.

Enforcement: The Department and the Facility decided to resolve the matter through a Consent Order. The Facility paid the \$300 monetary penalty.

Remedial Action: none

Prior Orders: None in the past 5 years.

| Facility Type | Total Number of Licensed Facilities |
|--------------------------|-------------------------------------|
| Body Piercing Facilities | 46 |

1. Heat Street - Florence

Investigation and Violations: The Facility failed to submit a timely renewal application and licensing fees by the license expiration date.

Enforcement: The Department and the Facility decided to resolve the matter through a Consent Order. The Facility paid the \$300 monetary penalty.

Remedial Action: none

Prior Orders: None in the past 5 years.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
October 12, 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 August 1, 2023, through August 31, 2023.
3. **FACTS:** For the reporting period of August 1, 2023, through August 31, 2023, the Office of Environmental Affairs issued sixty-seven (67) Consent Orders with total assessed civil penalties in the amount of two hundred forty-five thousand, eight hundred twenty-five dollars (\$245,825.00). Also, six (6) Administrative Orders with total assessed civil penalties in the amount of thirty-one thousand, four hundred dollars (\$31,400.00) were reported during this period.

| Bureau and Program Area | Administrative Orders | Assessed Penalties | Consent Orders | Assessed Penalties |
|--------------------------------------|-----------------------|--------------------|----------------|---------------------|
| Land and Waste Management | | | | |
| UST Program | 1 | \$30,400.00 | 6 | \$19,320.00 |
| Solid Waste | 0 | 0 | 3 | \$11,500.00 |
| Hazardous Waste | 0 | 0 | 1 | \$3,200.00 |
| Mining | 0 | 0 | 1 | \$1,000.00 |
| Radiological Health | 0 | 0 | 1 | \$8,100.00 |
| SUBTOTAL | 1 | \$30,400.00 | 12 | \$43,120.00 |
| Water | | | | |
| Recreational Water | 0 | 0 | 33 | \$31,205.00 |
| Drinking Water | 0 | 0 | 8 | \$10,000.00 |
| Water Pollution | 0 | 0 | 4 | \$14,450.00 |
| SUBTOTAL | 0 | 0 | 44 | \$55,655.00 |
| Air Quality | | | | |
| SUBTOTAL | 0 | 0 | 7 | \$144,550.00 |
| Environmental Health Services | | | | |
| Onsite Wastewater | 5 | \$1,000.00 | 3 | \$2,500.00 |
| SUBTOTAL | 5 | \$1,000.00 | 3 | \$2,500.00 |
| OCRM | | | | |
| SUBTOTAL | 0 | 0 | 0 | 0 |
| TOTAL | 6 | \$31,400.00 | 67 | \$245,825.00 |

Submitted by:



Myra C. Reece
Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
October 12, 2023**

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 21-0650A-UST
 Order Date: June 15, 2023
 Individual/Entity: **Kesav, Inc.**
 Facility: Sam's Grocery & Grill
 Location: 1969 South Highway 501
 Marion, SC 29571
 Mailing Address: 507 South Main Street
 Bishopville, SC 29010

 County: Marion
 Previous Orders: AO 21-0650-UST (\$47,200.00)
 Permit/ID Number: 06208
 Violations Cited: The State Underground Petroleum
 Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-
 2-10 et seq. and § 44-2-60(A)(2018); and South Carolina Underground Storage
 Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.93(a), 280.111(a),
 and 280.113 (2012 & Supp 2022).

Summary: Kesav, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Marion County, South Carolina. On May 16, 2023, the Department confirmed a release at the Facility based on an UST Closure and Assessment Report received on March 28, 2023. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to demonstrate financial responsibility for an UST system; failed to maintain evidence of financial assurance; failed to maintain financial responsibility for an UST system until the UST system has been permanently closed or undergoes a change-in-service or, if corrective action is required, after corrective correction has been completed; and, failed to pay Annual Tank Registration Fees.

Action: The Individual/Entity is required to: submit a completed Certificate of Financial Responsibility form and evidence of financial assurance as directed by the Department and pay annual tank registration fees and associated late fees for fiscal year 2023 in the amount of three hundred sixty-three dollars (\$363.00) by October 5, 2023. The Department has assessed a total penalty in the amount of thirty thousand, four hundred dollars (\$30,400.00). The Individual/Entity shall pay a civil penalty in the amount of thirty thousand, four hundred dollars (**\$30,400.00**) by October 5, 2023.

Update: None

2) Order Type and Number: Consent Order 23-0134-UST
Order Date: August 4, 2023
Individual/Entity: **Hayan, LLC**
Facility: Damini
Location: 437 Travis Avenue
Saluda, SC 29138
Mailing Address: P.O. Box 340
Saluda, SC 29138
County: Saluda
Previous Orders: None
Permit/ID Number: 12449
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: Hayan, LLC (Individual/Entity) owns underground storage tanks (USTs) in Aiken County, South Carolina. On May 17, 2023, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total penalty in the amount of seven thousand, two hundred dollars (\$7,200.00). The Individual/Entity shall pay a total civil penalty in the amount of seven thousand, two hundred dollars (**\$7,200.00**) in accordance with a promissory note.

Update: The first payment of the civil penalty has been received.

3) Order Type and Number: Consent Order 23-0154-UST
Order Date: August 10, 2023
Individual/Entity: **Walmart Stores, Inc.**
Facility: Walmart Neighborhood Market 2870
Location: 3915 N. Kings Highway
Myrtle Beach, SC 29577
Mailing Address: 8725 Rosehill Road, Suite 450
Lenexa, Kansas 66215
County: Horry
Previous Orders: None
Permit/ID Number: 19801
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: Walmart Stores, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Horry County, South Carolina. The Department conducted an inspection

on July 10, 2023, and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment of an underground storage tank system.

Action: The Individual/Entity corrected the 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**).

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

4) Order Type and Number: Consent Order 23-0069-UST
Order Date: August 21, 2023
Individual/Entity: **Taleb Abudayya**
Facility: Food Mart
Location: 601 Highway 34 West
Dillon, SC 29536
Mailing Address: 602 North 1st Avenue
Dillon, SC 29536
County: Dillon
Previous Orders: AO 22-0298-UST (\$6,225.00)
AO 21-0471-UST (\$16,605.00)
Permit/ID Number: 02903
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.93(a) and 280.110(c) (2012 & Supp. 2022).

Summary: Taleb Abudayya (Individual/Entity) owns and operates underground storage tanks (USTs) in Dillon County. Based on a file review, the Department issued a Notice of Alleged Violation on February 6, 2023. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to demonstrate financial responsibility for an UST system and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to submit a completed Certificate of Financial Responsibility form and evidence of financial assurance. The Department has assessed a total civil penalty in the amount of twenty-six thousand, two hundred dollars (\$26,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**), and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: The Individual/Entity has submitted the completed Certificate of Financial Responsibility form, evidence of financial assurance, and has paid the civil penalty. The Order is closed.

5) Order Type and Number: Consent Order 23-0072-UST

Order Date: August 21, 2023
Individual/Entity: **Energy Carriers, LLC**
Facility: Pavan Food Store 102
Location: 1048 South Main Street
Greenwood, SC 29646
Mailing Address: 900 Poinsett Highway
Greenville, SC 29609
County: Greenwood
Previous Orders: None
Permit/ID Number: 04734
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.10(d) and 280.26(f) (2012 & Supp. 2022).

Summary: Energy Carriers, LLC (Individual/Entity) is a carrier/supplier of bulk fuels for delivery to underground storage tanks (USTs) in Greenwood County, South Carolina. The Department conducted an inspection on March 20, 2023, and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: introduced petroleum or petroleum products into an unregistered or unpermitted UST system and made an illegal delivery while USTs were under delivery prohibition.

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 dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**).

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

6) Order Type and Number: Consent Order 23-0162-UST
Order Date: August 21, 2023
Individual/Entity: **Greer Roofing Company**
Facility: Greer Roofing Company
Location: 209 Tandem Drive
Greer, SC 29652
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 10415
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.93 (a), and 280.110(c) (2012 & Supp 2022).

Summary: Greer Roofing Company, Inc. (Individual/Entity) owns an underground storage tank (UST) in Greenville County, South Carolina. On May 8, 2023, the Department conducted a routine file review and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground

Storage Tank Regulation, as follows: failed to demonstrate financial responsibility for an UST system and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to: submit a completed Certificate of Financial Responsibility form and submit evidence of financial assurance by October 4, 2023. The Department has assessed a total penalty in the amount of twenty-six thousand, two hundred dollars (\$26,200.00). The Individual/Entity shall pay a civil penalty in the amount of seven hundred twenty dollars (**\$720.00**) by October 4, 2023, and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: None

7) Order Type and Number: Consent Order 23-0169-UST
Order Date: August 21, 2023
Individual/Entity: **Bapa Saluda, LLC**
Facility: Caper House #3
Location: 320 North Main Street
Saluda, SC 29138
Mailing Address: 602 Meadow Grass Lane
Lexington, SC 29072
County: Saluda
Previous Orders: None
Permit/ID Number: 10299
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: Bapa Saluda, LLC (Individual/Entity) owns underground storage tanks (USTs) in Saluda County, South Carolina. On June 23, 2023, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by October 4, 2023.

Update: None

Solid Waste Enforcement

8) Order Type and Number: Consent Order 23-18-SW
Order Date: August 4, 2023
Individual/Entity: **Thomas Beck**
Facility: TMS # 299-00-00-026

Location: 124 Bethel Church Road
Laurens, SC 29360
Mailing Address: Same
County: Laurens
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation, Part II.B.1. (Rev. 2008 & Supp. 2016).

Summary: Thomas Beck (Individual/Entity), operated an unpermitted structural fill in Laurens County, South Carolina. Based on a complaint, the Department conducted an inspection on April 27, 2022. The Individual/Entity has violated the South Carolina citySolid Waste Policy and Management Act, as follows: operated a structural fill without a department-issued permit.

Action: The Individual/Entity is required to close the unpermitted structural fill by January 31, 2024, by completing the following: apply a two (2) foot thick final earth cover with at least 1 % but not greater than 4% surface slope, graded to promote positive drainage and side slop cover not exceeding 3:1; seed the finished surface of the disposal area with native grasses or other suitable ground cover to provide a minimum of 75% vegetative cover with no substantial bare spots; using a form approved by the Department, record with the appropriate Register of Deeds, a notation in the record of property ownership that will, in perpetuity, notify any potential purchaser of the property that the land or a portion thereof has been structurally filled and list the specific items used for the filling. The Department has assessed a total civil penalty 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: The Individual/Entity has paid the civil penalty.

9) Order Type and Number: Consent Order 23-21-SW
Order Date: August 4, 2023
Individual/Entity: **Active Shotcrete and Plaster, LLP**
Facility: Active Shotcrete and Plaster, LLP
Location: 319 Reindeer Moss Court
Myrtle Beach, SC 29588
Mailing Address: P.O. Box 32022
Myrtle Beach, SC 32022
County: Horry
Previous Orders: None
Permit/ID Number: None
Violations Cited: The South Carolina Solid Waste Policy and Management Act of 1991 (Act), S.C. Code Ann. § 44-96-10 et seq. (Rev. 2018 & Supp. 2021) and associated regulations, South Carolina Pollution Control Act, S.C. Code Ann. § 48-1-10, et seq., and the South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-30 (2021) and associated regulations.

Summary: Active Shotcrete & Plaster (Individual/Entity), specializes in swimming pool construction, concrete paving, and deck remodeling, located in Horry

County, South Carolina. The Department conducted several inspections between March 30, 2022, and June 2, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation, the South Carolina Pollution Control Act, the South Carolina Hazardous Waste Management Act, and the Hazardous Waste Management Regulations as follows: operated a Class Two Landfill without a Department issued permit; allowed the discharge of “industrial waste” and “other waste” to seep into the environment of the state; and, failed to make an accurate determination if solid waste was a hazardous waste.

Action: The Individual/Entity is required to remove all remaining solid waste debris from the Site, dispose of said waste in a permitted solid waste management facility, and submit disposal receipts to the Department as proof of proper disposal by September 22, 2023. The Department has assessed a total civil penalty in the amount of six thousand dollars (\$6,000.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**) by September 22, 2023.

Update: None

10) Order Type and Number: Consent Order 23-19-SW
Order Date: August 31, 2023
Individual/Entity: **Claypond Village Homeowners Association**
Location: Claypond Village Lane
Myrtle Beach, SC 29579
Mailing Address: 1800 North Oak Street
Myrtle Beach, SC 29577
County: Horry
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste Regulation R.61-107.5 C.1., C.3., and E.3. (1993).

Summary: Claypond Village Homeowners Association (Individual/Entity), manages a solid waste storage container (dumpster) located in Horry County, South Carolina. On January 23, 2023, the Department conducted a site visit based on a complaint. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and the Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste Regulation as follows: failed to manage the dumpsters to minimize odors, dust, unsightliness, and aesthetically objectionably conditions and to keep the area around the dumpsters clean.

Action: The Individual/Entity is required to submit the following: contract with waste management company; contract with third party maintenance company(ies); proof of camera installation and/or service agreement with a security company; proof new signs have been posted, copy of the notice to the community from the HOA board regarding proper waste management, and proof a committee has been formed to address an issues with waste management. Also, revise and resubmit the waste management plan to the

Department. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**) by October 16, 2023.

Update: None

Hazardous Waste Enforcement

- 11) Order Type and Number: Consent Order 23-21-HW
Order Date: August 4, 2023
Individual/Entity: **University of South Carolina School of Medicine**
Facility: William Jennings Bryan Dorn VA Medical Center Campus
Location: 6439 Garners Ferry Road
Columbia, SC 29209
Mailing Address: 226 Bull Street
Columbia, SC 29208
County: Richland
Previous Orders: None
Permit/ID Number: SCD 987 597 200
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: University of South Carolina School of Medicine (Individual/Entity), is a school of medical research, education, and patient care located in Richland County, South Carolina. The Department conducted an inspection at the facility on May 9, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to mark or label containers with the words “Hazardous Waste,” and an indication of the hazards of the contents and failed to maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency.

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

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

Mining Enforcement

- 12) Order Type and Number: Consent Order 23-02-MSWM
Order Date: August 9, 2023
Individual/Entity: **The Case Company of SC, LLC**

Facility: Canaan's Landing Mine
Location: 264 Chalk Bed Road
Graniteville, SC 29829
Mailing Address: 180 Russell Street
Beech Island, SC 29842
County: Aiken
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Mining Act (2008 & Supp. 2015), the Mining Regulation, Section 20 (Supp. 2012) (Regulation), 340(B) and 210.

Summary: The Case Company of SC, LLC (Individual/Entity), owns and operates an unpermitted mine in Aiken County, South Carolina. On March 31, 2021, the Department conducted an inspection in response to a complaint. The Individual/Entity has violated the South Carolina Mining Act and the Mining Regulation as follows: failed to obtain a permit from the Department prior to engaging in mining activities.

Action: The Individual/Entity is required to: cease all mining activity at the Facility until a valid Operating Permit has been issued; submission of either the remaining documentation to process the mining operating permit application or submit a reclamation plan and begin reclamation of the site by September 25, 2023. The Department has assessed as a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by September 25, 2023.

Update: None

Radiological Health Enforcement

13) Order Type and Number: Consent Order 23-07-RH
Order Date: August 23, 2023
Individual/Entity: **Epica Medical Innovations, LLC**
Facility: Epica Medical Innovations, LLC
Location: 1875 East Main Street
Duncan, SC 29334
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: ~~02-2102~~ 42-8816
Violations Cited: The Atomic Energy and Radiation Control Act, S.C. Code Ann. Laws, § 13-7-10 et seq. (2017); and the South Carolina X-Rays (Title B) Regulations, 6 S. C. Code Ann. Regs. 61-64 (2021).

Summary: Epical Medical Innovations, LLC (Individual/Entity) is a medical imaging product development company located in Spartanburg County, South Carolina. The Department conducted a site investigation on February 14, 2023, and issued a Notice of Alleged Violation. The Individual/Entity has violated the Atomic Energy and Radiation Control Act and the South Carolina X-Rays (Title B) Regulations, as follows: failed to submit the Facility Registration Approval processing fee and register with the

Department prior to possessing and using x-ray equipment; failed to submit the shielding plan processing fee, to operate with an approved shielding plan, and to perform radiation surveys; and unlawfully exposed humans to radiation (via scanning) for non-healing arts purposes.

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 eight thousand one hundred dollars (\$8,100.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand, one hundred dollars (**\$8,100.00**) by September 25, 2023.

Update: None.

BUREAU OF WATER

Recreational Waters Enforcement

14) Order Type and Number: Consent Order 23-020-RW
Order Date: August 1, 2023
Individual/Entity: **TD North Charleston Hotel, LLC**
Facility: Marriott North Charleston
Location: 4770 Goer Drive
Charleston, SC 29406
Mailing Address: 60 Pointe Circle
Greenville, SC 29615
County: Charleston
Previous Orders: 22-254-RW (\$680.00)
Permit/ID Number: 10-1283B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: TD North Charleston Hotel, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 1, 2023, and June 30, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the letters on the “No Lifeguard On Duty – Swim At Your Own Risk” signs were not the correct size; and the log book was not properly bound and numbered.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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 civil penalty has been paid and the Consent Order is closed.

15) Order Type and Number: Consent Order 23-021-RW
Order Date: August 1, 2023

Individual/Entity: **ASTHA Group, LLC**
Facility: Best Western
Location: 2470 Prospect Drive
North Charleston, SC 29418
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1141B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: ASTHA Group, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on January 18, 2023, June 14, 2023, and July 10, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a ladder was not commercially rated; a skimmer basket was broken; the chlorine and pH levels were not within the acceptable range of water quality standards; a skimmer was missing a weir; and the bound and numbered log book was not maintained on a daily basis.

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

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

16) Order Type and Number: Consent Order 23-022-RW
Order Date: August 7, 2023
Individual/Entity: **VTT Spyglass Seaside, LLC**
Facility: Spyglass Seaside (F.K.A. Broadstone at Folly Beach)
Location: 1674 Folly Road
Charleston, SC 29412
Mailing Address: 525 East Bay St., Suite 202
Charleston, SC 29403
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1252B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: VTT Spyglass Seaside, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 12, 2023, and July 11, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pH level was not within the acceptable range of water quality standards; the letters on the "Shallow Water – No Diving Allowed" signs were not the correct size; the letters on the "No Lifeguard On Duty – Swim At Your Own Risk" signs were not the correct size; the current pool operator of record information was obstructed; and there was no shepherd's crook.

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**).

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

17) Order Type and Number: Consent Order 23-023-RW
Order Date: August 7, 2023
Individual/Entity: **Windy Shores II Homeowners' Association, Inc.**
Facility: Windy Shores II
Location: 3217 South Ocean Boulevard
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-H97-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Windy Shores II 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 30, 2023, and July 11, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the drinking water fountain was not operating properly; a section of the perimeter fence had openings greater than four inches; 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 and life ring rope were deteriorated; the pool rules sign was not completely filled out; the pool rules sign did not have all of the required rules; 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; a skimmer was missing a weir; and skimmer lids were broken.

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**).

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

18) Order Type and Number: Consent Order 23-025-RW
Order Date: August 7, 2023
Individual/Entity: **Wave Rider Resort Homeowners Association, Inc.**
Facility: Wave Rider Resort
Location: 1600 South Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: 1860 Village Drive

| | |
|--------------------------|-------------------------------|
| | Surfside Beach, SC 29575 |
| <u>County:</u> | Horry |
| <u>Previous Orders:</u> | None |
| <u>Permit/ID Number:</u> | 26-243-1 & 26-243-2 |
| <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-51(J) |

Summary: Wave Rider Resort Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and kiddie pool located in Horry County, South Carolina. The Department conducted inspections on April 28, 2023, and June 6, 2023, 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 was cloudy; the chlorine and pH levels were not within the acceptable range of water quality standards; the main drain grates were not visible due to cloudy water; only one “Shallow Water – No Diving Allowed” sign was posted; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted; the bound and numbered log book was not maintained on a daily basis; and the recirculation and filtration system was not operating.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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)**.

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

| | | |
|-----|-------------------------------|---|
| 19) | <u>Order Type and Number:</u> | Consent Order 23-024-RW |
| | <u>Order Date:</u> | August 10, 2023 |
| | <u>Individual/Entity:</u> | Charleston Holdings 464, LP |
| | <u>Facility:</u> | Icon at Park Circle |
| | <u>Location:</u> | 1920 McMillan Ave North Charleston, SC 29405 |
| | <u>Mailing Address:</u> | 411 Blvd of the Americas, STE 501 Lakewood, NJ 08701 |
| | <u>County:</u> | Charleston |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | 10-355-1 |
| | <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-51(J) |

Summary: Charleston Holdings 464, LP (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on May 31, 2023, and July 19, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the pool equipment room was not accessible; the chemical storage room was not accessible; a gate did not self-close and latch; and the life ring did not have a permanently attached rope.

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**).

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

20) Order Type and Number: Consent Order 23-026-RW
Order Date: August 10, 2023
Individual/Entity: **Waterfront Amenity Association, Inc.**
Facility: Waterfront
Location: River Landing Drive
Charleston, SC 29492
Mailing Address: 301 Longshore Street, Suite 413
Daniel Island, SC 29492
County: Berkeley
Previous Orders: None
Permit/ID Number: 10-1404B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Waterfront Amenity Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Berkeley County, South Carolina. The Department conducted inspections on June 5, 2023, and July 12, 2023, 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 loose depth marker tiles on the pool deck; there was debris in the skimmer baskets; the pool equipment room was not locked; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; and the shepherd's crook was missing a bolt.

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**).

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

21) Order Type and Number: Consent Order 23-027-RW
Order Date: August 10, 2023
Individual/Entity: **Charleston Hotel, Inc.**
Facility: Towneplace Suites
Location: 805 Orleans Road
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: 19-111-RW (\$680.00)
21-044-RW (\$1,600.00)
Permit/ID Number: 10-1306B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Charleston Hotel, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 5, 2023, and July 5, 2023, 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 cyanuric acid level was above the water quality standards acceptable limit; both of the “Shallow Water – No Diving Allowed” and the “No Lifeguard On Duty – Swim At Your Own Risk” signs were not visible and in disrepair; and the bound and numbered log book was not available for Department review.

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**).

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

22) Order Type and Number: Consent Order 23-029-RW
Order Date: August 10, 2023
Individual/Entity: **West Ashley Hospitality, LLC**
Facility: Best Western Inn
Location: 1540 Savannah Highway
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-029-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: West Ashley Hospitality, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 1, 2023, and June 30, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; a section of the perimeter fence had openings greater than four inches; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the lifeline with floats was not attached to the pool wall; and the foot rinse shower was not operating properly.

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

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

23) Order Type and Number: Consent Order 23-028-RW
Order Date: August 11, 2023
Individual/Entity: **St. Andrews Fitness Corporation**
Facility: Muv Fitness Sandhills
Location: 226 Forum Drive

| | |
|--------------------------|---|
| <u>Mailing Address:</u> | Columbia, SC 29229 800 Columbiana Drive, Suite 201 Irmo, SC 29063 |
| <u>County:</u> | Richland |
| <u>Previous Orders:</u> | None |
| <u>Permit/ID Number:</u> | 40-1118B |
| <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c) |

Summary: St. Andrews Fitness Corporation (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, 2023, June 12, 2023, and July 20, 2023, and violations were issued for failure to properly operate and maintain; and on June 12, 2023, an additional violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was standing water on the deck; the deck drains were broken; a skimmer was missing a weir; a skimmer basket was floating; the water level was too high; the bathrooms did not have paper towels or hand dryers; the pH level was not within the acceptable range of water quality standards; the emergency notification device was not operational; 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 two thousand three hundred eighty dollars (\$2,380.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand three hundred eighty dollars (**\$2,380.00**).

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

| | |
|-----------------------------------|---|
| 24) <u>Order Type and Number:</u> | Consent Order 23-030-RW |
| <u>Order Date:</u> | August 11, 2023 |
| <u>Individual/Entity:</u> | US Real Estate & Management Corp. |
| <u>Facility:</u> | Stonehenge Apartments |
| <u>Location:</u> | 2210 Jody Road Florence, SC 29501 |
| <u>Mailing Address:</u> | 700 South Parker Drive, Suite 5 Florence, SC 29501 |
| <u>County:</u> | Florence |
| <u>Previous Orders:</u> | None |
| <u>Permit/ID Number:</u> | 21-099-1 |
| <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-51(J) |

Summary: US Real Estate & Management Corp. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Florence County, South Carolina. The Department conducted inspections on June 6, 2023, and July 13, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing a bumper; the waterline tiles were dirty; there were chlorine sticks and algaecide in the skimmer baskets; the drinking water fountain was not operating properly; the chlorine level was not within the acceptable range of water quality standards; the main drain grates were not visible due to cloudy water; there was no

shepherd's crook; there was no emergency notification device on the first inspection; the emergency notification device was not accessible on the second inspection; the "Shallow Water – No Diving Allowed" signs were obstructed; only one "No Lifeguard On Duty – Swim At Your Own Risk" sign was posted; 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; and the disinfection equipment was 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**).

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

| | |
|-----------------------------------|--|
| 25) <u>Order Type and Number:</u> | Consent Order 23-031-RW |
| <u>Order Date:</u> | August 14, 2023 |
| <u>Individual/Entity:</u> | Merchant Owner, LLC |
| <u>Facility:</u> | The Merchant |
| <u>Location:</u> | 47 Brigade Street Charleston, SC 29403 |
| <u>Mailing Address:</u> | 3101 Wilson Blvd, Suite 200 Arlington, VA 22201 |
| <u>County:</u> | Charleston |
| <u>Previous Orders:</u> | None |
| <u>Permit/ID Number:</u> | 10-1384B |
| <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-51(J) |

Summary: Merchant Owner, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 15, 2023, and July 19, 2023, 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; skimmer baskets were floating; the chlorine level was not within the acceptable range of water quality standards; the shepherd's crook was missing a bolt and was not permanently attached to the handle; the pool rules sign did not have all of the required rules; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not maintained on a daily basis.

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

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

| | |
|-----------------------------------|--------------------------------|
| 26) <u>Order Type and Number:</u> | Consent Order 23-032-RW |
| <u>Order Date:</u> | August 14, 2023 |
| <u>Individual/Entity:</u> | Twin Lakes Country Club |

Facility: Twin Lakes Country Club
Location: 141 West Country Club Road
Hamer, SC 29547
Mailing Address: P.O. Box 975
Dillon, SC 29536
County: Dillon
Previous Orders: 21-064-RW (\$680.00)
Permit/ID Number: 17-014-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Twin Lakes Country Club (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Dillon County, South Carolina. The Department conducted inspections on June 15, 2023, and July 11, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the fill spout was in use at the time of the inspection; a section of the perimeter fence was broken; the gate was propped open; the chlorine and pH levels were not within the acceptable range of water quality standards; and the pool rules sign was not legible.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars **(\$1,600.00)**.

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

27) Order Type and Number: Consent Order 23-033-RW
Order Date: August 14, 2023
Individual/Entity: **Hacienda Gardens of Garden City
Homeowner's Association, Inc.**
Facility: Hacienda Gardens Apartments
Location: 420 Pine Avenue
Murrells Inlet, SC 29576
Mailing Address: 450 Oak Avenue
Murrells Inlet, SC 29576
County: Horry
Previous Orders: None
Permit/ID Number: 26-B47-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hacienda Gardens of Garden City Homeowner's Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on May 23, 2023, and July 25, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the fill spout was not stainless steel or equivalent; a gate did not self-close and latch; 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 non-pool related items stored in the equipment room; the pool equipment room was not locked; 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**).

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

28) Order Type and Number: Consent Order 23-034-RW
Order Date: August 14, 2023
Individual/Entity: **Camelot by the Sea Homeowners' Association, Inc.**
Facility: Camelot by the Sea
Location: 2000 North Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: P.O. Box 1708
North Myrtle Beach, SC 29598
County: Horry
Previous Orders: None
Permit/ID Number: 26-R60-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Camelot by the Sea Homeowners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 28, 2023, and July 25, 2023, 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; 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**).

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

29) Order Type and Number: Consent Order 23-035-RW
Order Date: August 16, 2023
Individual/Entity: **Xanadu Association, Inc.**
Facility: Xanadu Villas
Location: 34 South Forest Beach Drive
Hilton Head Island, SC 29928
Mailing Address: 2 Corpus Christi Place, Suite 302
Hilton Head Island, SC 29928
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-076-1
Violations Cited: S.C. Code Ann. Regs. 61-51(K)(1)(c)

Summary: Xanadu Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted an inspection on June 26, 2023, and a violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool was operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of three hundred forty dollars (\$340.00). The Individual/Entity shall pay a civil penalty in the amount of three hundred forty dollars (**\$340.00**).

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

30) Order Type and Number: Consent Order 23-036-RW
Order Date: August 17, 2023
Individual/Entity: **Holmestown Development, Inc.**
Facility: Tiffany Park
Location: 206 Pendleton Place
Myrtle Beach, SC 29579
Mailing Address: 550 George Bishop Parkway
Myrtle Beach, SC 29579
County: Horry
Previous Orders: 21-073-RW (\$1,600.00)
Permit/ID Number: 26-1928B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Holmestown Development, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on July 6, 2023, and August 7, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the pool equipment room was not accessible; the bound and numbered log book was not available for review on the first inspection and was not maintained on a daily basis on the second inspection; a gate did not self-close and latch; and the chlorine level was not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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 civil penalty has been paid and the Consent Order is closed.

31) Order Type and Number: Consent Order 23-037-RW
Order Date: August 17, 2023
Individual/Entity: **Pfalzgraf Investment Properties 01, LLC**
Facility: Aqua Beach Inn
Location: 1301 Withers Drive
Myrtle Beach, SC 29577

Mailing Address: 3431 North Sharon Amity Road
Charlotte, NC 28205
County: Horry
Previous Orders: None
Permit/ID Number: 26-B73-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Pfalzgraf Investment Properties 01, 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 30, 2023, and July 28, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; a gate did not self-close and latch; the bound and numbered log book was not maintained on a daily basis; the drinking water fountain was not operating properly; the foot rinse shower was not operating properly; the pool equipment room was not locked; and the life ring did not have a permanently attached rope.

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**).

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

32) Order Type and Number: Consent Order 23-039-RW
Order Date: August 17, 2023
Individual/Entity: **Spa on Port Royal Sound Horizontal Property Regime, Inc.**
Facility: Spa on Port Royal Sound
Location: 239 Beach City Road
Hilton Head, SC 29928
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-275-1
Violations Cited: S.C. Code Ann. Regs. 61-51(K)(1)(c)

Summary: Spa on Port Royal Sound Horizontal Property Regime, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted an inspection on June 26, 2023, and a violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool was operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of three hundred forty dollars (\$340.00). The Individual/Entity shall pay a civil penalty in the amount of three hundred forty dollars (**\$340.00**).

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

33) Order Type and Number: Consent Order 23-038-RW
Order Date: August 18, 2023
Individual/Entity: **South Aiken Fitness, Inc.**
Facility: Max Fitness Aiken
Location: 101 Corporate Parkway
Aiken, SC 29803
Mailing Address: Same
County: Aiken
Previous Orders: None
Permit/ID Number: 02-1015D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: South Aiken Fitness, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Aiken County, South Carolina. The Department conducted inspections on June 19, 2023, and July 21, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was debris in the skimmer baskets; the chlorine and pH levels were not within the acceptable range of water quality standards; the spa temperature was not monitored; the waterline tiles were dirty; the deck was dirty; 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**).

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

34) Order Type and Number: Consent Order 23-040-RW
Order Date: August 21, 2023
Individual/Entity: **Ocean Forest Plaza Homeowners Association, Inc.**
Facility: Ocean Forest Plaza
Location: 5523 North Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-C18-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Ocean Forest Plaza Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Horry County, South Carolina. The Department conducted inspections on July 5, 2023, and July 28, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards.

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

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

35) Order Type and Number: Consent Order 23-042-RW
Order Date: August 21, 2023
Individual/Entity: **The Colonnade Club Homeowners Association, Inc.**
Facility: Colonnade Club
Location: 153 Colonnade Drive
Hilton Head Island, SC
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-326-1
Violations Cited: S.C. Code Ann. Regs. 61-51(K)(1)(c)

Summary: The Colonnade Club Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted an inspection on August 2, 2023, and a violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool was operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two hundred fifty-five dollars (\$255.00). The Individual/Entity shall pay a civil penalty in the amount of two hundred fifty-five dollars (**\$255.00**).

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

36) Order Type and Number: Consent Order 23-041-RW
Order Date: August 22, 2023
Individual/Entity: **Racquet Club Villas Regime LXV Owners Association, Inc.**
Facility: Racquet Club Villas
Location: Lighthouse & Plantation Road
Hilton Head Island, SC 29928
Mailing Address: 5000 Eldorado Parkway, Suite 150
Frisco, TX 75034
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-105-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Racquet Club Villas Regime LXV Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 23, 2023, and July 25, 2023, and violations were issued for failure to properly operate and maintain; and an inspection was conducted on July 3, 2023, and a violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was debris in the skimmer baskets; the water level was too high; there was no drinking water fountain; the drinking water fountain was not operating properly; a light in the pool wall was out of its niche; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the life ring was deteriorated; the emergency notification device was not operating; the cyanuric acid levels were not properly recorded in the bound and numbered log book; 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 nine hundred thirty-five dollars (\$935.00). The Individual/Entity shall pay a civil penalty in the amount of nine hundred thirty-five dollars (**\$935.00**).

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

| | |
|-----------------------------------|---|
| 37) <u>Order Type and Number:</u> | Consent Order 23-043-RW |
| <u>Order Date:</u> | August 22, 2023 |
| <u>Individual/Entity:</u> | Tall Pines Civic Club |
| <u>Facility:</u> | Tall Pines Civic Club |
| <u>Location:</u> | 187 Tall Pines Road Ladson, SC 29456 |
| <u>Mailing Address:</u> | 181 Tall Pines Road Ladson, SC 29456 |
| <u>County:</u> | Berkeley |
| <u>Previous Orders:</u> | None |
| <u>Permit/ID Number:</u> | 08-019-1 |
| <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-51(J) |

Summary: Tall Pines Civic Club (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 23, 2023, and July 17, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the water level was too high; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the floats on the lifeline were not properly spaced; and frost proof tiles on the pool wall were broken.

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**).

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

38) Order Type and Number: Consent Order 23-044-RW
Order Date: August 22, 2023
Individual/Entity: **Hilton Head Thirty Associates Horizontal Property Regime, Inc.**
Facility: Hilton Head Beach Villas
Location: 37 Forest Beach Drive
Hilton Head Island, SC 29938
Mailing Address: P.O. Box 6476
Hilton Head Island, SC 29938
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-094-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Hilton Head Thirty Associates Horizontal Property Regime, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. On June 12, 2023, and July 25, 2023, the pool was inspected, and violations were issued for failure to properly operate and maintain; and on July 25, 2023, an additional 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; a ladder was not tight and secure; a waterline tile was broken; the drinking water fountain was not operating properly; the pool equipment room was not locked; the bound and numbered log book was not maintained on a daily basis; the emergency notification device was not operational; 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 nine hundred thirty-five dollars (\$935.00). The Individual/Entity shall pay a civil penalty in the amount of nine hundred thirty-five dollars **(\$935.00)**.

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

39) Order Type and Number: Consent Order 23-045-RW
Order Date: August 22, 2023
Individual/Entity: **Homecourt Hospitality North Charleston, LLC**
Facility: Double Tree Hotel
Location: 7401 Northwoods Boulevard
North Charleston, SC 29406
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1213B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Homecourt Hospitality North Charleston, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. On June 16, 2023, and July 12, 2023, the pool was inspected and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated and did not have a permanently attached rope; skimmers were missing weirs; and the bound and numbered log book was not available for review.

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

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

40) Order Type and Number: Consent Order 23-050-RW
Order Date: August 24, 2023
Individual/Entity: **WMJ, LLC**
Facility: Sea Dip Annex
Location: 2606 North Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-Q21-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: WMJ, 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 6, 2023, and July 28, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the deck depth marker tiles were broken; skimmer lids were missing; skimmers were missing weirs; the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

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

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

41) Order Type and Number: Consent Order 23-047-RW
Order Date: August 25, 2023
Individual/Entity: **Marlin Quay Homeowners Association, Inc.**

Facility: Marlin Quay
Location: 1398 South Waccamaw Drive
Garden City, SC 29576
Mailing Address: Same
County: Georgetown
Previous Orders: None
Permit/ID Number: 22-103-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Marlin Quay Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Georgetown County, South Carolina. The Department conducted inspections on June 20, 2023, and August 7, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; there were broken floats on the lifeline; the pool equipment room was not accessible; and the chemical storage room was not accessible.

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**).

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

42) Order Type and Number: Consent Order 23-048-RW
Order Date: August 28, 2023
Individual/Entity: **ACG Lake Wylie, LLC**
Facility: Lake Wylie Mobile Home Park
Location: 103 Shagbark Lane
Lake Wylie, SC 29710
Mailing Address: 1295 Stateline Road
Lake Wylie, SC 29710
County: York
Previous Orders: None
Permit/ID Number: 46-071-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: ACG Lake Wylie, 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 2, 2023, and July 5, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the bathrooms did not have paper towels or hand dryers; the pool equipment room was not accessible on the first inspection and was not locked on the second inspection; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the main drain grates were not visible due to cloudy water; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the life ring and life ring rope were deteriorated; 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; and the cyanuric acid level was not recorded weekly in the bound and numbered log book 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**).

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

43) Order Type and Number: Consent Order 23-049-RW
Order Date: August 29, 2023
Individual/Entity: **Huntington Horizontal Property Regime, Inc.**
Facility: Huntington Condos
Location: 7602 Hunt Club Road
Columbia, SC 29260
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-052-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Huntington Horizontal Property Regime, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. On June 19, 2023, and July 3, 2023, the pool was inspected, and a violation was issued for failure to properly operate and maintain; and on July 3, 2023, an additional violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; a handrail was not tight and secure; the plaster on the pool floor was deteriorated; the pavers on the pool deck were uneven; there was no bathroom within 300 feet of the pool; the fill spout was not collocated with a ladder or diving board; the shepherds crook was not properly mounted in its designated location; the emergency notification device was not operational; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the facility could not produce current valid documentation of pool operator certification; the bound and numbered log book was not available for review during the first inspection and was not maintained on a daily basis during the second inspection; a ladder was missing bumpers and non-slip tread inserts; there was debris in the skimmer baskets; the water level was too low; a light in the pool wall was out of its niche; the main drain grate was not in place; 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**).

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

- 44) Order Type and Number: Consent Order 23-051-RW
Order Date: August 29, 2023
Individual/Entity: **Kyle Clark, Individually and d.b.a. Ocean West Motel**
Facility: Ocean West Motel
Location: 204 North Kings Highway
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-252-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Kyle Clark, Individually and d.b.a. Ocean West Motel (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on July 10, 2023, and July 31, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the life ring rope was deteriorated; the pool rules sign was not completely filled out; 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**).

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

- 45) Order Type and Number: Consent Order 23-052-RW
Order Date: August 29, 2023
Individual/Entity: **Oceans One South Tower Property Owners' Association, Inc.**
Facility: Oceans One Resort
Location: 105 South Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-1700B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Oceans One South Tower Property Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on July 5, 2023, and July 27, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation

as follows: the chlorine and pH levels were not within the acceptable range of water quality standards.

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

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

46) Order Type and Number: Consent Order 23-046-RW
Order Date: August 31, 2023
Individual/Entity: **BVSHSSF Clemson East, LLC**
Facility: Clemson Edge (F.K.A. Berkeley Place Apartments)
Location: 100 Berkeley Place Circle
Clemson, SC 29631
Mailing Address: 353 N Clark Street, Suite 730
Chicago, IL 60654
County: Pickens
Previous Orders: None
Permit/ID Number: 39-078-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: BVSHSSF Clemson East, 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 2, 2023, and July 10, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a gate did not self-close and latch; the life ring was deteriorated; the pool rules sign was not completely filled out; the letters on the “Shallow Water – No Diving Allowed” signs posted and the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were not the correct size or the correct wording; the bound and numbered log book was not maintained on a daily basis; and the cyanuric acid level was above the water quality standards acceptable limit.

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

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

Drinking Water Enforcement

47) Order Type and Number: Consent Order 23-019-DW
Order Date: August 9, 2023
Individual/Entity: **Lake Wylie MHP Utilities, LLC**
Facility: Lake Wylie Mobile Home Park

Location: 1295 Stateline Road
Clover, SC 29710
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 4660081
Violations Cited: S.C. Code Ann. Regs. 61-58.4.C(5), 61-58.7, & 61-58.8.B

Summary: Lake Wylie MHP Utilities, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in York County, South Carolina. The Department conducted an inspection of the PWS on June 22, 2023, and it was rated unsatisfactory for failure to properly operate and maintain, failure to develop an Emergency Preparedness Plan, and failure to provide adequate storage. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the well houses were in disrepair and there was debris on the floors; there was a hole under the well pad at Well 2; there were complaints from residents regarding a sulfur smell in the water and loss of water due to water line and well repairs; the ground storage tank was waterlogged; there was erosion underneath the ground storage tank; an Emergency Preparedness Plan was not available for Department review; and written procedures for the operation and maintenance of the PWS were not provided for Department review.

Action: The Individual/Entity is required to: submit written procedures for the operation and maintenance of the PWS to include programs and logs and a sample siting plan by October 8, 2023; submit a written cross connection control program by October 8, 2023; test all of the backflow prevention devices identified in the cross connection control program, repair or replace all devices documented as inadequate or inoperable, and submit of copy of the test reports to the Department by November 7, 2023; and provide for a South Carolina professional engineer to complete an evaluation of the PWS and a corrective action plan (CAP) with a schedule and submit the evaluation, CAP, and schedule to the Department by November 7, 2023. The Department has assessed a total civil penalty in the amount of twelve thousand dollars (\$12,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**), and 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 civil penalty has been paid. The Individual/Entity submitted the required written procedures, programs and logs, sample siting plan, and written cross connection control program.

48) Order Type and Number: Consent Order 23-020-DW
Order Date: August 17, 2023
Individual/Entity: **GCH SC 6, LLC**
Facility: Blessed Land
Location: 794 Clark Road
Inman, SC 29349
Mailing Address: 320 Business Parkway, Unit A
Greer, SC 29651
County: Spartanburg
Previous Orders: None

Permit/ID Number: None
Violations Cited: S.C. Code Ann. Regs. 61-58.1.B

Summary: GCH SC 6, LLC (Individual/Entity) owns and is responsible for obtaining from the Department the proper permitting for the construction of public water supply mains and the associated appurtenances (PWS) to serve twenty-four residential lots located at Blessed Land in Spartanburg County, South Carolina. The Department conducted an inspection of the PWS on May 30, 2023, and determined that construction of the PWS had commenced and a permit had not been issued. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: failed to obtain a permit to construct from the Department prior to the commencement of the construction of a PWS.

Action: The Individual/Entity is required to: submit to the Department for review a complete application and associated fee to obtain the required permit to complete the construction by October 17, 2023; and within 60 days of the date of the issuance of the construction permit, complete the construction in accordance with the permit and connect the residential lots to Inman-Campobello Water District. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

Update: The civil penalty has been paid.

49) Order Type and Number: Consent Order 23-021-DW
Order Date: August 17, 2023
Individual/Entity: **Reasonable Living, LLC**
Facility: Reasonable Living, LLC #2
Location: 2809 Plantation Drive
Hardeeville, SC 29927
Mailing Address: 82 Crestwood Drive
Savannah, GA 31405
County: Jasper
Previous Orders: None
Permit/ID Number: 2760016
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: Reasonable Living, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Jasper County, South Carolina. On July 26, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

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

Update: The Individual/Entity submitted an investigative report and a corrective action plan with a schedule.

50) Order Type and Number: Consent Order 23-022-DW
Order Date: August 17, 2023
Individual/Entity: **Christian Church (Disciples of Christ) in South Carolina**
Facility: Camp Christian
Location: 207 Camp Christian Road
Hampton, SC 29924
Mailing Address: Same
County: Hampton
Previous Orders: None
Permit/ID Number: 2570678
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: Christian Church (Disciples of Christ) in South Carolina (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Hampton County, South Carolina. On June 30, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

Action: The Individual/Entity is required to: submit an investigative report and a corrective action plan (CAP) with a schedule to address the causes of the total coliform and E. coli present results at the PWS; and submit a system-wide flushing plan and a request for the intended use of a second well located on the site. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity submitted an investigative report and a corrective action plan and submitted a system-wide flushing plan and a request for the intended use of the second well.

51) Order Type and Number: Consent Order 23-023-DW
Order Date: August 17, 2023
Individual/Entity: **Anderson Williams, Individually and d.b.a. Hilltop Apartments**
Facility: Hilltop Apartments
Location: 5680 Ritter Road
Walterboro, SC 29488
Mailing Address: Same
County: Colleton
Previous Orders: None
Permit/ID Number: 1570301
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: Anderson Williams, Individually and d.b.a. Hilltop Apartments (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Colleton County, South Carolina. On July 6, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

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

Update: The Individual/Entity submitted an investigative report and a corrective action plan with a schedule.

52) Order Type and Number: Consent Order 23-024-DW
Order Date: August 17, 2023
Individuals/Entities: **Alchemy Fund, LLC - Genesis d.b.a. Alchemy Fund Genesis, LLC and Maverick Venture Group East, LLC**
Facility: Alchemy Fund, LLC
Location: Joe Louis Boulevard
Rock Hill, SC 29730
Mailing Address: 168 Highway 274, #309
Lake Wylie, SC 297110
County: York
Previous Orders: None
Permit/ID Number: 4674022
Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: Alchemy Fund, LLC - Genesis d.b.a. Alchemy Fund Genesis, LLC and Maverick Venture Group East, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in York County, South Carolina. The Department conducted an inspection on June 7, 2023, and the PWS was rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the wellhead did not have a screened vent, approved check valve, or a concrete pad; the well house door would not lock; there was no blow-off; a current map of the PWS was not provided for Department review; a complete procedures manual with programs, logs, and records was not provided for Department review; and the well serving the system was permitted as a residential well.

Action: The Individual/Entity is required to: provide for a certified well driller to properly abandon an off-line test well located on the site; and submit a corrective action plan and schedule of implementation to resolve the deficiencies identified during the inspection. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated penalty** in the

amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity hired a certified well driller and the off-line test well has been properly abandoned. The Individual/Entity has also hired an engineer to evaluate the system and a corrective action plan has been submitted.

53) Order Type and Number: Consent Order 23-025-DW
Order Date: August 23, 2023
Individual/Entity: **Ridgeway Holdings, LLC**
Facility: Ridgeway Manor
Location: 117 Bellefield Road
Ridgeway, SC 29130
Mailing Address: 505 Ariana Avenue
Auburndale, FL 33823
County: Fairfield
Previous Orders: None
Permit/ID Number: 2070002
Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: Ridgeway Holdings, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Fairfield County, South Carolina. The Department conducted an inspection on April 27, 2023, and the PWS was rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: Well 1 was not operating at the time of the inspection; the air vent, sanitary seal, conduit, check valve, sample tap, and pressure switch at Well 1 were in disrepair; the well pad at Well 2 was cracked and the well cover was not locked; the sample taps at Well 2 and Plant 1 were in disrepair; the chlorine feed line at Plant 1 was not labeled; the chlorine solution tanks at Plant 1 had openings in the lid; the chlorine injection point at Plant 1 was not sealed or labeled; the current condition of the clearwell tank had not been evaluated and the lid was not properly sealed; Plant 1 only had 1 booster pump and there was a leaking pipe; and there was insect activity at Plant 1.

Action: The Individual/Entity is required to: correct the deficiencies by November 1, 2023; provide for a South Carolina professional engineer to complete an evaluation of Well 1, Well 2, the booster pump, and the Clearwell Tank, and submit a corrective action plan with a schedule to address any deficiencies noted in the evaluation by November 1, 2023. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**), and pay a stipulated penalty in the amount of two thousand dollars (\$2,000.00) should any requirement of the Order not be met.

Update: The civil penalty has been paid.

54) Order Type and Number: Consent Order 23-026-DW
Order Date: August 23, 2023
Individual/Entity: **Adirondack Family Trust**
Facility: Pleasant Ridge Mobile Home Park
Location: 1732 Augusta Road

| | |
|--------------------------|---|
| <u>Mailing Address:</u> | West Columbia, SC 29169 143 South Alpine Street Oakland, ME 04993 |
| <u>County:</u> | Lexington |
| <u>Previous Orders:</u> | None |
| <u>Permit/ID Number:</u> | 3260147 |
| <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-58.17.K(1) |

Summary: Adirondack Family Trust (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Lexington County, South Carolina. On July 20, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

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

Update: The Individual/Entity submitted an investigative report and a corrective action plan with a schedule.

Water Pollution Enforcement

55) Order Type and Number: Consent Order 23-035-W
Order Date: August 9, 2023
Individual/Entity: **City of Lake City**
Facility: Lake Swamp WWTP
Location: Off of S.C. Hwy. 341
Lake City, SC
Mailing Address: P.O. Box 1329
Lake City, SC 29560
County: Florence
Previous Orders: None
Permit/ID Number: SC0046311
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and the Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a).

Summary: The City of Lake City (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment plant in Florence County, South Carolina. On January 20, 2023, a Notice of Alleged Violation was issued as a result of chronic toxicity (CTOX) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to comply with the permitted effluent limitations for CTOX.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by September 9, 2023; 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 four thousand one hundred fifty dollars (\$4,150.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand one hundred fifty dollars (**\$4,150.00**).

Update: The Individual/Entity has submitted the written notification for completion of corrected actions and has paid the civil penalty.

56) Order Type and Number: Consent Order 23-037-W
Order Date: August 14, 2023
Individual/Entity: **Town of Wagener**
Facility: Town of Wagener WWTF
Location: 151 Woodshore Drive
Wagener, SC 29164
Mailing Address: P.O. Box 400
Wagener, SC 29164
County: Aiken
Previous Orders: 19-079-W (\$1,400.00)
Permit/ID Number: NPDES Permit SC0026204
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d) and the Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41 (a).

Summary: The Town of Wagener (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Aiken County, South Carolina. On June 23, 2022, a Notice of Violation was issued as a result of an unsatisfactory Compliance Sampling Inspection. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to maintain and operate the WWTF in accordance with the Permit.

Action: The Individual/Entity is required to: submit to the Department notarized documentation certifying all mechanical aerators at the WWTF are operating by August 31, 2024, and submit notarized documentation certifying a proper influent bar screen has been installed by December 31, 2024. The Department has assessed a total civil penalty in the amount of seven hundred dollars (\$700.00). The Individual/Entity shall pay a civil penalty in the amount of seven hundred dollars (**\$700.00**).

Update: The civil penalty has been paid.

57) Order Type and Number: Consent Order 23-038-W
Order Date: August 14, 2023
Individual/Entity: **Bamberg Board of Public Works**
Facility: South Carolina Advanced Technology Park
Location: 867 Technology Drive
Barnwell, SC 29812

Mailing Address: P.O. Box 1180
Summerton, SC 29003
County: Barnwell
Previous Orders: 21-033-W (\$25, 900.00)
Permit/ID Number: ND0080985
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) and the Water Pollution Control Permits Regulation S.C. Code Ann. Regs. 61-9.122.41(a).

Summary: Town of Summerton (Individual/Entity) owns and is responsible for the South Carolina Advanced Technology Park wastewater treatment facility (WWTF) located in Barnwell County, South Carolina. The Individual/Entity reported violations of pH on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to comply with the permitted effluent limitations for pH.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the effluent violations, to include notification of its plan for development of a pretreatment program; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period; and submit an administratively and technically complete packet to add the WWTF as a part of its developed plan for a pretreatment program. The Department has assessed a total civil penalty in the amount of five thousand, six hundred dollars (\$5,600.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand, six hundred dollars (**\$5,600.00**).

Update: The Individual/Entity has submitted the written notification for completion of corrected actions paid the civil penalty.

58) Order Type and Number: Consent Order 23-039-W
Order Date: August 21, 2023
Individual/Entity: **Kiawah River Utility Company**
Facility: Kiawah River Utility Company WWTF
Location: Intersection of Mullet Rd and Bonneau Rd
Charleston, SC
Mailing Address: 320 Broad Street Suite 600
Charleston, SC 29401
County: Charleston
Previous Orders: None
Permit/ID Number: ND0088897
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1- 110 (d) and the Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a).

Summary: Kiawah River Utility Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Charleston County, South Carolina. On April 19, 2023, a Notice of Violation was issued as a result of violations of the permitted discharge limits for total nitrogen (nitrogen) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and the Water

Pollution Control Permits Regulation as follows: failed to comply with the permitted effluent discharge limits for nitrogen.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations; 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 dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

Update: The Individual/Entity has submitted the written notification for completion of corrected actions paid the civil penalty.

BUREAU OF AIR QUALITY

59) Order Type and Number: Consent Order 23-015-A
Order Date: August 7, 2023
Individual/Entity: **Pacific Industrial Development Corporation**
Facility: Pacific Industrial Development Corporation
Location: 5396 North Blackstock Road
Spartanburg, SC 29303
Mailing Address: Same
County: Spartanburg
Previous Orders: 18-022-A
Permit/ID Number: 2060-0548-CM
Violations Cited: S.C. Code Ann. Regs. 61-62.1,
Section II, *Permit Requirements*

Summary: Pacific Industrial Development Corporation (Individual/Entity) manufacturers alumina-based products in Spartanburg County, South Carolina. On February 22, 2023, the Department conducted a comprehensive inspection at Pacific Industrial. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to submit written notification to the Department of the commencement of construction and failed to conduct and document annual reviews of the onsite implementation log for the calendar year 2022.

Action: The Individual/Entity is required to: comply with all terms and conditions of the Permit. The Department has assessed a total civil penalty in the amount of twelve thousand dollars (\$12,000.00). The Individual/Entity shall pay a civil penalty in the amount of twelve thousand dollars (**\$12,000.00**).

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

60) Order Type and Number: Consent Order 23-016
Order Date: August 7, 2023
Individual/Entity: **South Carolina Public Service Authority**

Facility: Santee Cooper Winyah Generation Station
Location: 661 Steam Plant Drive
Georgetown SC
Mailing Address: P.O. Box 2946101
Moncks Corner SC, 29461
County: Georgetown County
Previous Orders: None
Permit/ID Number: #1140-0005
Violations Cited: U.S. EPA 40 CFR 63.9991(a)(1), S.C. Code Ann. Regs. 61-62.63.9991(a)(1), and S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*,

Summary: South Carolina Public Service Authority. (Individual/Entity) operates a coal fired power plant in Georgetown County, South Carolina. On March 3, 2022, the Department reviewed the semiannual reports for the reporting periods of January 1 through June 30, 2021, and July 1 through December 31, 2021 and issued a Notice of Violation. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: during the compliance periods of January 1 through December 31, 2021, for a period of 137 days over eleven separate events, failed to limit SO2 emissions for Boiler 3 to 0.20 lb/hr.

Action: The Individual/Entity is required to: maintain compliance with all applicable emission limits specified in Subpart UUUUU, and the Title V Permit. The Department has assessed a total civil penalty in the amount of ninety-nine thousand dollars (\$99,000.00). The Individual/Entity shall pay a civil penalty in the amount of ninety-nine thousand dollars (**\$99,000.00**).

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

61) Order Type and Number: Consent Order 23-017-A
Order Date: August 9, 0232023
Individual/Entity: **Mr. Danny Boyd**
Facility: N/A
Location: 5 Crossover Road
Warrenville SC
Mailing Address: 104 Sugar Hill Drive
Graniteville SC, 29829
County: Aiken
Previous Orders: None
Permit/ID Number: None
Violations Cited: S.C. Code Ann. Regs. 61-62.2 (Supp. 2022),
Prohibition of Open Burning

Summary: Mr. Danny Boyd (Individual/Entity) owns property located in Aiken County, South Carolina. On March 30, 2022, and August 5, 2022, a Department inspector conducted investigations in response to a complaint of open burning. During the investigations, the Department inspector observed a burn pile that contained actively burning household garbage. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: burned materials other than those allowed by Section I of the Open Burning Regulations, specifically, household garbage.

Action: The Individual/Entity is required to: immediately and henceforth cease all open burning except as in compliance the regulations. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five hundred dollars (**\$500.00**) should any requirement of the Order not be met.

Update: This order is closed.

62) Order Type and Number: Consent Order 23-018-A
Order Date: August 11, 2023
Individual/Entity: **Richard L. Grubbs**
Facility: None
Location: Parcel #026-19-04-004
Beech Island SC
Mailing Address: 103 Circle Drive
Beech Island SC, 29842
County: Aiken
Previous Orders: None
Permit/ID Number: None
Violations Cited S.C. Code Ann. Regs. 61-62.2 (Supp. 2022),
Prohibition of Open Burning

Summary: Richard L. Grubbs (Individual/Entity) owns property located in Aiken Couty, South Carolina. On January 11, 2023, a Department inspector conducted an investigation in response to a complaint of open burning. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: burned materials other than those specifically allowed by Section I of the Open Burning Regulations, specifically, plastics, metals and land clearing debris less than one thousand (1000) feet from the nearest public roadway and residence.

Action: The Individual/Entity is required to: immediately and henceforth cease all open burning except as in compliance the regulations . The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**).

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

63) Order Type and Number: Consent Order 23-021-A
Order Date: August 14, 2023
Individual/Entity: **Gateway Services USA, LLC**
d.b.a. Agape Pet Services
Facility: 26A American Court
Location: Greenville SC
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 1200-0202
Violations Cited: S.C. Code Ann. Regs. 61-62.1 (Supp. 2022),
Permit Requirements

Summary: Gateway Services USA, LLC d.b.a. Agape Pet Services (Individual/Entity) operates a crematory which incinerates animal remains located in Greenville County, South Carolina. On September 21, 2022, a Department inspector conducted a comprehensive inspection. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to limit opacity from the incinerator to 10%; failed to record and maintain on-site hourly temperature readings; and, failed to minimize fugitive particulate matter to the maximum extent possible through good housekeeping practices.

Action: The Individual/Entity is required to: comply with all terms and conditions of the Permit. The Department has assessed a total civil penalty in the amount of nine thousand seven hundred fifty dollars (\$9,750.00). The Individual/Entity shall pay a civil penalty in the amount of nine thousand seven hundred fifty dollars (**\$9,750.00**).

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

| | | |
|-----|-------------------------------|---|
| 64) | <u>Order Type and Number:</u> | Consent Order 23-019-A |
| | <u>Order Date:</u> | August 17, 2023 |
| | <u>Individual/Entity:</u> | Western Green |
| | <u>Facility:</u> | Western Green |
| | <u>Location:</u> | 1051 East Main Street Lake City, SC 29560 |
| | <u>Mailing Address:</u> | Same |
| | <u>County:</u> | Florence |
| | <u>Previous Orders:</u> | None |
| | <u>Permit/ID Number:</u> | 1040-0140 |
| | <u>Violations Cited:</u> | S.C. Code Ann. Regs. 61-62.1, Section II, <i>Permit Requirements</i> |

Summary: Western Green (Individual/Entity) manufactures rolled erosion control products, sediment devices, hydro-mulches, and open weave textiles in Florence County, South Carolina. On April 11, 2022, the Department conducted a comprehensive inspection. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to maintain proper housekeeping or wet suppression for the waste burner; failed to notify the Department within thirty (30) days of a transfer of ownership; and failed to limit opacity to 20%.

Action: The Individual/Entity is required to: comply with all terms and conditions of the Permit. The Department has assessed a total civil penalty in the amount of ten thousand eight hundred dollars (\$10,800.00). The Individual/Entity shall pay a civil penalty in the amount of ten thousand dollars eight hundred dollars (**\$10,800.00**).

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

| | | |
|-----|-------------------------------|--------------------------|
| 65) | <u>Order Type and Number:</u> | Consent Order 23-021-A |
| | <u>Order Date:</u> | August 23, 2023 |
| | <u>Individual/Entity:</u> | NUCOR CORPORATION |
| | <u>Facility:</u> | Nucor Steel - Berkeley |

Location: 1455 Hagan Avenue
Huger, SC 29450
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: 0420-0060
Violations Cited: S.C. Code Ann. Regs. 61-62.1, Section II,
Permit Requirements

Summary: Nucor Corporation (Individual/Entity) operates a scrap steel recycling mill located in Berkeley County, South Carolina. . On February 23, 2023, the Department received results of a performance test for PM₁₀ emissions. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to limit filterable PM₁₀ emissions to 0.0028 gr/dscf and 2.0 lb/hr on January 24, 2023.

Action: The Individual/Entity is required to: henceforth limit filterable PM₁₀ emissions to 0.0028 gr/dscf as a 3-hour block average and 2.0 lb/hr as a 3-hour block average. The Department has assessed a total civil penalty in the amount of ten thousand dollars (\$10,000.00). The Individual/Entity shall pay a penalty of ten thousand dollars (**\$10,000.00**) due by September 22, 2023.

Update: On March 13, 2023, the Individual/Entity conducted a Department-approved re-test for PM₁₀ emissions. On April 11, 2023, the Department received the test report which demonstrated compliance with the PM₁₀ emissions limits.

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

On-Site Wastewater Enforcement

66) Order Type and Number: Administrative Order 23-070-OSWW
Order Date: July 31, 2023
Individual/Entity: **Angelia Huffman**
Facility: Angelia Huffman
Location: 3666 Flat Creek Road
Lancaster, SC 29720
Mailing Address: Same
County: Lancaster
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Angelia Huffman (Individual/Entity) owns property located in Lancaster County, South Carolina. The Department conducted an investigation on February 8, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

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

67) Order Type and Number: Administrative Order 23-075-OSWW
Order Date: July 31, 2023
Individual/Entity: **Julia Sims**
Facility: Julia Sims
Location: 1893 Stevens Hill Road
Lancaster, SC 29720
Mailing Address: Same
County: Lancaster
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Julia Sims (Individual/Entity) owns property located in Lancaster County, South Carolina. The Department conducted an investigation on June 9, 2023, and observed a residence being occupied for more than two (2) hours per day without an approved means of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that any building or dwelling occupied for more than two (2) hours per day is connected to an approved means of domestic wastewater treatment and disposal.

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

Update: The Individual/Entity has submitted an OSWW Permit to Construct application.

68) Order Type and Number: Administrative Order 23-077-OSWW
Order Date: July 31, 2023
Individual/Entity: **William Cloniger**
Facility: William Cloniger
Location: 347 North Grandview Road
Clover, SC 29710

Mailing Address: Same
County: York
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: William Cloniger (Individual/Entity) owns property located in York County, South Carolina. The Department conducted an investigation on June 19, 2023, and observed a camper being occupied for more than two (2) hours per day without an approved means of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that any building or dwelling occupied for more than two (2) hours per day is connected to an approved means of domestic wastewater treatment and disposal.

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

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

69) Order Type and Number: Administrative Order 23-081-OSWW
Order Date: August 8, 2023
Individual/Entity: **James N. Scott and Regenia G. Scott**
Facility: James N. Scott and Regenia G. Scott
Location: 68 Palmetto Point
Hardeeville, SC 29927
Mailing Address: 199 Ford Road
Rincon, GA 31326
County: Jasper
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: James N. Scott and Regenia G. Scott (Individual/Entity) own property located in Jasper County, South Carolina. The Department conducted an investigation on December 8, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a

total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

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

70) Order Type and Number: Administrative Order 23-061-OSWW
Order Date: August 14, 2023
Individual/Entity: **Brad Batson, Individually and DBA as Batson Construction, LLC**
Facility: Brad Batson, Individually and DBA as Batson Construction, LLC
Location: 600 Oak Hill Lane
Belton, SC 29627
Mailing Address: 200 Chafin Road
Piedmont, SC 29650
County: Anderson
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Brad Batson, individually and DBA as Batson Construction, LLC (Individual/Entity) installed an OSWW system on property located in Anderson County, South Carolina. The Department conducted an investigation on March 2023, and determined that the Individual/Entity was not licensed by the Department to install OSWW systems. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to apply for, receive, and maintain a Department issued license to install OSWW systems.

Action: The Individual/Entity is required to cease and desist installing OSWW systems until they apply for and receive a valid Department issued license to construct and repair OSWW systems. 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.

71) Order Type and Number: Consent Order 23-067-OSWW
Order Date: August 8, 2023
Individual/Entity: **Channon Lee, individually and DBA Crescent Site Work, LLC**
Facility: Channon Lee, individually and DBA Crescent Site Work, LLC
Location: 557 Old Greeleyville Road
Greeleyville, SC 29056
Mailing Address: 1531 Johnsonville Highway
Lake City, SC 29560
County: Williamsburg

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

Summary: Channon Lee, individually and DBA Crescent Site Work, LLC, (Individual/Entity) installed an OSWW system on property located in Williamsburg County, South Carolina. The Department conducted an investigation during October 2022 and determined that the Contractor Self-Inspection form for the site was not submitted to the Department. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: he did not submit the required documents to the Department within two (2) business days of the installation of the OSWW system.

Action: The Individual/Entity is required to cease and desist installing OSWW systems without submitting the required documents to the Department within the required two (2) business days. 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.

72) Order Type and Number: Consent Order 23-079-OSWW
Order Date: August 8, 2023
Individual/Entity: **Joshua Johnson, individually and DBA Johnson Excavations, LLC**
Facility: Joshua Johnson, individually and DBA Johnson Excavations, LLC
Location: Ray Blackley Road
Inman, SC 29349
Mailing Address: 650 Motlow Creek Road
Campobello, SC 29322
County: Spartanburg
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Joshua Johnson, individually and DBA Johnson Excavations, LLC (Individual/Entity) install an OSWW system on property located in Spartanburg County, South Carolina. The Department conducted a final inspection on June 13, 2023, and observed violations of the permit and regulation in the installed OSWW system. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: the OSWW system was not installed per the requirements of the permit, the fall along trenches was greater than two (2) inches, the pipe connecting the drainlines was not solid Schedule 40 PVC, the aggregate was not level, and there were no earthen dams between the drainlines.

Action: The Individual/Entity is required to cease and desist installing OSWW systems that violate the requirements of the regulation or the permit to Construct. The Department has assessed a total civil penalty in the amount of one thousand dollars

(\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by September 8, 2023.

Update:

73) Order Type and Number: Consent Order 23-073-OSWW
Order Date: August 14, 2023
Individual/Entity: **Mike Dennis, individually and DBA Mike's Plumbing & Repair**
Facility: Mike Dennis, individually and DBA Mike's Plumbing & Repair
Location: 1816 Kolb Road
Sumter, SC 29154
Mailing Address: 2241 Bob White Drive
Sumter, SC 29154
County: Sumter
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Mike Dennis, individually and DBA Mike's Plumbing & Repair, (Individual/Entity) repaired an OSWW system on property located in Sumter County, South Carolina. The Department conducted an investigation on June 7, 2023, and determined that the Individual/Entity was not licensed by the Department to install or repair OSWW systems. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: they have engaged in the business of constructing and repairing onsite sewage treatment systems without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as required by the Department.

Action: The Individual/Entity is required to cease and desist installing or repairing OSWW systems without a Department issued license. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

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

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

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL


October 12, 2023

() ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Public Health Administrative and Consent Orders.
- II. SUBJECT:** Public Health Administrative Orders and Consent Orders for the period of August 1, 2023, through August 31, 2023.
- III. FACTS:** For the period of August 1, 2023, through August 31, 2023, Public Health reports 0 Administrative Orders and 52 Consent Orders totaling \$63,300 in assessed civil penalties.

| Permit Type | Administrative Orders | Consent Orders | Assessed Civil Penalties |
|----------------------------|-----------------------|----------------|--------------------------|
| Retail Food Establishments | 0 | 52 | \$63,300 |

Submitted By:


Bentley P. White
Policy Director
Public Health

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

October 12, 2023

CONSENT ORDERS (52)

1. Order Type and Number: Consent Order 23-199-FOOD
Order Date: August 1, 2023
Individual/Entity: **K Seafood Market**
Facility: K Seafood Market
Location: 1929 Broad River Road, Columbia, SC 29210
County: Richland
Previous Orders: None
Permit Number: 40-206-08991

Summary: The Department conducted inspections on April 18, 2023, June 12, 2023, and June 22, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to sanitize equipment food contact surfaces and utensils after being cleaned.

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

2. Order Type and Number: Consent Order 23-201-FOOD
Order Date: August 1, 2023
Individual/Entity: **Dunkin**
Facility: Dunkin
Location: 1011 Wildwood Centre Drive, Columbia, SC 29229
County: Richland
Previous Orders: None
Permit Number: 40-206-06699

Summary: The Department conducted an inspection on June 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

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

3. Order Type and Number: Consent Order 23-203-FOOD
Order Date: August 1, 2023
Individual/Entity: **AJ's Fried Pie Shack**
Facility: AJ's Fried Pie Shack
Location: 4530 Highway 29 North, Belton, SC 29627
County: Anderson
Previous Orders: None

Permit Number: 04-206-04576

Summary: The Department conducted inspections on May 13, 2023, June 3, 2023, and June 10, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of five hundred fifty dollars (\$550.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred fifty dollars (\$550.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

4. Order Type and Number: Consent Order 23-219-FOOD

Order Date: August 1, 2023
Individual/Entity: **Prestwick Country Club**
Facility: Prestwick Country Club
Location: 1001 Links Road, Myrtle Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-01595

Summary: The Department conducted inspections on November 22, 2022, June 13, 2023, and June 22, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

5. Order Type and Number: Consent Order 23-209-FOOD

Order Date: August 1, 2023
Individual/Entity: **China Garden**
Facility: China Garden
Location: 3570 Northgate Drive, Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-10377

Summary: The Department conducted inspections on November 22, 2022, June 13, 2023, and June 22, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

6. Order Type and Number: Consent Order 23-224-FOOD

Order Date: August 1, 2023

Individual/Entity: **Wild Wing Café**

Facility: Wild Wing Café

Location: 4706 Highway 17 South, North Myrtle Beach, SC 29582

County: Horry

Previous Orders: None

Permit Number: 26-206-10478

Summary: The Department conducted inspections on June 6, 2023, June 15, 2023, and June 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

7. Order Type and Number: Consent Order 23-183-FOOD

Order Date: August 1, 2023

Individual/Entity: **IHOP #419**

Facility: IHOP #419

Location: 1031 Assembly Street, Columbia, SC 29201

County: Richland

Previous Orders: 22-16-FOOD (\$800.00)

Permit Number: 40-206-08865

Summary: The Department conducted inspections on June 13, 2023, June 14, 2023, and June 15, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to provide equipment sufficient in number and capacity to maintain food temperatures for cooling and heating food and holding cold and hot food.

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

Previous Orders: The previous Consent Order (22-16-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to maintain the premises free of insects, rodents, and other pests.

8. Order Type and Number: Consent Order 23-167-FOOD

Order Date: August 1, 2023

Individual/Entity: **Office Italian Pub**

Facility: Office Italian Pub

Location: 960 Lake Arrowhead Road, Myrtle Beach, SC 29572

County: Horry

Previous Orders: None

Permit Number: 26-206-13704

Summary: The Department conducted inspections on April 7, 2022, September 28, 2022, March 1, 2023, and March 9, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

9. Order Type and Number: Consent Order 23-210-FOOD

Order Date: August 1, 2023

Individual/Entity: **Manny's Deli**

Facility: Manny's Deli

Location: 5702-A South Kings Highway, Myrtle Beach, SC 29575

County: Horry

Previous Orders: None

Permit Number: 26-206-13067

Summary: The Department conducted inspections on November 14, 2022, November 18, 2022, January 11, 2023, and May 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

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

10. Order Type and Number: Consent Order 23-205-FOOD

Order Date: August 1, 2023

Individual/Entity: **Imperial Grill 3517, Inc.**

Facility: Imperial Grill 3517, Inc.

Location: 3517 Clemson Boulevard, Anderson, SC 29621

County: Anderson

Previous Orders: 23-123-FOOD (\$2,000.00)

Permit Number: 04-206-04430

Summary: The Department conducted inspections on February 27, 2023, March 6, 2023, June 14, 2023, and June 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure employees wash hands after engaging in activities that contaminate their hands; and 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 Department has assessed a total civil penalty in the amount of two thousand two hundred fifty dollars (\$2,250.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand two hundred fifty dollars (\$2,250.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (23-123-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; by failing to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control; and by failing to maintain the premises free of insects, rodents, and other pests.

11. Order Type and Number: Consent Order 23-220-FOOD
Order Date: August 3, 2023
Individual/Entity: **Omega Pancake House**
Facility: Omega Pancake House
Location: 1617 Highway 17 North, Surfside Beach, SC 29575
County: Horry
Previous Orders: 23-50-FOOD (\$800.00)
Permit Number: 26-206-00275

Summary: The Department conducted an inspection on June 22, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Previous Orders: The previous Consent Order (23-50-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

12. Order Type and Number: Consent Order 23-208-FOOD
Order Date: August 3, 2023
Individual/Entity: **Bonefish Grill #0506**
Facility: Bonefish Grill #0506
Location: 8703 Highway 17 Bypass South, Surfside Beach, SC 29582
County: Horry
Previous Orders: 23-36-FOOD (\$800.00)
Permit Number: 26-206-10399

Summary: The Department conducted an inspection on May 16, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Previous Orders: The previous Consent Order (23-36-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

13. Order Type and Number: Consent Order 23-222-FOOD
Order Date: August 3, 2023
Individual/Entity: **California Dreaming**
Facility: California Dreaming
Location: 2657 Beaver Run Boulevard, Surfside Beach, SC 29575
County: Horry
Previous Orders: 23-29-FOOD (\$800.00)
Permit Number: 26-206-09569

Summary: The Department conducted an inspection on June 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Previous Orders: The previous Consent Order (23-29-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

14. Order Type and Number: Consent Order 23-204-FOOD
Order Date: August 3, 2023
Individual/Entity: **Family Grill**
Facility: Family Grill
Location: 604 R. Front Street, Iva, SC 29655
County: Anderson
Previous Orders: 23-170-FOOD (\$800.00)
Permit Number: 04-206-04676

Summary: The Department conducted inspections on April 20, 2023, April 21, 2023, and June 20, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times; failed to keep equipment food contact surfaces and utensils clean to sight and touch; and failed to convey sewage to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

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

Previous Orders: The previous Consent Order (23-170-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to properly cool cooked time/temperature control for safety foods; and by failing to use effective methods to cool cooked time/temperature control for safety foods.

15. Order Type and Number: Consent Order 23-197-FOOD
Order Date: August 3, 2023
Individual/Entity: **Circle K Store #5183**
Facility: Circle K Store #5183
Location: 7901 Garners Ferry Road, Columbia, SC 29209
County: Richland
Previous Orders: None
Permit Number: 40-206-04610

Summary: The Department conducted inspections on February 21, 2023, March 2, 2023, March 9, 2023, and March 17, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

16. Order Type and Number: Consent Order 23-218-FOOD
Order Date: August 7, 2023
Individual/Entity: **Snooky's Oceanfront**
Facility: Snooky's Oceanfront
Location: 2208 North Ocean Boulevard, North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-14027

Summary: The Department conducted inspections on November 16, 2022, March 8, 2023, June 21, 2023, and June 29, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

17. Order Type and Number: Consent Order 23-251-FOOD
Order Date: August 7, 2023
Individual/Entity: **Japan Diner**
Facility: Japan Diner
Location: 806 South Broad Street, Clinton, SC 29325
County: Laurens
Previous Orders: None
Permit Number: 30-206-01459

Summary: The Department conducted inspections on February 28, 2023, June 21, 2023, and June 28, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

18. Order Type and Number: Consent Order 23-235-FOOD
Order Date: August 7, 2023
Individual/Entity: **New China Buffet**
Facility: New China Buffet
Location: 716 South Irby Street, Florence, SC 29501
County: Florence
Previous Orders: None
Permit Number: 21-206-02107

Summary: The Department conducted inspections on December 21, 2021, July 8, 2022, and May 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

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

19. Order Type and Number: Consent Order 23-196-FOOD
Order Date: August 7, 2023
Individual/Entity: **Santa Fe Mexican Restaurant**
Facility: Santa Fe Mexican Restaurant
Location: 248 Birchtree Drive, Greenwood, SC 29649
County: Greenwood
Previous Orders: 23-22-FOOD (\$2,400.00)
Permit Number: 24-206-01407

Summary: The Department conducted inspections on December 30, 2021, December 15, 2022, February 22, 2023, May 17, 2023, and May 23, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods

was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure that the handwashing sinks were accessible at all times; 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 Department has assessed a total civil penalty in the amount of three thousand two hundred fifty dollars (\$3,250.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand two hundred fifty dollars (\$3,250.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (23-22-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that the handwashing sinks were accessible at all times; by failing to ensure that each handwashing sink or group of two (2) adjacent handwashing sinks was provided with a supply of hand cleaning, liquid, powder or bar soap; by failing to maintain the premises free of insects, rodents, and other pests; by failing to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and by failing to provide a test kit or other device that accurately measures the concentration of MG/L of sanitizing solutions.

20. Order Type and Number: Consent Order 23-162-FOOD
Order Date: August 7, 2023
Individual/Entity: **Ana Izabel Acosta**
Facility: Rinconcito Salvadoreno
Location: 4019 Highway 17 South, North Myrtle Beach, SC 29582
County: Horry
Previous Orders: 23-134-FOOD (\$5,000.00)
Permit Number: 26-206-12760

Summary: The Department conducted inspections on October 31, 2022, February 16, 2023, February 23, 2023, and March 2, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; 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 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). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (23-134-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to properly cool cooked

time/temperature control for safety foods; by failing to use effective methods to cool cooked time/temperature control for safety foods; and by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

21. Order Type and Number: Consent Order 23-207-FOOD
Order Date: August 7, 2023
Individual/Entity: **Dhrvkumar Patel**
Facility: DNB Tanners
Location: 1996 Sumter Highway, Unit A, Kingstree, SC 29556
County: Williamsburg
Previous Orders: None
Permit Number: 45-206-00539

Summary: The Department conducted inspections on January 26, 2023, June 1, 2023, June 8, 2023, and June 16, 2023. 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; and failed to clean the physical facilities as often as necessary to keep them clean.

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

22. Order Type and Number: Consent Order 22-292-FOOD
Order Date: August 10, 2023
Individual/Entity: **Da Trap Kitchen**
Facility: Da Trap Kitchen
Location: 206 CC Gordon Lane, Hemingway, SC 29554
County: Horry
Previous Orders: None
Permit Number: Operating Without a Permit

Summary: The Department conducted an investigation on November 5, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: provided food to the public without a valid permit issued by the Department.

Action: The 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).

23. Order Type and Number: Consent Order 23-241-FOOD
Order Date: August 10, 2023
Individual/Entity: **Mr. Bunky's Market Inc.**
Facility: Mr. Bunky's Market Inc.
Location: 10441 Garners Ferry Road, Eastover, SC 29044
County: Richland
Previous Orders: None
Permit Number: 40-211-00418

Summary: The Department conducted inspections on July 10, 2023, July 11, 2023, July 17, 2023, and July 18, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

24. Order Type and Number: Consent Order 23-191-FOOD
Order Date: August 10, 2023
Individual/Entity: **El Jimador #5**
Facility: El Jimador #5
Location: 1072 Lake Murray Boulevard, Irmo, SC 29063
County: Lexington
Previous Orders: 23-89-FOOD (\$800.00)
Permit Number: 32-206-07338

Summary: The Department conducted inspections on March 6, 2023, March 9, 2023, April 20, 2023, April 25, 2023, and June 15, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to keep equipment food contact surfaces and utensils clean to sight and touch.

Action: The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (23-89-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure there was no bare hand contact with ready-to-eat foods; and failed to ensure that the handwashing sinks were accessible at all times.

25. Order Type and Number: Consent Order 23-198-FOOD
Order Date: August 10, 2023
Individual/Entity: **Burger King #27117**
Facility: Burger King #27117
Location: 4301 Sunset Boulevard, Lexington, SC 29072
County: Lexington
Previous Orders: None
Permit Number: 32-206-07055

Summary: The Department conducted inspections on June 9, 2023, June 19, 2023, and June 28, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch; failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to

ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

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

26. Order Type and Number: Consent Order 23-200-FOOD
Order Date: August 14, 2023
Individual/Entity: **Crafty Crab**
Facility: Crafty Crab
Location: 700 Gervais Street, Columbia, SC 29201
County: Richland
Previous Orders: None
Permit Number: 40-206-08929

Summary: The Department conducted inspections on June 2, 2023, June 9, 2023, and June 16, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests; and failed to ensure that 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 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). The Individual/Entity has met all requirements of the Order. This Order has been closed.

27. Order Type and Number: Consent Order 23-223-FOOD
Order Date: August 14, 2023
Individual/Entity: **Crab Daddy's Calabash Seafood**
Facility: Crab Daddy's Calabash Seafood
Location: 3043 Highway 17 South, Murrells Inlet, SC 29576
County: Horry
Previous Orders: None
Permit Number: 26-206-13411

Summary: The Department conducted inspections on April 29, 2022, January 20, 2023, June 27, 2023, and July 5, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The Department has assessed a total civil penalty in the amount of one thousand three hundred dollars (\$1,300.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand three hundred dollars (\$1,300.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

28. Order Type and Number: Consent Order 23-233-FOOD
Order Date: August 14, 2023
Individual/Entity: **Nirlep India Restaurant**
Facility: Nirlep India Restaurant
Location: 908 Savannah Highway, Charleston, SC 29407
County: Charleston
Previous Orders: None
Permit Number: 10-206-04140

Summary: The Department conducted inspections on March 28, 2023, June 6, 2023, June 15, 2023, and June 23, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The 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). The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

29. Order Type and Number: Consent Order 23-228-FOOD
Order Date: August 16, 2023
Individual/Entity: **Viva Villa Mexican Grill 3**
Facility: Viva Villa Mexican Grill 3
Location: 929 S. Main Street, Greenville, SC 29601
County: Greenville
Previous Orders: None
Permit Number: 23-206-12683

Summary: The Department conducted an inspection on July 14, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

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

30. Order Type and Number: Consent Order 23-252-FOOD
Order Date: August 16, 2023
Individual/Entity: **Country Cook-In**
Facility: Country Cook-In
Location: 27 East Main Street, Ware Shoals, SC 29692
County: Greenwood
Previous Orders: None
Permit Number: 24-206-03296

Summary: The Department conducted inspections on May 3, 2023, May 12, 2023, and June 1, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests; and failed to sanitize utensils and food contact surfaces of equipment before using, after cleaning.

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

31. Order Type and Number: Consent Order 23-237-FOOD
Order Date: August 16, 2023
Individual/Entity: **Popeyes Louisiana Kitchen**
Facility: Popeyes Louisiana Kitchen
Location: 2115 West Evans Street, Florence, SC 29501
County: Florence
Previous Orders: 22-263-FOOD (\$400.00)
Permit Number: 21-206-03018

Summary: The Department conducted inspections on May 3, 2023, May 12, 2023, and June 1, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch.

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

Previous Orders: The previous Consent Order (22-263-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to keep equipment food contact surfaces and utensils clean to sight and touch.

32. Order Type and Number: Consent Order 23-222-FOOD
Order Date: August 16, 2023
Individual/Entity: **Golden Kitchen**
Facility: Golden Kitchen
Location: 820 Surfside Drive, Surfside Beach, SC 29575
County: Horry
Previous Orders: 23-153-FOOD (\$800.00)
Permit Number: 26-206-14034

Summary: The Department conducted an inspection on June 28, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

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

Previous Orders: The previous Consent Order (23-153-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to properly cool cooked time/temperature control for safety foods; and by failing to use effective methods to cool cooked time/temperature control for safety foods.

33. Order Type and Number: Consent Order 23-253-FOOD
Order Date: August 16, 2023
Individual/Entity: **Clock of Anderson**
Facility: Clock of Anderson
Location: 105 Centerville Road, Anderson, SC 29625
County: Anderson
Previous Orders: 21-117-FOOD (\$750.00)
Permit Number: 04-206-03635

Summary: The Department conducted inspections on June 29, 2022, July 7, 2022, April 24, 2023, May 3, 2023, and May 12, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests; and failed to ensure that 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 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). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (21-117-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that physical facilities were maintained in good repair.

34. Order Type and Number: Consent Order 23-236-FOOD
Order Date: August 23, 2023
Individual/Entity: **Harris Teeter #456**
Facility: Harris Teeter #456
Location: 1005 Harborview Road, Charleston, SC 29412
County: Charleston
Previous Orders: None
Permit Number: 10-211-08921

Summary: The Department conducted inspections on June 13, 2023, June 23, 2023, and July 3, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

35. Order Type and Number: Consent Order 23-168-FOOD
Order Date: August 23, 2023
Individual/Entity: **Putters Pub**
Facility: Putters Pub
Location: 5183 Barefoot Bridge Road, North Myrtle Beach, SC 29582
County: Horry
Previous Orders: 22-231-FOOD (\$400.00)

Permit Number: 26-206-14452

Summary: The Department conducted an inspection on January 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the handwashing sinks were accessible at all times.

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

Previous Orders: The previous Consent Order (22-231-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that the handwashing sinks were accessible at all times; and by failing to keep equipment food contact surfaces and utensils clean to sight and touch.

36. Order Type and Number: Consent Order 23-226-FOOD
Order Date: August 23, 2023
Individual/Entity: **Island Bar & Grill**
Facility: Island Bar & Grill
Location: 10744 Ocean Highway, Pawleys Island, SC 29582
County: Georgetown
Previous Orders: None
Permit Number: 22-206-06480

Summary: The Department conducted an inspection on June 14, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The 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).

37. Order Type and Number: Consent Order 23-186-FOOD
Order Date: August 23, 2023
Individual/Entity: **Big C Hot Dogs and Vending #2**
Facility: Big C Hot Dogs and Vending #2
Location: 4050 Socastee Boulevard, Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-14424

Summary: The Department conducted an inspection on June 19, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The 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). The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

38. Order Type and Number: Consent Order 23-242-FOOD
Order Date: August 23, 2023
Individual/Entity: **CJ's Catering**
Facility: CJ's Catering
Location: 5828 Shakespeare Road, Columbia, SC 29223
County: Richland
Previous Orders: None
Permit Number: 40-206-07767

Summary: The Department conducted an inspection on July 18, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

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

39. Order Type and Number: Consent Order 23-255-FOOD
Order Date: August 23, 2023
Individual/Entity: **Taco Loco Bar & Grill LLC**
Facility: Taco Loco Bar & Grill LLC
Location: 122 West Whitner Street, Anderson, SC 29624
County: Anderson
Previous Orders: None
Permit Number: 04-206-04861

Summary: The Department conducted an inspection on August 3, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

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

40. Order Type and Number: Consent Order 23-216-FOOD
Order Date: August 23, 2023
Individual/Entity: **Hachi Express Steak Food**
Facility: Hachi Express Steak Food
Location: 906 North Main Street, Woodruff, SC 29388
County: Spartanburg
Previous Orders: None
Permit Number: 42-206-07004

Summary: The Department conducted inspections on March 1, 2023, June 16, 2023, and June 27, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

41. Order Type and Number: Consent Order 23-202-FOOD
Order Date: August 23, 2023
Individual/Entity: **Deliteful Flavors**
Facility: Deliteful Flavors
Location: 104A East Shockey Ferry Road, Anderson, SC 29624
County: Anderson
Previous Orders: None
Permit Number: 04-206-04684

Summary: The Department conducted inspections on April 13, 2023, April 27, 2023, and June 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The 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).

42. Order Type and Number: Consent Order 23-148-FOOD
Order Date: August 23, 2023
Individual/Entity: **Gino's Real NY Pizza**
Facility: Gino's Real NY Pizza
Location: 2520 Highway 17 South Business, Unit 6, Garden City, SC 29576
County: Horry
Previous Orders: None
Permit Number: 26-206-12607

Summary: The Department conducted inspections on December 8, 2022, April 4, 2023, and April 14, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

43. Order Type and Number: Consent Order 23-243-FOOD
Order Date: August 23, 2023
Individual/Entity: **Mozzo Deli Caterer**
Facility: Mozzo Deli Caterer
Location: 730 Coleman Boulevard, Mount Pleasant, SC 29464
County: Charleston
Previous Orders: None
Permit Number: 10-206-07060

Summary: The Department conducted inspections on June 30, 2023, July 3, 2023, and July 10, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to provide equipment sufficient in number and capacity to maintain food temperatures for cooling and heating food and holding cold and hot food.

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

44. Order Type and Number: Consent Order 23-227-FOOD
Order Date: August 23, 2023
Individual/Entity: **The Smart Box**
Facility: The Smart Box
Location: 1720 Main Street North, Allendale, SC 29810
County: Allendale
Previous Orders: None
Permit Number: 09-206-00324

Summary: The Department conducted inspections on January 5, 2023, January 12, 2023, June 29, 2023, and June 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to maintain the premises free of insects, rodents, and other pests.

Action: 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).

45. Order Type and Number: Consent Order 23-185-FOOD
Order Date: August 23, 2023
Individual/Entity: **The Local Bar and Kitchen**
Facility: The Local Bar and Kitchen
Location: 1525 13th Avenue North, North Myrtle Beach, SC 29582
County: Horry
Previous Orders: 22-181-FOOD (\$1,800.00)
Permit Number: 26-206-13878

Summary: The Department conducted inspections on February 1, 2023, and June 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Previous Orders: The previous Consent Order (22-181-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to properly cool cooked time/temperature control for safety foods; by failing to use effective methods to cool cooked time/temperature control for safety foods; and by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

46. Order Type and Number: Consent Order 23-231-FOOD
Order Date: August 23, 2023
Individual/Entity: **Rancho Grande**
Facility: Rancho Grande
Location: 136 Sea Island Parkway, Suite 4, Beaufort, SC 29907
County: Beaufort
Previous Orders: 21-07-FOOD (\$3,000.00);
22-93-FOOD (\$1,000.00); and
23-138-FOOD (\$1,000.00)
Permit Number: 07-206-02367

Summary: The Department conducted inspections on July 5, 2023, and July 14, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Previous Orders: The previous Consent Order (21-07-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

The previous Consent Order (22-93-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

The previous Consent Order (23-138-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

47. Order Type and Number: Consent Order 23-232-FOOD
Order Date: August 23, 2023
Individual/Entity: **Inlet Provision Company**
Facility: Inlet Provision Company
Location: 4891 Highway 17 Business, Murrells Inlet, SC 29576
County: Georgetown
Previous Orders: None

Permit Number: 22-206-06441

Summary: The Department conducted inspections on July 12, 2022, January 9, 2023, June 20, 2023, June 30, 2023, and July 7, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

48. Order Type and Number: Consent Order 23-229-FOOD
Order Date: August 23, 2023
Individual/Entity: **Vickery's Shrimp Boat Lane**
Facility: Vickery's Shrimp Boat Lane
Location: 1313 Shrimp Boat Lane, Mt. Pleasant, SC 29464
County: Charleston
Previous Orders: None
Permit Number: 10-206-03069

Summary: The Department conducted inspections on August 18, 2022, August 26, 2022, July 5, 2023, July 10, 2023, and July 18, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times.

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

49. Order Type and Number: Consent Order 23-150-FOOD
Order Date: August 24, 2023
Individual/Entity: **Mack Vereen**
Facility: Mack's Sports Bar
Location: 8130 Highway 90, Longs, SC 29568
County: Horry
Previous Orders: None
Permit Number: 26-206-04022

Summary: The Department conducted inspections on September 15, 2022, April 27, 2023, May 4, 2023, May 12, 2023, May 19, 2023, May 26, 2023, and July 5, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to keep equipment food contact surfaces and utensils clean to sight and touch.

Action: The Department has assessed a total civil penalty in the amount of two thousand eight hundred dollars (\$2,800.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand eight hundred dollars (\$2,800.00). The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

50. Order Type and Number: Consent Order 22-230-FOOD
Order Date: August 24, 2023
Individual/Entity: **Maulik Patel**
Facility: Kwik Korner
Location: 6134 Shakespeare Road, Columbia, SC 29223
County: Richland
Previous Orders: None
Permit Number: 40-206-08419

Summary: The Department conducted inspections on July 3, 2023, July 10, 2023, July 18, 2023, July 25, 2023, and August 2, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The 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).

51. Order Type and Number: Consent Order 23-206-FOOD
Order Date: August 24, 2023
Individual/Entity: **AES Tri State Inc.**
Facility: Arby's #6912
Location: 2709 Dick Pond Road, Myrtle Beach, SC 29576
County: Horry
Previous Orders: None
Permit Number: 26-206-14459

Summary: The Department conducted inspections on January 19, 2023, June 5, 2023, June 15, 2023, and June 23, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that outer openings of the retail food establishment were protected against the entry of insects and rodents by filling or closing the holes and other gaps along floors, walls and ceiling; closed tight-fitting windows; and solid, self-closing doors.

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

52. Order Type and Number: Consent Order 23-244-FOOD
Order Date: August 24, 2023
Individual/Entity: **IKART, LLC**
Facility: Panthers
Location: 13812 North Fraser Street, Georgetown, SC 29440
County: Georgetown

Previous Orders: 22-124-FOOD (\$1,600.00); and
23-25-FOOD (\$1,000.00)
Permit Number: 22-206-06544

Summary: The Department conducted inspections on June 23, 2022, December 28, 2022, May 24, 2023, June 2, 2023, and June 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The Department has assessed a total civil penalty in the amount of two thousand two hundred fifty dollars (\$2,250.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand two hundred fifty dollars (\$2,250.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (22-124-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

The previous Consent Order (23-25-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure there was no bare hand contact with ready-to-eat foods.