

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

January 4, 2024

(X) ACTION/DECISION
() INFORMATION

I. TITLE: Request for a second nine (9)-month Board extension of Certificate of Need (CON) SC-20-41, issued to Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation, for the construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.00 in Florence County.

II. SUBJECT: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation requests second Board approval for an extension of CON SC-20-41.

III. FACTS:

CON SC-20-41 was issued to Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation (Wellsprings) on October 14, 2020, for the construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.00 in Florence County. The original CON had an expiration date of October 14, 2021.

On September 20, 2021, Wellsprings requested a first staff extension of the CON. Wellsprings informed the Department the project was delayed due to design changes and the impact of COVID-19. Wellsprings received CON SC-20-41-EXT-1 on March 29, 2022, and it was valid until July 14, 2022. On June 10, 2022, the Department received a letter from Wellsprings requesting a second staff extension of the CON, which was 30 days prior to expiration. Wellsprings stated the delays were due to the impact of COVID-19. The department issued a second staff extension CON SC-20-41-EXT-2 on July 14, 2022, which was valid until April 14, 2023. On January 13, 2023, Wellsprings submitted a third extension request to the Department, which was approved by the Board on April 13, 2023. In accordance with R. 61-15, Section 601, on October 13, 2023, Wellsprings submitted a fourth extension request to the Department, which is 90 days prior to the expiration.

IV. ANALYSIS:

Department staff have reviewed all relevant information concerning the fourth extension request and find that substantial progress has been made and circumstances beyond the control of Wellsprings have contributed to the need for further extension of CON SC-20-41. Specifically, Wellsprings references bank financing has been slower than anticipated due to higher

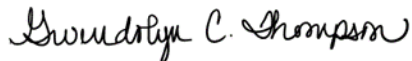
construction costs. Wellsprings is in the process of updating all bids. Wellsprings have anticipated a 30% cost increase.

Wellsprings provided in its extension request an updated timeline for the project, which Department staff believe is achievable given the significant expertise and resources available to Wellsprings. Department staff expect that subsequent extensions by the Board may be unnecessary given Wellsprings timeline showing execution of a construction contract for the Project on or about March 2024. This contract will satisfy the requirement for implementation of the Project under R. 61-15, *Certification of Need for Health Facilities and Services* and will render moot the need for further extension of CON SC-20-41.

V. RECOMMENDATION:

Department staff recommend the Board find that Wellsprings has demonstrated substantial progress and that there are extenuating circumstances beyond its control, and accordingly, grant a nine (9)-month extension of CON SC-20-41.

Approved by:



Gwen C. Thompson
Deputy Director
Healthcare Quality

Attachments:

- A) CON SC-20-41
- B) Wellsprings First Extension Request
- C) Wellsprings First Extension Issuance of CON
- D) Wellsprings Second Extension Request
- E) Wellsprings Second Extension Issuance of CON
- F) Wellsprings Third Extension Request
- G) Wellsprings Third Extension Issuance of CON
- H) Wellsprings Fourth Extension Request

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-41

FACILITY NAME: Wellsprings Health and Rehabilitation

LOCATION: Florence County

LICENSEE: Palmetto Faith Operating, LLC

FOR: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds.

TOTAL PROJECT COST: \$15,869,014.

This Certificate is being issued in accordance with the Code of Laws of South Carolina.

In determining the need for this project, the South Carolina Department of Health and Environmental Control has taken into consideration the "Criteria for Project Review" and the South Carolina Health Plan as established in the "State Certification of Need and Health Facility Licensure Act," S.C. Code Ann. 44-7-110 *et seq.* and Regulation 61-15, "Certification of Need for Health Facilities and Services."

This Certificate of Need is valid until October 14, 2021 which is a period of twelve (12) months from the date of issuance unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this 14th day of October 2020.

A handwritten signature in black ink, appearing to read "Louis W. Eubank".

Louis W. Eubank, Chief
Bureau of Healthcare Planning and Construction



September 20, 2021

Maggie Murdock, Director
c/o Arnisha Keitt, Administrative Coordinator/PCAS Coordinator
Certificate of Need Program
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Re: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation
Construction of a 63,620sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014
Matter No: 2725

Dear Ms. Murdock:

On behalf of Wellsprings Health and Rehabilitation (“Wellsprings”), I am submitting a CON Extension Request for the above referenced project.

Pursuant to Regulation No. 61-15, Sections 602 and 603, the extension request shall contain certain progress and additional details for the approved project as listed below:

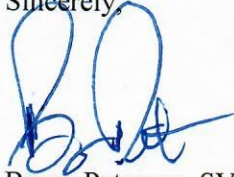
- a. Detailed description of any changes in the configuration, costs, services, or scope of the project:
Very few changes have been made to the project. The building was expanded from 63,620 square feet to 66,621 due the decision to increase resident rooms sizes in 32 rooms to allow for more space for larger patients. The increase in room size will allow for easier wheelchair and gurney access in and around the bedroom and bathroom. We anticipate the cost increase for these design changes to be approximately \$500,000. Architectural, MEP, and Civil design documents also cost more than budgeted. These professional services will be approximately \$50,000 more than expected. Geotech and other surveys also ended up costing more than originally planned. The increase in cost for these surveys will be around \$30,000. All of these anticipated cost increases are still within the construction contingency at this point. Land purchase price including title work was negotiated down from \$200,000.00 to \$145,077. The Developer’s Fee and Real Estate Taxes will also be significantly lower than originally estimated.

- b. A detailed description and documentation of any progress on the project including preparation of construction drawings, the securing of necessary funds and building permits, and commencement of any construction:
The land has been purchased, surveyed, and plat recorded. Phase 1 survey has been completed. Geotechnical and topographical surveys have been completed and provided to Civil and Structural Engineers. Demolition of existing concrete foundation and drives has been completed. Construction drawings from Civil Engineering, Architectural, and MEP are all complete. Civil engineering has completed first-round submissions to SCDHEC, SCDOT, and the city. Civil engineering is currently completing a second-round submission to SCDOT and the city for approval. Architect has completed a review of the plans with SCDHEC. General Contractor has been selected. Several meetings have been conducted with the City of Florence Planning Department.

- c. An estimated timetable for commencement and completion of all remaining components of the project:
Revised timetables have been developed based on current knowledge. Final lender approval of projected is anticipated to occur by October 2021. The anticipated date of beginning construction is November 2021. Anticipated date of licensing or project completion is December 2022. Anticipated date for submission of final completion report is January 2023.
- d. Documentation of compliance with the approved timetable or documented evidence that extenuating circumstances beyond the control of the applicant if the timetable was not met:
As everyone is aware, the global COVID-19 pandemic has had serious and significant impacts to all supply chains and to the speed at which work was able to get done. In addition, nursing facilities have been impacted at an even more profound way which impacted available capital and lending on a new nursing facility project. Even with all of these disruptions, we feel the final licensure of the project will only be delayed a month or two compared to the original timetable in the approved CON.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Bronz Peterson, SVP

Fundamental Administrative Services, LLC

**THE ENCLOSED LETTER CONTAINS VITAL INFORMATION.
PLEASE REVIEW IT CAREFULLY AND COMPLETELY TO ENSURE
COMPLIANCE WITH RELEVANT LAWS AND REGULATIONS.**



Article #: 92148969009997901421313103

March 29, 2022

VIA CERTIFIED MAIL

Mr. Bronz Peterson, SVP
Fundamental Administrative Services, LLC
500 Jeff Davis Drive
Spartanburg, SC 29303

Re: Request for an Extension of Certificate of Need No. SC-20-41

Applicant: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation

Project: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.

Matter No.: 2725
Florence County, South Carolina

Dear Mr. Peterson:

The South Carolina Department of Health and Environmental Control ("Department") has reviewed your request for an extension of the above referenced Certificate of Need ("Certificate" or "CON"). A Certificate is valid for one year from the date of issuance. SC Code § 44-7-230(D). If a project is not completed before the expiration of that year, or if progress on the project does not comply with the timetable set forth in the CON application, then the Department may revoke the Certificate. The holder of a CON may apply to the Department for an extension of the Certificate's expiration period pursuant to S.C. Code Regs. 61-15 sections 601 through 603. Initially, Department staff may grant up to two extensions of as long as nine months a piece upon a proper showing that substantial progress has been made in implementing the project. Subsequent extensions may only be granted by the Department's Board. SC Code § 44-7-230(D).

Based on the material you provided in support of your request, it is the decision of the Department to **grant you a nine (9) month initial extension** for Certificate No. **SC-20-41**. The Department's decision is based on the following findings:

- You have provided the Department with reasonable assurance that the Project will be implemented within the requested extension period.

As required by Regulation No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (October 14, 2020). You must continue to report on, if applicable:

- a. Costs incurred on the project;
- b. Construction activity;
- c. Program or service activity; and
- d. Any deviations from the submitted application with supporting documentation.

The mandated due dates for these reports are as follows:

5th Quarterly Report: **1/14/2022**

6th Quarterly Report: **4/14/2022**

7th Quarterly Report: **7/14/2022**

Failure to adhere to the reporting schedule and format may result in enforcement action, which may be inclusive of the voidance of the Certificate of Need and a monetary penalty pursuant to Regulation No. 61-15, Section 701.

Should the length of your project exceed the nine month period of this extension, you are required to file a second extension request with the Department pursuant to Regulation No. 61-15, Sections 602 and 603. The due date for the second extension request, if one is needed, is **June 14, 2022**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins, (803) 545-0530; Division of Health Facilities Construction, Mr. Graham Cormack, (803) 727-3576; and Bureau of Community Care, Ms. Angie Smith, (803) 545-4252.

If this office can be of further service to you or if you have any questions concerning the above, feel free to contact me at (803) 545-4077.

Sincerely,



David Fiorini, Senior Consultant
Certificate of Need Program

Enclosures: Certificate of Need

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-41-Ext 1

FACILITY NAME: Wellsprings Health and Rehabilitation

LOCATION: Florence County

LICENSEE: Palmetto Faith Operating, LLC

FOR: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds.

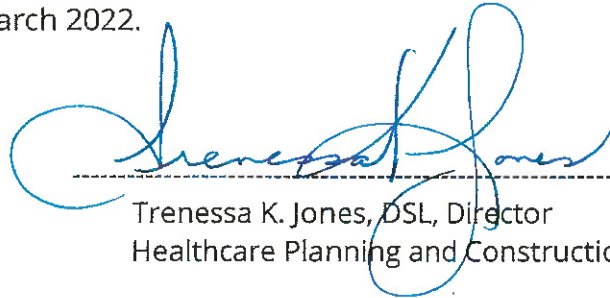
TOTAL PROJECT COST: \$ 15,869,014.00

This Certificate is being issued in accordance with the Code of Laws of South Carolina.

In determining the need for this project, the South Carolina Department of Health and Environmental Control has taken into consideration the "Criteria for Project Review" and the South Carolina Health Plan as established in the *State Certification of Need and Health Facility Licensure Act*, S.C. Code Ann. Section 44-7-110 *et seq.* and Regulation 61-15, "Certification of Need for Health Facilities and Services."

This Certificate of Need is valid until July 14, 2022, which is a period of nine (9) months, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this 29th day of March 2022.



Trenessa K. Jones, DSL, Director
Healthcare Planning and Construction



June 10, 2022

David Fiorini, Senior Consultant
Certificate of Need Program
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Re: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation
Construction of a 63,620sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014
Matter No: 2725

Dear Mr. Fiorini:

On behalf of Wellsprings Health and Rehabilitation (“Wellsprings”), I am submitting a CON Extension Request for the above referenced project.

Pursuant to Regulation No. 61-15, Sections 602 and 603, the extension request shall contain certain progress and additional details for the approved project as listed below:

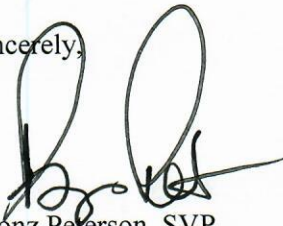
- a. Detailed description of any changes in the configuration, costs, services, or scope of the project:
Very few changes have been made to the project. The building was expanded from 63,620 square feet to 66,621 due the decision to increase resident rooms sizes in 32 rooms to allow for more space for larger patients. The increase in room size will allow for easier wheelchair and gurney access in and around the bedroom and bathroom. We anticipate the cost increase for these design changes to be approximately \$500,000. Architectural, MEP, and Civil design documents also cost more than budgeted. These professional services will be approximately \$50,000 more than expected. Geotech and other surveys also ended up costing more than originally planned. The increase in cost for these surveys will be around \$30,000. All of these anticipated cost increases are still within the construction contingency at this point. Land purchase price including title work was negotiated down from \$200,000.00 to \$145,077. The Developer’s Fee and Real Estate Taxes will also be significantly lower than originally estimated.

- b. A detailed description and documentation of any progress on the project including preparation of construction drawings, the securing of necessary funds and building permits, and commencement of any construction:
The land has been purchased, surveyed, and plat recorded. Phase 1 survey has been completed. Geotechnical and topographical surveys have been completed and provided to Civil and Structural Engineers. Demolition of existing concrete foundation and drives has been completed. Construction drawings from Civil Engineering, Architectural, and MEP are all complete. Civil engineering has completed final submissions to SCDHEC, SCDOT, and the city. Architect has completed a review of the plans with SCDHEC. General Contractor has been selected. Several meetings have been conducted with the City of Florence Planning Department. Bank financing has been slower than anticipated due to the ongoing pandemic, but we anticipate final approval in the next 45 days.

- c. An estimated timetable for commencement and completion of all remaining components of the project:
Revised timetables have been developed based on current knowledge. Final lender approval of projected is anticipated to occur by July 2022. The anticipated date of beginning construction is September 2022. Anticipated date of licensing or project completion is November 2023. Anticipated date for submission of final completion report is December 2023.
- d. Documentation of compliance with the approved timetable or documented evidence that extenuating circumstances beyond the control of the applicant if the timetable was not met:
As everyone is aware, the global COVID-19 pandemic has had serious and significant impacts to all supply chains and to the speed at which work was able to get done. In addition, nursing facilities have been impacted at an even more profound way which impacted available capital and lending on a new nursing facility project. Even with all of these disruptions, we feel the final licensure of the project will be delayed by only a little more than a year compared to the original timetable in the approved CON.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bronz Peterson', written over a light blue vertical line.

Bronz Peterson, SVP
Fundamental Administrative Services, LLC



Article #: 92148969009997901421895234

July 14, 2022

VIA CERTIFIED MAIL

Mr. Bronz Peterson, SVP
Fundamental Administrative Services, LLC
500 Jeff Davis Drive
Spartanburg, SC 29303

Re: Request for a Second Extension of Certificate of Need No. SC-20-41

Applicant: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation

Project: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.

Matter No.: 2725
Florence County, South Carolina

Dear Mr. Peterson:

The South Carolina Department of Health and Environmental Control ("Department") has reviewed your request for an extension of the above referenced Certificate of Need ("Certificate" or "CON"). A Certificate is valid for one year from the date of issuance. SC Code § 44-7-230(D). If a project is not completed before the expiration of that year, or if progress on the project does not comply with the timetable set forth in the CON application, then the Department may revoke the Certificate. The holder of a CON may apply to the Department for an extension of the Certificate's expiration period pursuant to S.C. Code Regs. 61-15 sections 601 through 603. Initially, Department staff may grant up to two extensions of as long as nine months a piece upon a proper showing that substantial progress has been made in implementing the project. Subsequent extensions may only be granted by the Department's Board. SC Code § 44-7-230(D).

Based on the material you provided in support of your request, it is the decision of the Department to **grant you a nine (9) month initial extension** for Certificate No. **SC-20-41**. The Department's decision is based on the following findings:

- You have provided the Department with reasonable assurance that the Project will be implemented within the requested extension period.

As required by Regulation No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (October 14, 2020). You must continue to report on, if applicable:

- a. Costs incurred on the project;
- b. Construction activity;
- c. Program or service activity; and
- d. Any deviations from the submitted application with supporting documentation.

The mandated due dates for these reports are as follows:

8th Quarterly Report: **10/14/2022**

9th Quarterly Report: **1/14/2023**

10th Quarterly Report: **4/14/2023**


Failure to adhere to the reporting schedule and format may result in enforcement action, which may be inclusive of the voidance of the Certificate of Need and a monetary penalty pursuant to Regulation No. 61-15, Section 701.

Should the length of your project exceed the nine month period of this extension, you are required to file a DHEC Board extension request with the Department pursuant to Regulation No. 61-15, Sections 602 and 603. The due date for the Board extension request, if one is needed, is **January 14, 2023**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins, (803) 545-0530; Division of Health Facilities Construction, Mr. Graham Cormack, (803) 727-3576; and Bureau of Community Care, Ms. Angie Smith, (803) 545-4252.

If this office can be of further service to you or if you have any questions concerning the above, feel free to contact me at (803) 545-4077.

Sincerely,



David Fiorini, Senior Consultant
Certificate of Need Program

Enclosures: Certificate of Need

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-41-Ext 2

FACILITY NAME: Wellsprings Health and Rehabilitation

LOCATION: Florence County

LICENSEE: Palmetto Faith Operating, LLC

FOR: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds.

TOTAL PROJECT COST: \$ 15,869,014.00

This Certificate is being issued in accordance with the Code of Laws of South Carolina.

In determining the need for this project, the South Carolina Department of Health and Environmental Control has taken into consideration the "Criteria for Project Review" and the South Carolina Health Plan as established in the *State Certification of Need and Health Facility Licensure Act*, S.C. Code Ann. Section 44-7-110 *et seq.* and Regulation 61-15, "Certification of Need for Health Facilities and Services."

This Certificate of Need is valid until April 14, 2023, which is a period of nine (9) months, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this 14th day of July 2022.

Trenessa K. Jones, DSL, Director
Healthcare Planning and Construction



January 13, 2023

David Fiorini, Senior Consultant
Certificate of Need Program
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Re: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation
Construction of a 63,620sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014
Matter No: 2725

Dear Mr. Fiorini:

On behalf of Wellsprings Health and Rehabilitation ("Wellsprings"), I am submitting a CON Extension Request for the above referenced project.

Pursuant to Regulation No. 61-15, Sections 602 and 603, the extension request shall contain certain progress and additional details for the approved project as listed below:

- a. Detailed description of any changes in the configuration, costs, services, or scope of the project:
Very few changes have been made to the project. The building was expanded from 63,620 square feet to 66,621 due the decision to increase resident rooms sizes in 32 rooms to allow for more space for larger patients. The increase in room size will allow for easier wheelchair and gurney access in and around the bedroom and bathroom. The cost increase for these design changes was approximately \$500,000. Architectural, MEP, and Civil design documents also cost more than budgeted. These professional services will be approximately \$50,000 more than expected. Geotech and other surveys also ended up costing more than originally planned. The increase in cost for these surveys will be around \$30,000. All of these anticipated cost increases are still within the construction contingency at this point. Land purchase price including title work was negotiated down from \$200,000.00 to \$145,077. The Developer's Fee and Real Estate Taxes will also be significantly lower than originally estimated. The one issue is the increase in construction costs in general on the overall project. After getting the complete construction plan set bid out, the projected costs have increased by over 15%. We have been working with the lender to try to get the updated costs under written. Once we have the loan commitment on the higher costs, we contact CON to find out if they need any additional information to update the CON request.

- b. A detailed description and documentation of any progress on the project including preparation of construction drawings, the securing of necessary funds and building permits, and commencement of any construction:
The land has been purchased, surveyed, and plat recorded. Phase 1 survey has been completed. Geotechnical and topographical surveys have been completed and provided to Civil and Structural Engineers. Demolition of existing concrete foundation and drives has been completed. Construction drawings from Civil Engineering, Architectural, and MEP are all complete. Civil engineering has completed final submissions to SCDHEC, SCDOT, and the city, and all Authorities Having Jurisdiction have approved the plans. Architect has completed a review of the plans with

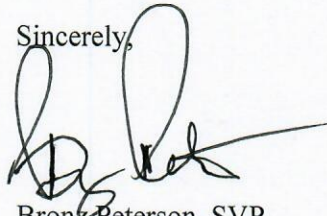
SCDHEC. General Contractor has been selected. Several meetings have been conducted with the City of Florence Planning Department. Bank financing has been slower than anticipated due to the much higher construction costs, but we anticipate final approval in the next 45 days.

- c. An estimated timetable for commencement and completion of all remaining components of the project:
Revised timetables have been developed based on current knowledge. Final lender approval of projected is anticipated to occur by March 2023. The anticipated date of beginning construction is May 2023. Anticipated date of licensing or project completion is June 2024. Anticipated date for submission of final completion report is July 2024.

- d. Documentation of compliance with the approved timetable or documented evidence that extenuating circumstances beyond the control of the applicant if the timetable was not met:
As everyone is aware, the global COVID-19 pandemic has had serious and significant impacts to all supply chains and to the speed at which work was able to get done. In addition, nursing facilities have been impacted at an even more profound way which impacted available capital and lending on a new nursing facility project. Even with all of these disruptions, we feel the final licensure of the project will be delayed by less than two years compared to the original timetable in the approved CON.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Bronz Peterson, SVP
Fundamental Administrative Services, LLC

**THE ENCLOSED LETTER CONTAINS VITAL INFORMATION.
PLEASE REVIEW IT CAREFULLY AND COMPLETELY TO ENSURE
COMPLIANCE WITH RELEVANT LAWS AND REGULATIONS.**



Article #: 92148969009997901423277502

April 13, 2023

VIA CERTIFIED MAIL

Rusty Flathmann, Regional Vice President
Fundamental Clinical and Operational Services, LLC
500 Jeff Davis Drive
Spartanburg, SC 29303

Re: Request for Board Approval and 3rd Extension of Certificate of Need No. SC-20-41
Applicant: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation
Project: Construction of a 63, 620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.00.
Matter No.: 2725

Dear Mr. Flathmann:

The South Carolina Department of Health and Environmental Control ("Department") has reviewed your request for an extension of the above referenced Certificate of Need ("Certificate" or "CON"). A Certificate is valid for one year from the date of issuance. SC Code § 44-7-230(D). If a project is not completed before the expiration of that year, or if progress on the project does not comply with the timetable set forth in the CON application, then the Department may revoke the Certificate. The holder of a CON may apply to the Department for an extension of the Certificate's expiration period pursuant to S.C. Code Regs. 61-15 sections 601 through 603. Initially, Department staff may grant up to two extensions of nine months a piece upon a proper showing that substantial progress has been made in implementing the project. Subsequent extensions may only be granted by the Department's Board. SC Code § 44-7-230(D).

Based on the material you provided in support of your request, it is the decision of the Department to **grant you a nine (9) month Board extension** for Certificate No. **SC-20-41-Ext-3**. The Department's decision is based on the following findings:

- You have submitted sufficient documentation that extenuating circumstances beyond the Applicant's control have prevented compliance with the timetable; and
- You have provided the Department with reasonable assurance that the Project will be under construction or implemented with the requested extension period.

As required by Reg. No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (October 14, 2020). You must continue to report on, if applicable:

- a. Costs incurred on the project;

- b. Construction activity;
- c. Program or service activity; and
- d. Any deviations from the submitted application with supporting documentation.

The mandated due dates for these reports are as follows:

10th Quarterly Report: **4/14/2023**
11th Quarterly Report: **7/14/2023**
12th Quarterly Report: **10/14/2023**

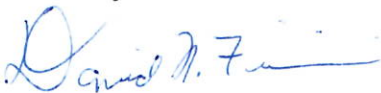
Failure to adhere to the reporting schedule and format may result in enforcement action, which may be inclusive of the voidance of the Certificate of Need and a monetary penalty pursuant to Reg. No. 61-15, Section 701.

Please note that all subsequent requests for extension of **SC-20-41** are subject to approval by the Department Board. Requests for such an extension must be received 90-days prior to expiration of the current extension pursuant to Regulation No. 61-15, Sections 601 through 603. The due date for the next Department Board extension request, if one is needed, is **October 14, 2023**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins (803-545-0530); Division of Health Facilities Construction, Mr. Graham Cormack (803-727-3576); and Bureau of Community Care, Ms. Angie Smith (803-545-4240).

Should you have any questions, please feel free to contact me at (803) 545-4077.

Sincerely,



David N. Fiorini
Senior Consultant, Certificate of Need Program

Enclosures: Certificate of Need SC-20-41-EXT-3

CC: Bronz Peterson (via email)

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-41-Ext 3

FACILITY NAME: Wellsprings Health and Rehabilitation

LOCATION: Florence County

LICENSEE: Palmetto Faith Operating, LLC

FOR: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds.


TOTAL PROJECT COST: \$ 15,869,014.00

This Certificate is being issued in accordance with the Code of Laws of South Carolina.

In determining the need for this project, the South Carolina Department of Health and Environmental Control has taken into consideration the "Criteria for Project Review" and the South Carolina Health Plan as established in the *State Certification of Need and Health Facility Licensure Act*, S.C. Code Ann. Section 44-7-110 *et seq.* and Regulation 61-15, "Certification of Need for Health Facilities and Services."

This Certificate of Need is valid until January 14, 2024, which is a period of nine (9) months, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this 13th day of April 2023.



Trenea K. Jones, DSL, Director
Healthcare Planning and Construction



October 13, 2023

David Fiorini, Senior Consultant
Certificate of Need Program
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Re: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation
Construction of a 63,620sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014
Matter No: 2725

Dear Mr. Fiorini:

On behalf of Wellsprings Health and Rehabilitation (“Wellsprings”), I am submitting a CON Extension Request for the above referenced project.

Pursuant to Regulation No. 61-15, Sections 602 and 603, the extension request shall contain certain progress and additional details for the approved project as listed below:

- a. Detailed description of any changes in the configuration, costs, services, or scope of the project:
Very few changes have been made to the project. The building was expanded from 63,620 square feet to 66,621 due the decision to increase resident rooms sizes in 32 rooms to allow for more space for larger patients. The increase in room size will allow for easier wheelchair and gurney access in and around the bedroom and bathroom. The cost increase for these design changes was approximately \$500,000. Architectural, MEP, and Civil design documents also cost more than budgeted. These professional services will be approximately \$50,000 more than expected. Geotech and other surveys also ended up costing more than originally planned. The increase in cost for these surveys will be around \$30,000. All of these anticipated cost increases are still within the construction contingency at this point. Land purchase price including title work was negotiated down from \$200,000.00 to \$145,077. The Developer’s Fee and Real Estate Taxes will also be significantly lower than originally estimated. The one issue is the increase in construction costs in general on the overall project. After getting the complete construction plan set bid out, the projected costs have increased by over 30%. We have been working with the lender to try to get the updated costs under written. These higher costs coupled with the higher interest rate environment have caused the lender to require additional equity and guarantees.

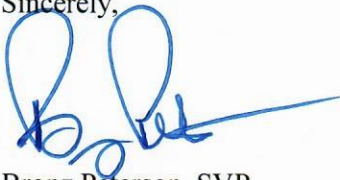
- b. A detailed description and documentation of any progress on the project including preparation of construction drawings, the securing of necessary funds and building permits, and commencement of any construction:
The land has been purchased, surveyed, and plat recorded. Phase 1 survey has been completed. Geotechnical and topographical surveys have been completed and provided to Civil and Structural Engineers. Demolition of existing concrete foundation and drives has been completed. Construction drawings from Civil Engineering, Architectural, and MEP are all complete. Civil engineering has completed final submissions to SCDHEC, SCDOT, and the city, and all Authorities Having Jurisdiction have approved the plans. Architect has completed a review of the plans with

SCDHEC. General Contractor has been selected. Several meetings have been conducted with the City of Florence Planning Department. Bank financing has been slower than anticipated due to the much higher construction costs, but we anticipate final approval in the next 45 days.

- c. An estimated timetable for commencement and completion of all remaining components of the project:
Revised timetables have been developed based on current knowledge. Final lender approval of projected is anticipated to occur by December 2023. The anticipated date of beginning construction is March 2024. Anticipated date of licensing or project completion is June 2025. Anticipated date for submission of final completion report is July 2025.
- d. Documentation of compliance with the approved timetable or documented evidence that extenuating circumstances beyond the control of the applicant if the timetable was not met:
As everyone is aware, the global COVID-19 pandemic has had serious and significant impacts to all supply chains and to the speed at which work was able to get done. In addition, nursing facilities have been impacted at an even more profound way which impacted available capital and lending on a new nursing facility project. Even with all of these disruptions, we feel the final licensure of the project will be delayed by less than three years compared to the original timetable in the approved CON.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Bronz Peterson, SVP
Fundamental Administrative Services, LLC

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

January 4, 2024

- () 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 October 1, 2023, through November 30, 2023.
- III. FACTS:** For the period of October 1, 2023, through November 30, 2023, Healthcare Quality reports one Administrative Order and six Consent Orders totaling \$8,990 in assessed monetary penalties/refunds.

Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Community Residential Care Facilities		3	\$1,500	\$1,500
Healthcare Systems and Services	Hearing Aid Specialist	1		\$6,990 *Required refund	\$6,990 *Required refund
	Paramedic		1	\$500	\$500
TOTAL		1	4	\$8,990	\$8,990

Submitted By:

Gwendolyn C. Thompson

Gwen C. Thompson
Deputy Director
Healthcare Quality

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

January 4, 2024

Bureau of Community Care

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Community Residential Care Facilities (CRCFs)	463	22,254

1. Paths of Hope Community Residential Care – Richland County – 9 licensed beds

Investigation and Violations: On July 10, 2023, and August 7, 2023, Department staff issued citations-by-mail to the Facility for violating Regulation 61-84 Section 502.A regarding its failure to have a licensed CRCF administrator.

Enforcement: Department staff and the Facility agreed to resolve this matter via an expedited consent order where the Facility agreed to immediately retain a licensed administrator and to pay a \$500 monetary penalty.

Remedial Action:

Prior Orders: None in the past five years.

2. Watercrest Columbia Assisted Living and Memory Care – Richland County – 118 licensed beds

Investigation and Violations: On July 10, 2023, and August 3, 2023, Department staff issued citations-by-mail to the Facility for violating Regulation 61-84 Section 502.A regarding its failure to have a licensed CRCF administrator.

Enforcement: Department staff and the Facility agreed to resolve this matter via an expedited consent order where the Facility agreed to immediately retain a licensed administrator and to pay a \$500 monetary penalty.

Remedial Action:

Prior Orders: None in the past five years.

3. Brookwood Community Residence – Lexington County – 8 licensed beds

Investigation and Violations: On July 14, 2023, and August 7, 2023, Department staff issued citations-by-mail to the Facility for violating Regulation 61-84 Section 502.A regarding its failure to have a licensed CRCF administrator.

Enforcement: Department staff and the Facility agreed to resolve this matter via an expedited consent order where the Facility agreed to immediately retain a licensed administrator and to pay a \$500 monetary penalty.

Remedial Action:

Prior Orders: None in the past five years.

Bureau of Healthcare Systems and Services

Provider Type	Total Number of Licensed Hearing Aid Specialists
Hearing Aid Specialist	171

1. Steven G. Peek

Investigation and Violations: Department staff conducted several complaint investigations of Mr. Peek. As a result of the investigations, Department staff determined Mr. Peek committed various statutory and regulatory violations. In particular, Department staff determined Mr. Peek obtained fees or made sales by fraud and/or misrepresentation, in violation of statute and regulation.

Enforcement: Department staff invited Mr. Peek to an enforcement conference to discuss the alleged statutory and regulatory violations; however, Mr. Peek did not attend the scheduled enforcement conference and did not otherwise contact Department staff about rescheduling. Accordingly, Department staff issued an administrative order requiring Mr. Peek to transmit to the Department a refund check in the amount of \$6,990.00 for his violations of statute and regulation. Mr. Peek has not transmitted the refund check to the Department.

Remedial Action: none

Prior Orders: None in the past 5 years.

Provider Type	Total Number of Certified Paramedics
Paramedic	4,473

1. Jojuan Pitts

Investigation and Violations: Department staff received and opened an investigation on April 28, 2022. The complaint alleged Mr. Pitts physically assaulted a patient in his ambulance. Department staff determined that Mr. Pitts committed misconduct, as defined by statute and regulation, in that his actions, without mitigating circumstances, contributed to or furthered the injury or illness of a patient under his care.

Enforcement: On July 19, 2023, the Department notified Mr. Pitts that it was considering enforcement action. The parties met on August 2, 2023, for an enforcement conference. Mr. Pitts and Department staff agreed to resolve this via a consent order where Mr. Pitts agreed to the assessment of a \$500 monetary penalty and to complete certain classes/courses (see below).

Remedial Action: Mr. Pitts completed the required Professional Ethics and Personal Leadership (PEPL) course and online courses regarding first response, service to self, and creating safe scenes.

Prior Orders: None in the past 5 years.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
January 4, 2024

_____ 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 October 1, 2023, through November 30, 2023.
3. **FACTS:** For the reporting period of October 1, 2023, through November 30, 2023, the Office of Environmental Affairs issued one hundred twenty-three (123) Consent Orders with total assessed civil penalties in the amount of three hundred twenty thousand, one hundred sixty dollars (\$320,160.00). Also, five (5) Administrative Orders with total assessed civil penalties in the amount of five hundred dollars (\$500.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	0	0	5	\$12,250.00
Solid Waste	0	0	0	0
Hazardous Waste	0	0	8	\$87,760.00
Mining	0	0	0	0
Radiological Health	0	0	1	\$3,000.00
SUBTOTAL	0	0	14	\$103,010.00
Water				
Recreational Water	0	0	80	\$94,800.00
Drinking Water	0	0	6	\$8,000.00
Water Pollution	0	0	14	\$56,500.00
SUBTOTAL	0	0	100	\$159,300.00
Air Quality				
SUBTOTAL	0	0	5	\$53,350.00
Environmental Health Services				
Onsite Wastewater	5	\$500.00	4	\$4,500.00
SUBTOTAL	5	\$500.00	4	\$4,500.00
OCRM				
SUBTOTAL	0	0	0	0
TOTAL	5	\$500.00	123	\$320,160.00

Submitted by:

Myra C. Reece
Myra C. Reece
Director of Environmental Affairs

Mailing Address: 101 East Washington Street
Greenville, SC 29601

County: Lexington

Previous Orders: None

Permit/ID Number: 18596

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: Capa Real Estate, LLC et al. (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. The Department conducted a routine inspection on July 3, 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 demonstrate financial responsibility for a UST system.

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 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 January 1, 2023.

Update: None

3) Order Type and Number: Consent Order 23-0207-UST

Order Date: November 21, 2023

Individual/Entity: **Jack McAlhaney, Jr.**

Facility: Shumans Stop 'N' Shop

Location: 6925 Yemassee Highway
Varnville, SC 29944

Mailing Address: P. O. Box 895
Varnville, SC 29944

County: Hampton

Previous Orders: None

Permit/ID Number: 14537

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: Jack McAlhaney, Jr. (Individual/Entity) owns underground storage tanks (USTs) in Hampton County, South Carolina. The Department conducted a routine inspection on June 29, 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 conduct annual testing of automatic line leak detectors and/or sump sensors.

Action: The Individual/Entity is required to submit: a current passing line leak detector function check test result for the 6,000-gallon diesel UST by January 5, 2024.

The Department has assessed a total civil penalty in the amount of four hundred fifty dollars (\$450.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred fifty dollars (**\$450.00**) by January 5, 2024.

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

- 4) Order Type and Number: Consent Order 23-0222-UST
Order Date: November 21, 2023
Individual/Entity: **Adil Enterprise, LLC**
Facility: Palm Pantry #33
Location: 3945 Platt Springs
West Columbia, SC 29169
Mailing Address: 255 Waterford Way
Orangeburg, SC 29118-9068
County: Lexington
Previous Orders: None
Permit/ID Number: 12316
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: Adil Enterprise, LLC (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. The Department conducted a routine inspection on August 9, 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 all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by January 5, 2023.

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

- 5) Order Type and Number: Consent Order 23-0236-UST
Order Date: November 22, 2023
Individual/Entity: **SGM-MOONGLO, Inc.**
Facility: 44 Truck Stop, Inc.
Location: 2120 Pond Branch Road
Gilbert, SC 29054
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 06128
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. Code Ann. §§ 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control

Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.20(c)(1)(ii) (2012 and Supp. 2022).

Summary: SGM-MOONGLO, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. The Department conducted a routine inspection on September 11, 2023, and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment of an underground storage tank system.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by January 5, 2024.

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

Hazardous Waste Enforcement

- 6) Order Type and Number: Consent Order 23-27-HW
Order Date: October 6, 2023
Individual/Entity: **Executive Cabinetry, LLC**
Facility: Executive Cabinetry, LLC
Location: 2838 Grandview Drive
Simpsonville, SC 29680
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: SCD 981 868 011
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: Executive Cabinetry, LLC (Individual/Entity) manufactures and produces custom and semi-custom cabinets and specialty furniture for kitchens and bathrooms in Greenville County, South Carolina. The Department conducted an inspection at the facility on February 23, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations, as follows: failed to file a revised or new Site Identification Form whenever the information previously provided became outdated or inaccurate; failed to ensure containers holding hazardous waste are closed at all times during accumulation, except when adding, removing, or consolidating waste or temporary venting of a container; failed to mark or label its container with an indication of the hazards of the contents; failed to ensure the facility did not accumulate waste on site for more than ninety (90) days, unless in compliance with the accumulation time limit extension; failed to have containers holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste; failed to mark or label containers with the words "Hazardous Waste," and the date upon which each period of accumulation

begins; failed to clean up any hazardous waste discharge that occurred during generation, processing, or storage; failed to maintain aisle space to allow the unobstructed movement of personnel or equipment; failed to maintain a list names and emergency telephone numbers of all persons qualified to act as emergency coordinator and keep it up to date; failed to have a quick reference guide of the contingency plan; failed to submit a copy of the contingency plan and all revisions to all local emergency responders; and failed to inspect areas where containers are stored for leaking containers and deterioration of containers.

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 ten thousand dollars (\$10,000.00). The Individual/Entity shall pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**) by November 5, 2023.

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

7) Order Type and Number: Consent Order 23-28-HW
Order Date: November 1, 2023
Individual/Entity: **Auriga Polymers, Inc.**
Facility: Auriga Polymers
Location: 1550 Dewberry Road
Spartanburg, SC
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: SCD 056 811 367
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018) and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: Auriga Polymers, Inc. (Individual/Entity) is a producer of polyester resins for the food packaging industry and polyester fibers used in nonwoven fabrics located in Spartanburg County, South Carolina. The Department conducted a routine inspection on April 25, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to ensure satellite accumulation area storage containers are marked or labeled with the words “Hazardous Waste” and an indication of the hazards of the contents; failed to ensure all containers used to store used oil are labeled with the words “Used Oil” and remain closed; failed to mark or label a container with the words “Universal Waste – Aerosol Can(s)”; failed to receive an extension from the Department for waste to remain onsite greater than ninety (90) days; failed to mark or label a container with the words “Universal Waste – Used Lamp(s)”; failed to contact the transporter and/or the owner and operator of the designated facility to determine the status of hazardous waste, within thirty-five (35) days after the date the transporter accepted the waste; failed to train employees on the proper handling of universal waste; failed to submit a copy of the contingency plan and all revisions to the local emergency responders; failed to include in the contingency plan a list of names and emergency telephone numbers of all person qualified to act as emergency coordinator and keep the list up to date; and failed to include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary.

Action: The Individual/Entity corrected the violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of eight thousand, seven hundred sixty dollars (\$8,760.00). The Individual/Entity is required to pay a civil penalty in the amount of eight thousand, seven hundred sixty dollars (**\$8,760.00**) by December 1, 2023.

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

8) Order Type and Number: Consent Order 23-30-HW
Order Date: November 1, 2023
Individual/Entity: **Self Regional Healthcare**
Facility: Self Regional Healthcare
Location: 1325 Spring Street
Greenwood, SC
Mailing Address: Same
County: Greenwood
Previous Orders: None
Permit/ID Number: SCR 000 005 751
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018) and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: Self Regional Healthcare (Individual/Entity) is a medical center providing advanced healthcare services to the Lakelands region of upstate South Carolina located in Greenwood County, South Carolina. The Department conducted an inspection on June 15, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to label containers with the words “Hazardous Waste Pharmaceuticals”; failed to demonstrate the length of time that universal waste had been accumulated; failed to mark or label satellite accumulation area container with the words “Hazardous Waste”; failed to ensure that satellite accumulation containers were at or near the point of generation or under the control of the operator of the process generating the waste; failed to make an accurate waste determination; failed to ensure that containers are closed during accumulation except when it is necessary to add or remove waste; failed to mark or label containers with the date upon which each period of accumulation begins; failed to store universal waste lamps in a container that is closed; failed to label container of universal waster batteries with the words “Universal Waste – Battery(ies)”; failed to submit annual declaration of generator status on or before January 31st of each calendar year; failed to notify the Department that it is a healthcare facility operating under the hazardous waste pharmaceuticals subpart; failed to submit a legible copy of the manifest with some indication that the generator has not received a confirmation of delivery within sixty (60) days of shipment; and failed to make arrangements with the local emergency responders and maintain records of those arrangements.

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 fifteen thousand dollars (\$15,000.00). The Individual/Entity is required to pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**) by December 1, 2023.

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

- 9) Order Type and Number: Consent Order 23-26-HW
Order Date: November 6, 2023
Individual/Entity: **Avoca, LLC**
Facility: Avoca, LLC
Location: 325 Deming Way
Summerville, SC
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit/ID Number: SCR 000 074 252
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018) and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: Avoca, LLC (Individual/Entity) is a botanical extraction company which blends, extracts, concentrates, crystalizes, purifies, and isolates unique products located in Dorchester County, South Carolina. The Department conducted an inspection on June 5, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to manage recyclable materials in accordance with the requirements of R.61-79.262 and R.61-79.263; failed to mark a satellite accumulation area with the words “Hazardous Waste” and an indication of the hazards of the contents; failed to mark a central accumulation area container with the words “Hazardous Waste”, an indication of the hazards of the contents, and the accumulation start date; failed to submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery to the Department; and failed to manage universal waste in a container that is closed.

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 dollars (\$3,000.00). The Individual/Entity is required to pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**) by December 6, 2023.

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

- 10) Order Type and Number: Consent Order 23-31-HW
Order Date: November 6, 2023
Individual/Entity: **Toll Solutions, LLC**
Facility: Toll Solutions, LLC
Location: 310 Spartangreen Boulevard
Duncan, SC 29334
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: SC0 000 194 100
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South

Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: Toll Solutions, LLC (Individual/Entity) specializes in toll and custom dispersion, emulsion, and blending services for a wide range of chemical and industrial companies in Spartanburg County, South Carolina. The Department conducted an inspection at the facility on March 23, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act, the Hazardous Waste Management Regulations as follows: failed to ensure a material is not "accumulated speculatively" before being recycled; failed to meet the terms of exclusion or exemption by not providing appropriate documentation to demonstrate the materials being accumulated were being recycled; failed to make an accurate determination if a waste was a hazardous waste; failed to maintain records supporting its hazardous waste determinations; failed to mark or label containers with an indication of the hazards of the contents; failed to, at least weekly, inspect the central accumulation areas and look for leaking containers and deterioration of containers; failed to ensure facility personnel successfully complete a program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance; failed to ensure that facility personnel successfully complete the training program required within six (6) months after the date of their employment and that facility personnel take part in an annual review of the initial training; failed to maintain a written description of the type and amount of both introductory and continuing training given to each person filling a position; failed to clean up hazardous waste discharge that occurred during generation, processing, or storage; failed to maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water; failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency; failed to describe and/or include the following in the Contingency Plan: a list of all emergency equipment at the facility and where this equipment is required, and an evacuation plan for generator personnel; failed to have a complete quick reference guide of the contingency plan.

Action: The Individual/Entity is required to submit: proof of removal for the MW Lites material that has been produced and stored at the facility between January 1, 2020, through November 1, 2022 by February 4, 2023; a Management Plan (MP) for the management of MW Lites material generated and stored onsite at the Facility by February 4, 2023, revise and resubmit the MP within fifteen (15) days of the Department's comments, and promptly implement the plan upon the Department's approval. The Department has assessed a total civil penalty in the amount of twenty-five thousand five hundred dollars (\$25,500.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-five thousand five hundred dollars (**\$25,500.00**) by December 6, 2023.

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

11)	<u>Order Type and Number:</u>	Consent Order 23-29-HW
	<u>Order Date:</u>	November 9, 2023
	<u>Individual/Entity:</u>	Zapp Precision Wire, Inc.
	<u>Facility:</u>	Zapp Precision Wire, Inc.
	<u>Location:</u>	475 International Circle

Summerville, SC 29483

Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit/ID Number: SCD 982 130 551
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021) and South Carolina Solid Waste Management: Used Oil Regulations, 8 S.C. Code Ann. Regs. 61-107.279 (2012 and Supp. 2021).

Summary: Zapp Precision Wire, Inc. (Individual/Entity) is a production metal refiner of bar and wires including stainless steel, nickel alloys and titanium in Dorchester County South Carolina. The Department conducted an inspection at the facility on July 12, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act, the Hazardous Waste Management Regulations and the South Carolina Solid Waste Management: Used Oil Regulations, as follows: failed to mark or label containers with the words "Hazardous Waste," an indication of the hazards of the contents, and the date upon which each period of accumulation begins clearly visible for inspection on each container; failed to ensure that facility personnel successfully complete the program required within six (6) months after the date of their employment or assignment to the facility, and failed to ensure facility personnel take part in an annual review of the initial training; failed to describe in the Contingency Plan, the arrangements agreed to with the local police departments, fire departments, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals; failed to describe and/or include in the Contingency Plan, a list of all emergency equipment at the facility and where this equipment is required; failed to submit a copy of the contingency plan and all revisions and a quick reference guide of the contingency plan to all local emergency responders or the Local Emergency Planning Committee; failed to manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment; failed to clearly label or mark universal waste batteries with any of the following phrases: "Universal Waste -Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)"; failed to ensure that each lamp or a container or package in which such lamps are contained were labeled or marked clearly with one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)"; failed to demonstrate the length of time that the universal waste had been accumulated; failed to ensure that containers and aboveground tanks used to store used oil at generator facilities are closed to prevent spillage or contamination; failed to ensure that containers used to store used oil at the facility were labeled with the words "Used Oil".

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 eleven thousand dollars (\$11,000.00). The Individual/Entity shall pay a civil penalty in the amount of eleven thousand dollars (**\$11,000.00**) by December 9, 2023.

Update: None

12) Order Type and Number: Consent Order 23-32-HW
Order Date: November 17, 2023

Individual/Entity: **Healthcare SC, LLC**
Facility: MLILY
Location: 1 MLILY Way
 Winnsboro, SC 29180
Mailing Address: Same
County: Fairfield
Previous Orders: CO 22-22-HW (\$15,000.00)
Permit/ID Number: SCR 000 787 044
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021), the South Carolina Solid Waste Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2018), and the South Carolina Solid Waste Management: Used Oil Regulation R. 61-107.279 (2019 & Supp. 2019).

Summary: Healthcare SC, LLC (Individual/Entity) is a manufacturer of foam mattresses located in Fairfield County, South Carolina. The Department conducted an inspection at the facility on May 19, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act, the Hazardous Waste Management Regulations, the Solid Waste Management Act, and the Solid Waste Management: Used Oil Regulation as follows: failed to ensure satellite accumulation area storage containers remain closed; failed to mark or label satellite accumulation area containers with an indication of the hazards of the contents; failed to mark or label central accumulation area containers with an indication of the hazards of the contents; failed to maintain training records on current personnel; failed to maintain a copy of each manifest onsite for three (3) years or until it receives a signed copy from the designated facility which received the waste; failed to retain onsite a copy of all notices, certificates, waste analysis data, and other documentation (Land Disposal Restrictions) for at least three (3) years; and failed to ensure that containers used to store used oil remained closed to prevent spillage or contamination from precipitation.

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 nine thousand dollars. The Individual/Entity is required to pay a civil penalty in the amount of nine thousand dollars (**\$9,000.00**) by December 17, 2023.

Update: None

13) Order Type and Number: Consent Order 23-33-HW
Order Date: November 30, 2023
Individual/Entity: **SC DHEC**
Facility: SC DHEC
Location: 8321 Parklane Road
 Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: SCD 980 803 449
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann.

Regs. 61-79 (2012 and Supp. 2021) and South Carolina Solid Waste Management: Used Oil Regulations, 8 S.C. Code Ann. Regs. 61-107.279 (2012 and Supp. 2021).

Summary: SC DHEC (Individual/Entity) provides specialized laboratory testing for accurate screening, diagnosis, prevention, and surveillance of disease, foodborne illness, and congenital disorders. The laboratory also covers some environmental and chemical testing at its facility in Richland County South Carolina. The Department conducted an inspection at the facility on June 8, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act, the Hazardous Waste Management Regulations and the South Carolina Solid Waste Management: Used Oil Regulations, as follows: failed to have containers holding hazardous waste closed at all times during accumulation; failed to mark or label Satellite Accumulation Area containers with the words "Hazardous Waste," and an indication of the hazards of the contents; stored waste on site for more than one hundred eighty (180) days; failed to label its Central Accumulation Area containers with the words "Hazardous Waste," an indication of the hazards of the contents, and the date upon which each period of accumulation begins; failed to clearly label universal waste batteries (i.e., each battery), or a container in which the batteries are contained with the words "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)"; failed to clearly label universal waste pesticides with the words "Universal Waste -Pesticide(s)" or "Waste - Pesticide(s)"; failed to demonstrate the length of time that the universal waste had been accumulated from the date it becomes a waste or is received; failed to ensure that containers used to store used oil at the facility were labeled with the words "Used Oil".

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 five thousand, five hundred dollars (\$5,500.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand, five hundred dollars (**\$5,500.00**) by December 30, 2023.

Update: None

Radiological Health Enforcement

14) Order Type and Number: Consent Order 23-05-RH
Order Date: October 11, 2023
Individual/Entity: **Lexington Family Dental d.b.a. Aesthetic Smile Studio**
Facility: **Lexington Family Dental d.b.a. Aesthetic Smile Studio**
Location: 1283 North Lake Drive
Lexington, SC 29072
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 32-3400
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: Lexington Family Dental d.b.a. Aesthetic Smile Studio (Individual/Entity) is a dental clinic located in Lexington County, South Carolina. Based on a routine inspection conducted on March 9, 2022, the Department 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 conduct initial testing and the annual equipment performance test for the computed tomography unit; and failed to conduct testing every two (2) years for the dental intraoral units.

Action: The Individual/Entity corrected all violations prior to the 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**) in accordance with the promissory note.

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

BUREAU OF WATER

Recreational Waters Enforcement

15) <u>Order Type and Number:</u>	Consent Order 23-089-RW
<u>Order Date:</u>	October 2, 2023
<u>Individual/Entity:</u>	Scion Columbia Apartments, LLC
<u>Facility:</u>	Redpoint Columbia
<u>Location:</u>	1050 Southern Drive Columbia, SC 29201
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-1107B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Scion Columbia Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 28, 2023, and August 8, 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; there was debris in the skimmer baskets; a skimmer was missing a weir; the drinking water fountain was not operating properly; the flow meter was not operating properly; chemicals were being hand-fed in the pool while the pool was open; 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 shepherd's crook was not permanently attached to the handle; the emergency notification device was not operational; both of the "Shallow Water – No Diving Allowed" signs posted did not have the correct wording; both of the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted did not have the correct wording and the letters were not the appropriate size; 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.

16) Order Type and Number: Consent Order 23-090-RW
Order Date: October 2, 2023
Individual/Entity: **Kali, Inc.**
Facility: Hampton Inn
Location: 122 Wall Street
Camden, SC 29020
Mailing Address: 419 Sumter Highway
Camden, SC 29020
County: Kershaw
Previous Orders: None
Permit/ID Number: 28-1019B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Kali, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Kershaw County, South Carolina. The Department conducted inspections on April 21, 2023, June 14, 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 floor and walls were dirty; the bathrooms did not have paper towels or hand dryers; there were non-pool related items sored in the equipment room; the flow meter was not operating; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; 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 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.

17) Order Type and Number: Consent Order 23-091-RW
Order Date: October 3, 2023
Individual/Entity: **MB Apts 1B, LLC**
Facility: La Dolce Vita Villas
Location: 3701 North Ocean Boulevard
North Myrtle Beach, SC 29582
Mailing Address: 1229 38th Avenue North, Suite 250
Myrtle Beach, SC 29577
County: Horry

Previous Orders: None
Permit/ID Number: 26-Q15-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: MB Apts 1B, 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 27, 2023, and August 4, 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 and foot rinse shower were not operating properly; the equipment room was not locked; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the 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 posted were not the appropriate size; the log book was not properly bound and numbered on the first inspection; and the bound and numbered log book was not maintained on a daily basis on the second inspection.

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

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

18) Order Type and Number: Consent Order 23-092-RW
Order Date: October 3, 2023
Individual/Entity: **Mount Vintage Homeowners Association, Inc.**
Facility: Mount Vintage Plantation Town Center & Athletic Club
Location: 285 Mount Vintage Plantation Drive
North Augusta, SC 29860
Mailing Address: 215 Mount Vintage Plantation Drive
North Augusta, SC 29860
County: Edgefield
Previous Orders: 19-156-RW (\$680.00)
22-113-RW (\$680.00)
Permit/ID Number: 19-1002B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mount Vintage Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Edgefield County, South Carolina. The Department conducted inspections on June 23, 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: ladders were missing bumpers; the water level was too low; a skimmer was missing a weir; the equipment room was not locked; the gates did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the life ring rope was too short; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; the bound and numbered log book was not

maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; and there were chlorine sticks in the skimmer baskets.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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**) in two installments of one thousand two hundred dollars (\$1,200.00) each. The first installment is due by November 15, 2023, and the second installment is due by December 15, 2023.

Update: The first installment has been paid.

19) Order Type and Number: Consent Order 23-093-RW
Order Date: October 4, 2023
Individual/Entity: **Grande Ocean Resort Owners' Association, Inc.**
Facility: Grande Ocean Resort
Location: 51 South Forest Beach Drive
Hilton Head Island, SC 29928
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-493-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Grande Ocean Resort Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Beaufort County, South Carolina. The Department conducted inspections on July 12, 2023, and August 8, 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 was uneven with sharp edges; the chlorine level was not within the acceptable range of water quality standards; only one "No Lifeguard On Duty – Swim At Your Own Risk" sign was posted; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

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

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

20) Order Type and Number: Consent Order 23-094-RW
Order Date: October 4, 2023
Individual/Entity: **Hilton Head Beach Club Owners' Association, Inc.**
Facility: Hilton Head Beach Club
Location: Forest Beach Drive
Hilton Head, SC 29928
Mailing Address: P.O. Box 7601

	Hilton Head Island, SC 29938
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	07-090-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Hilton Head Beach Club 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 20, 2023, and August 3, 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 lifeline floats were not properly spaced; the water level was too high; skimmers were missing weirs; the pool equipment room was not locked; the drinking water fountain was not operating properly; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the life ring was deteriorated and did not have a permanently attached rope; the shepherd's crook was missing a bolt; and the facility address was not posted at the emergency notification device.

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)	<u>Order Type and Number:</u>	Consent Order 23-095-RW
	<u>Order Date:</u>	October 5, 2023
	<u>Individual/Entity:</u>	Greystone Creek Homeowners Association
	<u>Facility:</u>	Greystone Creek
	<u>Location:</u>	409 Brookstone Way Central, SC 29630
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Pickens
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	39-079-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Greystone Creek Homeowners Association (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 July 5, 2023, and July 24, 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; there was no United States Coast Guard approved life ring; the facility address was not posted at the emergency notification device; the pool rules sign was not completely filled out; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not checked weekly; the drinking water fountain was not operating properly; 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.

22) Order Type and Number: Consent Order 23-096-RW
Order Date: October 9, 2023
Individual/Entity: **Charleston Creekside Inn, LLC**
Facility: Creekside Lands Inn
Location: 2545 Savannah Highway
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-492-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Charleston Creekside Inn, 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 6, 2023, and July 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: a handrail was not tight and secure; there was no drinking water fountain; the life ring did not have a permanently attached rope on the first inspection; the life ring rope was deteriorated on the second inspection; the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted did not have the correct wording; the current pool operator of record information was not posted to the public; there were chlorine pucks in the skimmer baskets; the pool floor was dirty; skimmers were missing weirs; the chlorine level was not within the acceptable range of water quality standards; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

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

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

23) Order Type and Number: Consent Order 23-097-RW
Order Date: October 9, 2023
Individual/Entity: **JDHQ Hotels, LLC**
Facility: Residence Inn by Marriott
Location: 50355 International Boulevard
North Charleston, SC 29418
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1073B

Violations Cited:

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

Summary: JDHQ Hotels, 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 13, 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: skimmers were missing weirs; the chlorine level was not within the acceptable range of water quality standards; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not maintained on a daily basis.

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.

24) Order Type and Number: Consent Order 23-098-RW
Order Date: October 10, 2023
Individual/Entity: **HGC Palmetto Hall, LLC**
Facility: Palmetto Hall Club
Location: Beach City Road
Hilton Head, SC 29938
Mailing Address: 138873 Park Center Road, Suite 203N
Herndon, VA 20171
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-426-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: HGC Palmetto Hall, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 21, 2023, and August 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: the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not available for review; the automatic controller was not operating properly; the pool floor was dirty; and a gate did not self-close and latch.

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

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

25) Order Type and Number: Consent Order 23-099-RW
Order Date: October 10, 2023

Individual/Entity: **BF Landings Palmetto, LLC**
Facility: Palmetto Square Apartments
Location: 1551 Sam Rittenburg Boulevard
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-022-1
Violations Cited: S.C. Code Ann. Regs. 61-51(K)(1)(c)

Summary: BF Landings Palmetto, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on July 5, 2023, and July 25, 2023, and violations were issued for re-opening the pool 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 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 civil penalty has been paid and the Consent Order is closed.

26) Order Type and Number: Consent Order 23-100-RW
Order Date: October 10, 2023
Individual/Entity: **BF Landings West Ashley, LLC**
Facility: The Lily at West Ashley
Location: 2040 Ashley River Road
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1047B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: BF Landings West Ashley, 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 21, 2023, and August 1, 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 basket was floating; a vacuum was operating in the pool while the pool was open to the public; the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; the pool rules sign was not completely filled out; the bound and numbered log book was not maintained on a daily basis; a ladder was missing bumpers; the water level was too low; the facility address was not posted at the emergency notification device; and the cyanuric acid level was not checked weekly.

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.

27) Order Type and Number: Consent Order 23-101-RW
Order Date: October 11, 2023
Individual/Entity: **Strata Aster, LLC**
Facility: The Jaunt Apartments
Location: 1840 Carriage Lane
Charleston, SC 29407
Mailing Address: 4370 La Jolla Village Drive, Suite 960
San Diego, CA 92122
County: Charleston
Previous Orders: None
Permit/ID Number: 10-025-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Strata Aster, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. On June 27, 2023, and August 8, 2023, the pool was inspected and violations were issued for failure to properly operate and maintain; and on August 8, 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 was not in place; a ladder was missing bumpers; the waterline tiles were dirty; a skimmer cover was broken; the drinking water fountain was not operating properly; the main drain grates were not visible due to cloudy water; the life ring did not have a permanently attached rope; the bound and numbered log book was not maintained on a daily basis; 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.

28) Order Type and Number: Consent Order 23-102-RW
Order Date: October 11, 2023
Individual/Entity: **GrayBul Ironwood, LLC**
Facility: Ironwood at Hammonds Ferry
Location: 339 Railroad Avenue
North Augusta, SC 29841
Mailing Address: 200 East Broad Street, Suite 220
Greenville, SC 29601
County: Aiken
Previous Orders: 21-035-RW (\$680.00)
Permit/ID Number: 02-1043B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: GrayBul Ironwood, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Aiken County, South Carolina. The Department conducted inspections on June 8, 2023, and August 3, 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 handrail was not tight and secure; the bathrooms did not have soap; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and there were chlorine sticks in the skimmer baskets.

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

29) Order Type and Number: Consent Order 23-103-RW
Order Date: October 11, 2023
Individual/Entity: **LPA Northwoods, LLC**
Facility: The Oaks at Little Dutchman Creek
Location: 2600 Celanese Road
Rock Hill, SC 29732
Mailing Address: 4530 Park Road, Suite 410
Charlotte, NC 28209
County: York
Previous Orders: None
Permit/ID Number: 46-046-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: LPA Northwoods, 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 28, 2023, and August 4, 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 water was green; the pool floor was dirty; the water level was too low; there was a dead animal in a skimmer basket; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the main drain grates were not visible due to cloudy water; the pool rules sign was not completely filled out; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

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

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

30)	<u>Order Type and Number:</u>	Consent Order 23-104-RW
	<u>Order Date:</u>	October 11, 2023
	<u>Individual/Entity:</u>	Inlet Gardens Homeowners Association, Individually and d.b.a. Inlet Gardens
	<u>Facility:</u>	Inlet Gardens
	<u>Location:</u>	5157 Inlet Garden Court Murrells Inlet, SC 29576
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Georgetown
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	22-048-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Inlet Gardens Homeowners Association, Individually and d.b.a. Inlet Gardens (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 July 12, 2023, and August 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 pool floor and walls were dirty; there was algae on the pool walls; there was debris in the skimmer baskets; a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; and there were chlorine sticks in the skimmer baskets.

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

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

31)	<u>Order Type and Number:</u>	Consent Order 23-105-RW
	<u>Order Date:</u>	October 11, 2023
	<u>Individual/Entity:</u>	Manager for CCHH, Inc.
	<u>Facility:</u>	Country Club of Hilton Head
	<u>Location:</u>	70 Skull Creek Drive Hilton Head Island, SC 29925
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-351-1 & 07-370-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Manager for CCHH, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Beaufort County, South Carolina. The Department conducted inspections on July 10, 2023, and August 3, 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 lifeline was not attached to the pool wall; there were broken depth marker tiles on the pool deck; there was algae on the walls and the floor of the pool; the plaster on the pool

floor was deteriorated; the deck was uneven with sharp edges; the deck drains were broken; the fill spout was not stainless steel or equivalent; 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 cyanuric acid level was not recorded weekly in the bound and numbered log book; and there was no disinfection equipment.

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.

32)	<u>Order Type and Number:</u>	Consent Order 23-107-RW
	<u>Order Date:</u>	October 11, 2023
	<u>Individual/Entity:</u>	Indigo Run Asset Corp.
	<u>Facility:</u>	Indigo Run Sunningdale
	<u>Location:</u>	8 Sunningdale Lane Hilton Head Island, SC 29926
	<u>Mailing Address:</u>	101 Berwick Drive Hilton Head Island, SC 29926
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-464-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Indigo Run Asset Corp. (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 July 10, 2023, and August 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: 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 cyanuric acid level was not checked weekly; the disinfection equipment was not approved; the automatic controller was not operating; the foot rinse shower was not operating properly; and the bound and numbered log book was not maintained on a daily basis.

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

33)	<u>Order Type and Number:</u>	Consent Order 23-106-RW
	<u>Order Date:</u>	October 12, 2023
	<u>Individual/Entity:</u>	Atrium TRS II, LP
	<u>Facility:</u>	Embassy Suites

Location: 5055 International Boulevard
North Charleston, SC 29418
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-591-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Atrium TRS II, 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 June 13, 2023, and July 24, 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 handrail was not tight and secure; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; a ladder was missing non-slip tread inserts; and there were chlorine pucks in the skimmer baskets.

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

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

34) Order Type and Number: Consent Order 23-108-RW
Order Date: October 12, 2023
Individual/Entity: **3851 Cape Landing, LLC**
Facility: Cape Landing Apartments
Location: 3847 Cape Landing Drive
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-L85-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)(10)

Summary: 3851 Cape Landing, 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 an inspection of the pool on August 24, 2023, as the result of an incident that occurred at the pool on July 22, 2023, and a violation was issued for failure to submit an incident report to the Department. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to report to the Department in writing, on a Department approved form, any death, injury, or accident requiring an EMS response, emergency room visit, or hospitalization within seventy-two hours of the occurrence.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

Update: The Individual/Entity submitted the required incident report to the Department. The civil penalty has been paid and the Consent Order is closed.

35) Order Type and Number: Consent Order 23-109-RW
Order Date: October 12, 2023
Individual/Entity: **Sun City Carolina Lakes Community Association**
Facility: Sun City Carolina Lakes
Location: 1353 Del Webb Boulevard
Indian Land, SC 29707
Mailing Address: Same
County: Lancaster
Previous Orders: None
Permit/ID Number: 29-1016B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sun City Carolina Lakes Community Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lancaster County, South Carolina. The Department conducted inspections on April 14, 2023, May 23, 2023, June 22, 2023, and August 3, 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; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and the bound and numbered log book was not maintained on a daily basis.

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

36) Order Type and Number: Consent Order 23-110-RW
Order Date: October 13, 2023
Individual/Entity: **Sun City Carolina Lakes Community Association**
Facility: Lodge at Carolina Lakes
Location: 2955 Sun City Boulevard
Indian Land, SC 29707
Mailing Address: 1353 Del Webb Boulevard
Indian Land, SC 29707
County: Lancaster
Previous Orders: 22-090-RW (\$1,360.00)
Permit/ID Numbers: 29-1043B; 29-1044D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sun City Carolina Lakes Community Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Lancaster County, South Carolina. The Department conducted inspections on

May 23, 2023, June 23, 2023, and August 1, 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 no lifeline; the pool floor was dirty; the chlorine and pH levels were not within the acceptable range of water quality standards; there was no spa rules sign; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and the bound and numbered log book was not maintained on a daily basis.

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

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

37) Order Type and Number: Consent Order 23-111-RW
Order Date: October 13, 2023
Individual/Entity: **Camellia Park Pool Club, Inc., d.b.a. Camellia Park**
Facility: Camellia Park
Location: 816 11th Avenue North
Surfside Beach, SC 29575
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-1108B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Camellia Park Pool Club, Inc., d.b.a. Camellia Park (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 20, 2023, and August 14, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: non-pool related items were stored in the equipment room; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

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

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

38) Order Type and Number: Consent Order 23-113-RW
Order Date: October 16, 2023
Individual/Entity: **NRP Hartwell Village Owner, LLC**
Facility: Signature Hartwell Village
Location: Hwy 93 and DeFore Road

Mailing Address: Seneca, SC 29678
1700 Hillsborough Street
Raleigh, NC 27605
County: Oconee
Previous Orders: None
Permit/ID Number: 37-1031B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: NRP Hartwell Village Owner, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Oconee County, South Carolina. The Department conducted inspections on June 27, 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: only one “No Lifeguard On Duty - Swim At Your Own Risk” sign was posted during the first inspection; the letters on one of the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted during the second inspection were not the correct size; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; and the cyanuric acid level was not checked weekly.

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.

39) Order Type and Number: Consent Order 23-114-RW
Order Date: October 16, 2023
Individual/Entity: **Tiger Development, LLC**
Facility: University Village at Clemson
Location: 181 University Village
Central, SC 29630
Mailing Address: 1700 Hillsborough Street
Raleigh, NC 27605
County: Pickens
Previous Orders: None
Permit/ID Number: 39-1024B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Tiger Development, 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 30, 2023, and July 24, 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 chlorine level was not within the acceptable range of water quality standards; the life ring was not United States Coast Guard approved; 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 23-112-RW
Order Date: October 17, 2023
Individual/Entity: **Sunrise Hotels of Charleston, LLC**
Facility: Comfort Inn Charleston
Location: 144 Bee Street
Charleston, SC 29401
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-411-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sunrise Hotels of Charleston, 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 16, 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: a ladder was missing bumpers; the waterline tiles were dirty; the life ring rope was deteriorated and was not United States Coast Guard approved; the drinking water fountain was not operating; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not completely filled out; the cyanuric acid level was not recorded weekly in the log book; and the log book was not properly bound or numbered.

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

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

41) Order Type and Number: Consent Order 23-115-RW
Order Date: October 17, 2023
Individual/Entity: **Rock Hill Holdings 160, LLC**
Facility: Villas at Riverview
Location: 1341-B Riverview Road
Rock Hill, SC 29730
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-034-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Rock Hill Holdings 160, 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 5, 2023, and August 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: there was no lifeline between the shallow and deep ends; there was debris in the skimmer baskets; a light in the pool wall was out of its niche; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the shepherd's crook was zip-tied to the gate, and the bolts were facing the wrong direction; there was no pool rules sign; there was only one "Shallow Water – No Diving Allowed" sign posted during the first inspection and there were no "Shallow Water – No Diving Allowed" signs posted during the second inspection; there was only one "No Lifeguard On Duty – Swim At Your Own Risk" sign posted during the first inspection and there were no "No Lifeguard On Duty – Swim At Your Own Risk" signs posted during the second inspection; the life ring did not have a permanently attached rope and was not in its designated location; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not available for review during the first inspection and was not maintained on a daily basis during 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.

42) <u>Order Type and Number:</u>	Consent Order 23-116-RW
<u>Order Date:</u>	October 17, 2023
<u>Individual/Entity:</u>	Sandy Beach Property Owners Association, Inc.
<u>Facility:</u>	Sandy Beach Resort
<u>Location:</u>	201 South Ocean Boulevard Myrtle Beach, SC 29577
<u>Mailing Address:</u>	7400 North Kings Highway Myrtle Beach, SC 29572
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-B02-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)(10)

Summary: Sandy Beach 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 an inspection of the pool on August 25, 2023, and a violation was issued for failure to submit an incident report to the Department following an incident that occurred at the pool on August 20, 2023. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to report to the Department in writing, on a Department approved form, any death, injury, or accident requiring an EMS response, emergency room visit, or hospitalization within seventy-two hours of the occurrence.

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

Update: The Individual/Entity has submitted the required report to the Department. The civil penalty has been paid and the Consent Order is closed.

43) Order Type and Number: Consent Order 23-117-RW
Order Date: October 17, 2023
Individual/Entity: **Edgewater Homeowners Association, Inc.**
Facility: Edgewater
Location: Seagull Drive
Lancaster, SC 29720
Mailing Address: 2649 Brekonridge Centre Drive
Monroe, NC 28110
County: Lancaster
Previous Orders: None
Permit/ID Number: 29-1040B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Edgewater Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lancaster County, South Carolina. The Department conducted inspections on July 6, 2023, July 18, 2023, and August 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: a depth marker tile was scratched; waterline tiles were dirty; the hose bibs did not have the required backflow prevention devices; there were non-pool related items stored in the equipment room; the flow meter was not operating; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the life ring rope was deteriorated; the bound and numbered log book had chemical readings that were entered in advance; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not checked weekly; a skimmer basket was floating; the automatic controller was not approved; and the emergency notification device was not operational.

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

44) Order Type and Number: Consent Order 23-118-RW
Order Date: October 17, 2023
Individual/Entity: **Goose Creek Holdings 120, LLC**
Facility: Villas at Summer Creek
Location: 5055 Harbour Lake Drive
Goose Creek, SC 29445
Mailing Address: Same
County: Berkeley

Previous Orders: None
Permit/ID Number: 08-072-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Goose Creek Holdings 120, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Berkeley County, South Carolina. The Department conducted inspections on May 30, 2023, and August 2, 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 floor was dirty; there was debris on the pool deck; the drinking water fountain was not operating properly; the chlorine level was not within the acceptable range of water quality standards; there was no United States Coast Guard approved life ring; the facility address was not posted at the emergency notification device; 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 23-119-RW
Order Date: October 17, 2023
Individual/Entity: **Waterstone Homeowners Association, Inc.**
Facility: Waterstone Community
Location: 204 Coralstone Drive
Fort Mill, SC 29708
Mailing Address: 1548 Ebenezer Road
Rock Hill, SC 29732
County: York
Previous Orders: None
Permit/ID Number: 46-1014C
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Waterstone Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a kiddie pool located in York County, South Carolina. The Department conducted inspections on June 9, 2023, July 17, 2023, and August 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 chlorine and pH levels were not within the acceptable range of water quality standards; the current pool operator of record information was not posted to the public; the facility could not produce current valid documentation of pool operator certification; 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.

- 46) Order Type and Number: Consent Order 23-120-RW
Order Date: October 18, 2023
Individual/Entity: **Fiddler's Cove Beach and Racquet Club Council of Co-Owners, Inc.**
Facility: Fiddler's Cove
Location: 45 Folly Field Road
Hilton Head Island, SC 29928
Mailing Address: Box M, Bldg. 1, 45 Folly Field Road
Hilton Head Island, SC 29928
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-265-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Fiddler's Cove Beach and Racquet Club Council of Co-Owners, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Beaufort County, South Carolina. The Department conducted inspections on June 9, 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: skimmers were missing weirs; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

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

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

- 47) Order Type and Number: Consent Order 23-121-RW
Order Date: October 20, 2023
Individual/Entity: **RE Carroll Management Company**
Facility: Bromley Village Apartments
Location: 104 Bromley Village Drive
Fort Mill, SC 29708
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-1107B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: RE Carroll Management Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on June 9, 2023, July 17, 2023,

and August 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: a ladder was missing bumpers; skimmer covers were broken; the flow meter was not operating properly; there were chlorine sticks in the skimmer baskets; 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, was not maintained a minimum of three times per week by the pool operator of record, and the cyanuric acid level was not recorded on a weekly basis in the log book on the second inspection; and the bound and numbered log book was not maintained on a daily basis on the second and third inspections.

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.

48) Order Type and Number: Consent Order 23-123-RW
Order Date: October 20, 2023
Individual/Entity: **Crowfield Plantation Community Services Association**
Facility: Cherry Hill
Location: 199 Cherry Hill Avenue
Berkeley, SC 29407
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: 08-036-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Crowfield Plantation Community Services Association (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 15, 2023, and August 3, 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 gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the emergency notification device was not operational; the bound and numbered log book was not maintained on a daily basis; and the pool furniture was not at least four feet from the edge of the pool.

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.

49) Order Type and Number: Consent Order 23-124-RW

Order Date: October 20, 2023
Individual/Entity: **Crowfield Plantation Community Services Association**
Facility: Hunters Woods Crowfield Plantation Community
Location: 120 Bugle Drive
Goose Creek, SC 29445
Mailing Address: 101 Hunters Lane
Goose Creek, SC 29445
County: Berkeley
Previous Orders: None
Permit/ID Number: 08-1071B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Crowfield Plantation Community Services Association (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 15, 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: the lifeline floats were not properly spaced; the deck depth marker tiles were broken; the waterline tiles were dirty; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; and chemical readings were entered in advance in the bound and numbered log book.

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

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

50) Order Type and Number: Consent Order 23-125-RW
Order Date: October 20, 2023
Individual/Entity: **The Retreat of Clemson Horizontal Property Regime Association, Inc.**
Facility: Retreat of Clemson
Location: 101 West Lane
Clemson, SC 29633
Mailing Address: Same
County: Pickens
Previous Orders: None
Permit/ID Number: 39-1035B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Retreat of Clemson Horizontal Property Regime Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Pickens County, South Carolina. The Department conducted inspections on June 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: the lifeline floats were not properly spaced; the drinking water

fountain and foot rinse shower were not operating properly; the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not 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.

51)	<u>Order Type and Number:</u>	Consent Order 23-127-RW
	<u>Order Date:</u>	October 20, 2023
	<u>Individual/Entity:</u>	RDC 2, LLC
	<u>Facility:</u>	The Roseberry Apartments
	<u>Location:</u>	137 Roseberry Lane Columbia, SC 29223
	<u>Mailing Address:</u>	1276 Assembly Street Columbia, SC 29201
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	40-1177B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: RDC 2, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 22, 2023, and July 24, 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 floor was dirty; the plaster on the pool floor was deteriorated; the pool deck was uneven with sharp edges; skimmers were missing weirs; only one bathroom was accessible and it was dirty; the bathroom did not have paper towels or a hand dryer; the drinking water fountain was not operating; the foot rinse shower was not operating; a light in the pool wall was chipped; there were non-pool related items stored in the equipment room; the chlorine and pH levels were not within the acceptable range of water quality standards; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted and the sign posted did not have the correct wording or the appropriate size letters; the cyanuric acid level was not recorded in the bound and numbered log book weekly; 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.

52)	<u>Order Type and Number:</u>	Consent Order 23-126-RW
	<u>Order Date:</u>	October 26, 2023
	<u>Individual/Entity:</u>	HSRE Grandmarc Clemson, LLC

Facility: Grand Marc Clemson
Location: 125 Anderson Highway
Clemson, SC 29631
Mailing Address: Same
County: Pickens
Previous Orders: None
Permit/ID Number: 37-1086B & 37-1087D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: HSRE Grandmarc Clemson, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Pickens County, South Carolina. The Department conducted inspections on May 22, 2023, and July 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: a ladder was missing bumpers; the drinking water fountain was not operating; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the spa temperature was not monitored; and only one “Shallow Water – No Diving Allowed” sign was posted.

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

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

53) Order Type and Number: Consent Order 23-128-RW
Order Date: October 26, 2023
Individual/Entity: **Jalaram RND, Inc.**
Facility: Days Inn Walterboro
Location: 1787 Sniders Highway
Walterboro, SC 29488
Mailing Address: 1242 Willow Woods Drive
Aiken, SC 29803
County: Colleton
Previous Orders: None
Permit/ID Number: 15-024-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Jalaram RND, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Colleton County, South Carolina. The Department conducted inspections on June 26, 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: a ladder was missing bumpers and was not tight and secure; the pool walls were dirty; the waterline tiles were dirty; there was a crack in the pool wall; the plaster on the pool floor was deteriorated; skimmers were missing weirs; there were non-pool related items stored in the equipment room; the fill spout was not stainless steel or equivalent; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operating; the pool rules sign was not

completely filled out; the current pool operator of record information was not posted to the public; the cyanuric acid level was not recorded weekly in the bound and numbered log book; and the bound and numbered log book was not maintained 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.

54) Order Type and Number: Consent Order 23-130-RW
Order Date: October 26, 2023
Individual/Entity: **Oakview Property Owners' Association, Inc.**
Facility: Oakview
Location: 16 Gold Oak Drive
Hilton Head, SC 29926
Mailing Address: 2 Corpus Christi, #302
Hilton Head Island, SC 29928
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-594-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Oakview Property Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 6, 2023, and August 16, 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 flow valve located in the equipment room was leaking; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring rope was too short and was deteriorated; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and the bound and numbered log book was not maintained on a daily basis.

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

55) Order Type and Number: Consent Order 23-131-RW
Order Date: October 26, 2023
Individual/Entity: **MCG Charlotte Mill House, DST**
Facility: Mill House Apartments
Location: 820 Clawson Place
Fort Mill, SC 29715

Mailing Address: 2108 Monrovia Street, Suite A-100
Charleston, SC 29405
County: York
Previous Orders: 22-140-RW (\$680.00)
Permit/ID Number: 46-1224B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: MCG Charlotte Mill House, DST (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on June 9, 2023, June 28, 2023, July 31, 2023, and August 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 depth deck marker tiles were broken; the waterline tiles were dirty; the pool furniture was not at least four feet from the edge of the pool; the foot rinse shower was not operating properly; the flow meter was not operating; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of four thousand eighty dollars (\$4,080.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand eighty dollars (**\$4,080.00**).

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

56) Order Type and Number: Consent Order 23-133-RW
Order Date: October 26, 2023
Individual/Entity: **Apple Eight SPE Hilton Head, Inc.**
Facility: Hilton Garden Inn
Location: 1575 Fording Island Road
Hilton Head Island, SC 29926
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-1003B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Apple Eight SPE Hilton Head, 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 16, 2023, and August 18, 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 depth marker tiles were painted; the water was green; the pool floor was dirty; the pool was not approved for night swimming; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

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

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

57) Order Type and Number: Consent Order 23-132-RW
Order Date: October 27, 2023
Individual/Entity: **SRI SAI, LLC**
Facility: Days Inn Seneca
Location: 11015 North Radio Station Road
Seneca, SC 29678
Mailing Address: Same
County: Oconee
Previous Orders: None
Permit/ID Number: 37-035-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: SRI SAI, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Oconee County, South Carolina. The Department conducted inspections on June 23, 2023, and July 31, 2023, and violations were issued for failure to properly operate and maintain; and on August 30, 2023, an inspection was conducted, and violations were issued for failure to properly operate and maintain and for re-opening the pool prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the lifeline floats were damaged; a ladder was missing bumpers; the frost proof tiles on the pool wall were broken; there were non-pool related items stored in the equipment room; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operating; the “Shallow Water – No Diving Allowed” signs posted did not have the correct wording or the appropriate size letters; the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted did not have the correct wording; the main drain grates were not visible; the current pool operator of record information was not posted to the public; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the log book was not properly bound or numbered; the bound and numbered log book was not maintained a minimum of three time per week by the pool operator of record; 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.

58) Order Type and Number: Consent Order 23-134-RW
Order Date: October 27, 2023

<u>Individual/Entity:</u>	West Shore Riverwalk, LLC
<u>Facility:</u>	Riverwalk Apartments
<u>Location:</u>	517 Pink Moon Drive Rock Hill, SC 29730
<u>Mailing Address:</u>	One International Place, Suite 3900 Boston, MA 02110
<u>County:</u>	York
<u>Previous Orders:</u>	22-216-RW (\$680.00)
<u>Permit/ID Number:</u>	46-1147B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: West Shore Riverwalk, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on June 2, 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 chlorine sticks in the skimmer baskets; the women's bathroom did not have a sign; the drinking water fountain was not operating properly; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated; the bound and numbered log book was not maintained on a daily basis; the recirculation and filtration system was leaking and had exposed wires; and the automatic controller was not operating properly.

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

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

59)	<u>Order Type and Number:</u>	Consent Order 23-135-RW
	<u>Order Date:</u>	October 27, 2023
	<u>Individual/Entity:</u>	Siddhi Enterprise, LLC
	<u>Facility:</u>	Comfort Inn Rock Hill
	<u>Location:</u>	973 Corporate Boulevard Rock Hill, SC 29730
	<u>Mailing Address:</u>	Same
	<u>County:</u>	York
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	29-1016B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Siddhi Enterprise, 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, July 10, 2023, and August 4, 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 floor was dirty; the chlorine level was not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily

basis 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 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**) in three installments.

Update: The first installment has been paid. The second installment is due by December 31, 2023, and the third installment is due by January 31, 2024.

60) Order Type and Number: Consent Order 23-136-RW
Order Date: October 27, 2023
Individual/Entity: **Capital City Hotels, LLC**
Facility: Hampton Inn Columbia
Location: 822 Gervais Street
Columbia, SC 29201
Mailing Address: Same
County: Richland
Previous Orders: 21-194-RW (\$680.00)
Permit/ID Number: 40-427-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Capital City Hotels, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 2, 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: skimmers were missing weirs; a skimmer lid was cracked; there was no air gap above the backwash pit; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated; the “Shallow Water – No Diving Allowed” signs posted and the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted did not have the appropriate size letters; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the gate did not self-close and latch; and the pool rules sign was not completely filled out.

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

61) Order Type and Number: Consent Order 23-137-RW
Order Date: October 31, 2023
Individual/Entity: **AHPC Vista Towers 2021, LLC**
Facility: Vista Towers
Location: 2001 Vista Towers Drive

Mailing Address: Columbia, SC 29201
6001 Argyle Forest Blvd, Suite 21
Jacksonville, FL 32244
County: Richland
Previous Orders: None
Permit/ID Number: 40-258-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: AHPC Vista Towers 2021, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on May 31, 2023, and July 24, 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 plaster on the pool floor was deteriorated; the pool deck was uneven with sharp edges; the pool closing time was not approved since the pool is not approved for night swimming; there were non-pool related items stored in the equipment room; the chlorine level was not within the acceptable range of water quality standards; the life ring was deteriorated and did not have a permanently attached rope; the shepherd's crook was not permanently attached to the handle; the facility address posted at the emergency notification device did not match 911 dispatch; a ladder was not tight and secure; the pool floor was dirty; frost-proof tiles were missing on the pool wall; there was debris in the skimmer baskets; the bathrooms did not have paper towels or hand dryers; there was no foot rinse shower; the pool equipment room was not locked; a light in the pool wall was out of its niche; a gate did not self-close and latch; and the cyanuric acid level was not checked weekly.

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.

62) Order Type and Number: Consent Order 23-138-RW
Order Date: October 31, 2023
Individual/Entity: **Bolton Landing Apartments, LLC**
Facility: Bolton's Landing
Location: 1450 Bluewater Way
Charleston, SC 29414
Mailing Address: 201 N. Elm Street, Suite 201
Greensboro, NC 27401
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1184B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Bolton Landing Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 28, 2023, and August 3, 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 main drain grates were not visible due to cloudy water; 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.

63) Order Type and Number: Consent Order 23-139-RW
Order Date: October 31, 2023
Individual/Entity: **Hare Krishna East Columbia Hotel, LLC**
Facility: Motel 6
Location: 7541 Nates Road
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-388-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hare Krishna East Columbia Hotel, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 2, 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; skimmers were missing weirs; there were no bathrooms within 200 feet of the pool; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the main drain grates were not visible due to cloudy water; there were no “Shallow Water – No Diving Allowed” signs posted on the first inspection; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted on the first inspection; only one “Shallow Water – No Diving Allowed” sign was posted on the second inspection; the current operator of record information was not posted to the public; the bound and numbered log book was not maintained on daily basis; the cyanuric acid level was not recorded weekly in the log book; a light in the pool wall was out of its niche; and the life ring was not United States Coast Guard approved.

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.

64) Order Type and Number: Consent Order 23-140-RW
Order Date: October 31, 2023
Individual/Entity: **Springdale Hospitality, LLC**

Facility: La Quinta Inn
Location: 107 Ivy Hill Lane
Rock Hill, SC 29730
Mailing Address: Same
County: York
Previous Orders: 22-187-RW (\$680.00)
Permit/ID Number: 46-1195B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Springdale Hospitality, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on May 30, 2023, June 23, 2023, and August 9, 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 bumper was missing; the foot rinse shower was not operating; the flow meter was not operating; the chlorine level was not within the acceptable range of water quality standards; there was only one “Shallow Water – No Diving Allowed” sign posted on the first inspection; one of the “Shallow Water – No Diving Allowed” signs posted on the second inspection did not have the correct size letters; there was only one “No Lifeguard On Duty – Swim At Your Own Risk” sign posted; a handrail was not tight and secure; the life ring rope was too short; the bound and numbered log book was not available for review on the first inspection; the cyanuric acid level was not recorded weekly in the log book on the second inspection; the log book was not properly bound and numbered on the second inspection; 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 four thousand eighty dollars (\$4,080.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand eighty dollars (**\$4,080.00**) in three installments.

Update: The first installment is due by January 1, 2024, the second installment is due by February 1, 2024, and the third installment is due by March 1, 2024.

65) Order Type and Number: Consent Order 23-142-RW
Order Date: November 3, 2023
Individual/Entity: **The Lofts PropCo, LLC**
Facility: Yugo Columbia Lofts
Location: 211 Main Street
Columbia, SC 29201
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-238-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Lofts PropCo, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 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: a ladder was missing

bumpers; there was no overflow grate; skimmers were missing weirs; the bathrooms did not have paper towels or hand dryers; the backwash pit did not have a six inch air gap; the pool equipment room was not locked; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring was deteriorated on the first inspection; there was no life ring on the second inspection; the emergency notification device was not approvable; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the waterline tiles were dirty; the water level was too low; there were no inline check valves; and the gate did not self-close and latch.

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

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

66) <u>Order Type and Number:</u>	Consent Order 23-143-RW
<u>Order Date:</u>	November 3, 2023
<u>Individual/Entity:</u>	Quail Racquet and Swim Club, Inc.
<u>Facility:</u>	Quail Lane Swim & Racquet
<u>Location:</u>	4927 Quail Lane Columbia, SC 29206
<u>Mailing Address:</u>	4500 Landgrave Road Columbia, SC 29206
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-111-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Quail Racquet and Swim Club, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 12, 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 lifeline was not in place; there were no universal “no diving” tiles; the deck was uneven with sharp edges; the pool furniture was not at least four feet from the edge of the pool; there was debris in the skimmer baskets, the water level was too high; a skimmer was missing a weir; the drinking water fountain was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; there was no shepherd’s crook; the facility address was not posted at the emergency notification device on the first inspection; the facility address was posted at the emergency notification device on the second inspection but it was not weather resistant; the pool rules sign was not completely filled out; the bound and numbered log book was not maintained on a daily basis; and the recirculation and filtration system was not approved.

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.

67) Order Type and Number: Consent Order 23-144-RW
Order Date: November 3, 2023
Individual/Entity: **Night Heron Pavilion Owners' Association, Inc.**
Facility: Night Heron Pavilion
Location: Sea Pines Plantation
Hilton Head Island, SC 29928
Mailing Address: 2 Corpus Christie, Suite 302
Hilton Head Island, SC 29928
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-121-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Night Heron Pavilion 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 July 10, 2023, and July 18, 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 drains were broken; there was debris in the skimmer baskets; the water level was too low; the overflow grates at the waterline were broken; the fill spout was not stainless steel or equivalent; 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.

68) Order Type and Number: Consent Order 23-145-RW
Order Date: November 7, 2023
Individual/Entity: **USC DF - West Campus, LLC**
Facility: 650 Lincoln
Location: 650 Lincoln Street
Columbia, SC 29201
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-1153B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: USC DF - West Campus, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland

County, South Carolina. The Department conducted inspections on June 2, 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 waterline tiles were dirty; the pool deck was not clear of hazards; skimmers were missing weirs; skimmer baskets were floating; the bathrooms did not have soap; the automatic controller was not being used and was still connected to the disinfection system; the flow meter was not operating; the gates did not self-close and latch; the pool entry gate was propped open; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring and life ring rope were not properly mounted; the life ring was deteriorated; the shepherd's crook was not properly mounted; the emergency notification device was not operating; 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 valid documentation of pool operator certification; 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; and the pool equipment room was not locked.

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

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

69) <u>Order Type and Number:</u>	Consent Order 23-146-RW
<u>Order Date:</u>	November 7, 2023
<u>Individual/Entity:</u>	Naman Vista I, LLC
<u>Facility:</u>	Staybridge Suites
<u>Location:</u>	1913 Huger Street Columbia, SC 29201
<u>Mailing Address:</u>	PO Box 4540 Florence, SC 29572
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-1089B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Naman Vista I, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on May 30, 2023, and July 24, 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; a skimmer was missing a weir; there were non-pool related items stored in the equipment room; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the drinking water fountain was not operating properly; there was no flow meter; 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.

70) Order Type and Number: Consent Order 23-147-RW
Order Date: November 8, 2023
Individual/Entity: **Spring Valley Country Club**
Facility: Spring Valley Country Club
Location: 300 Spring Valley Road
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-584-1 & 40-285-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Spring Valley Country Club (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Richland County, South Carolina. The Department conducted inspections on June 20, 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 lifeline floats were not properly spaced; the deck was uneven with sharp edges; the water level was too high; a skimmer was missing a weir, a skimmer basket was floating; the pool equipment room was not locked; the fill spout was not stainless steel or equivalent; a gate did not self-close and latch on the first inspection, and there was no gate attendant 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 life ring was deteriorated and was not properly hung in its designated location; there was no emergency notification device on the first inspection; the emergency notification device was not operational on the second inspection; the facility address posted at the emergency notification device was not weather resistant; the bound and numbered log book was not maintained on a daily basis; and there were chlorine sticks in the skimmer baskets.

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

71) Order Type and Number: Consent Order 23-148-RW
Order Date: November 8, 2023
Individual/Entity: **Gateway Fort Mill, LLC**
Facility: Willows at Fort Mill
Location: 2833 Old Nation Road
Fort Mill, SC 29708
Mailing Address: 13860 Ballantyne Corporate Place
Charlotte, NC 28277

County: York
Previous Orders: 19-069-RW (\$680.00)
20-079-RW (\$1,600.00)
Permit/ID Number: 46-1132B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Gateway Fort Mill, 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 8, 2023, and July 14, 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 flow meter was not operating; 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 maintained on a daily basis; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and the automatic controller had not been approved.

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.

72) Order Type and Number: Consent Order 23-149-RW
Order Date: November 8, 2023
Individual/Entity: **Rice Pointe Columbia, LLC**
Facility: Rice Terrace Apartments
Location: 100 Rice Terrace Drive
Columbia, SC 29229
Mailing Address: 2 Office Park Court, Suite 103
Columbia, SC 29223
County: Richland
Previous Orders: 21-190-RW (\$680.00)
Permit/ID Number: 40-1024B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Rice Pointe Columbia, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 13, 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: the pool wall was chipped and had sharp edges; skimmer baskets were floating; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated; the life ring rope was too short; 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 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.

73) Order Type and Number: Consent Order 23-150-RW
Order Date: November 8, 2023
Individual/Entity: **Nexus Holdings DE, LLC**
Facility: Nexus Sandhill Apartments
Location: 780 Fashion Drive
Columbia, SC 29229
Mailing Address: 3300 Northeast Expressway, Bldg. 6
Atlanta, GA 30341
County: Richland
Previous Orders: None
Permit/ID Number: 40-1156B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Nexus Holdings DE, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 12, 2023, and July 20, 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 rungs; skimmers were missing weirs; skimmer baskets were floating; the bathrooms were not clean and did not have toilet paper or paper towels; the drinking water fountain was not operating properly; the life ring was deteriorated; the shepherd's crook was not permanently attached to the handle; 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; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

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

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

74) Order Type and Number: Consent Order 23-152-RW
Order Date: November 8, 2023
Individual/Entity: **Mid-America Apartment Communities, Inc. d.b.a. MAA Cypress Cove**
Facility: Cypress Cove Apartments
Location: 3590 Mary Ader Avenue
Charleston, SC 29414
Mailing Address: Same
County: Charleston
Previous Orders: None

Permit/ID Number: 10-599-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mid-America Apartment Communities, Inc. d.b.a. MAA Cypress Cove (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 28, 2023, and August 2, 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 depth deck marker tiles were broken; a ladder was missing bumpers; the waterline tiles were dirty; the drinking water fountain was not operating properly; the fill spout was not stainless steel or equivalent; the chlorine level was not within the acceptable range of water quality standards; the life ring was deteriorated; and the bound and numbered log book was not maintained on a daily basis.

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

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

75) Order Type and Number: Consent Order 23-153-RW
Order Date: November 8, 2023
Individual/Entity: **Parkway Development Corporation**
Facility: Wingate Inn
Location: 760 Galleria Boulevard
Rock Hill, SC 29730
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-138-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Parkway Development Corporation (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 July 3, 2023, and August 2, 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 waterline tiles were dirty; non-pool related items were stored in the equipment room; the chlorine level was not within the acceptable range of water quality standards; the life ring and life ring rope were deteriorated; 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 available for review; the bound and numbered log book was not maintained on a daily basis; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

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

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

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

76) Order Type and Number: Consent Order 23-151-RW
Order Date: November 13, 2023
Individual/Entity: **Reflections Owner's Association, Inc.**
Facility: Reflections
Location: 2 Stoney Creek Road
Columbia, SC 29209
Mailing Address: Same
County: Richland
Previous Orders: CO 22-207-RW (\$680.00)
Permit/ID Number: 40-118-1 & 40-118-2
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Reflections Owner's Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Richland County, South Carolina. The Department conducted inspections on July 13, 2023, and August 23, 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 lifeline floats were not properly spaced; the waterline tiles were dirty; the water level at the pool was too high and the water level at the kiddie pool was too low; the pool deck was uneven with sharp edges; the bathrooms did not have paper towels or hand dryers; there was debris in the skimmer baskets; a return cover was broken at the pool and missing at the kiddie pool; there were non-pool related items stored in the equipment room; the flow meter was not operating; a section of the perimeter fence had openings greater than four inches; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and the disinfection equipment was not properly installed.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand four hundred dollars (\$2,400.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand four hundred dollars (**\$2,400.00**).

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

77) Order Type and Number: Consent Order 23-154-RW
Order Date: November 13, 2023
Individual/Entity: **West Shore Arcadia, LLC**
Facility: Arcadia's Edge Apartments
Location: 6837 North Trenholm Road
Columbia, SC 29206
Mailing Address: One International Place, Suite 3900
Boston, MA 02110
County: Richland

Previous Orders: None
Permit/ID Number: 40-1124B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: West Shore Arcadia, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 12, 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 pool deck was dirty; the water level was too high; a skimmer was missing a weir; there were dogs in the pool area; there were non-pool related items stored in the equipment room; the pool equipment room was not locked; the flow meter was not operating properly; the chlorine level was not within the acceptable range of water quality standards; a main drain grate was broken and not in place; the life ring was deteriorated; the facility address was not posted at the emergency notification device; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis and was not maintained a minimum of three times per week by the pool operator of record; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and there were chlorine sticks in the skimmer baskets.

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

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

78) Order Type and Number: Consent Order 23-155-RW
Order Date: November 14, 2023
Individual/Entity: **Innkeeper Motor Lodge West, Inc.**
Facility: Home 2 Suites by Hilton
Location: 104 Spartangreen Boulevard
Duncan, SC 29334
Mailing Address: 3810 North Elm Street, Suite 202
Greensboro, NC 27455
County: Spartanburg
Previous Orders: None
Permit/ID Number: 42-1116B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Innkeeper Motor Lodge West, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Spartanburg County, South Carolina. The Department conducted inspections on July 14, 2023, and September 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: 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; only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and there were chlorine sticks in the skimmer baskets.

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

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

79) Order Type and Number: Consent Order 23-156-RW
Order Date: November 16, 2023
Individual/Entity: **Skandon, LLC**
Facility: Rosewood Gardens (FKA Shandon Crossing)
Location: 504 S Beltline Boulevard
Columbia, SC 29205
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-123-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Skandon, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 30, 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: there was no lifeline on the first inspection; the lifeline floats were not properly spaced on the second inspection; skimmers were missing weirs; the pool equipment room was not locked; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record; the cyanuric acid level was not recorded weekly in the bound and numbered log book; and the backwash pit did not have a six inch air gap above it.

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.

80) Order Type and Number: Consent Order 23-157-RW
Order Date: November 16, 2023
Individual/Entity: **W2C USC One, LLC**
Facility: Pulaski Square
Location: 520 Pendleton Street
Columbia, SC 29201
Mailing Address: 113 Hampton Street
Rock Hill, SC 29730

County: Richland
Previous Orders: None
Permit/ID Number: 40-1147B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: W2C USC One, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 7, 2023, and July 26, 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 bathroom did not have paper towels or soap; the chlorine level was not within the acceptable range of water quality standards; the life ring was deteriorated; the log book was not properly bound and numbered during the first inspection and was not maintained on a daily basis during the second inspection; a gate did not self-close and latch; the cyanuric acid level was not checked weekly; and there were chlorine pucks in the skimmer baskets.

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

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

81) Order Type and Number: Consent Order 23-158-RW
Order Date: November 16, 2023
Individual/Entity: **Shivam Investments, Inc.**
Facility: Country Inn & Suites
Location: 220 E Exchange Boulevard
Columbia, SC 29209
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-395-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Shivam Investments, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Richland County, South Carolina. The Department conducted inspections on May 22, 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: the backwash pit did not have a six-inch air gap above it; the annual operating fee was not paid; 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.

82) <u>Order Type and Number:</u>	Consent Order 23-159-RW
<u>Order Date:</u>	November 16, 2023
<u>Individual/Entity:</u>	Chateau de Ville Association, Inc.
<u>Facility:</u>	Chateau de Ville
<u>Location:</u>	3600 Chateau Drive Columbia, SC 29204
<u>Mailing Address:</u>	1216 Pickens Street Columbia, SC 29201
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-019-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Chateau de Ville Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 27, 2023, and August 1, 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 lifeline floats were not properly spaced; the pool floor was dirty; there was standing water on the deck; there was debris in the skimmer baskets; the bathrooms were not accessible; the eye socket for the return was missing; the chlorine and pH levels were not within the acceptable range of water quality standards; the water level was too high; skimmers were missing weirs; and the pump room was flooded.

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.

83) <u>Order Type and Number:</u>	Consent Order 23-160-RW
<u>Order Date:</u>	November 16, 2023
<u>Individual/Entity:</u>	Bluffton Associates, LLC
<u>Facility:</u>	Lakes at Edgewater
<u>Location:</u>	29 Edgewater Circle Bluffton, SC 29910
<u>Mailing Address:</u>	Same
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	07-494-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Bluffton Associates, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 23, 2023, and August 9, 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; the drinking water

fountain was not operating; the foot rinse shower was not operating; the life ring did not have a permanently attached rope; the life ring rope was too short and was deteriorating; the life ring was not in the designated location; the current pool operator information was not posted to the public; and the bound and numbered log book was not available for review.

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

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

84) Order Type and Number: Consent Order 23-161-RW
Order Date: November 17, 2023
Individual/Entity: **Mariner's Point Corporation**
Facility: Mariner's Pointe
Location: Skull Creek
Hilton Head Island, SC 29928
Mailing Address: 1426 Main Street
Columbia, SC 29201
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-296-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mariner's Point Corporation (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 July 10, 2023, and August 9, 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 lifeline floats were not properly spaced; there was debris in the skimmer baskets; the water level was too low; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operating; the bound and numbered log book was not maintained a minimum of three times per week by the operator of record; and the bound and numbered log book was not maintained on a daily basis.

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

85) Order Type and Number: Consent Order 23-162-RW
Order Date: November 20, 2023
Individual/Entity: **Gateway Oasis I, LLC**
Facility: Gateway Oasis
Location: 570 Gateway Oasis Dr. North

<u>Mailing Address:</u>	Hardeeville, SC 29927 10025 E. Dynamite Road, Suite B140 Scottsdale, AZ 85262
<u>County:</u>	Jasper
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	27-1034B; 27-1035C; 27-1036D
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51.B.2

Summary: Gateway Oasis I, LLC (Individual/Entity) owns and is responsible for obtaining from the Department the proper permits for the construction of three public swimming pools located in Jasper County, South Carolina. The Department conducted an inspection on September 7, 2023, and it was determined that construction of the pools had commenced and permits to construct had not been issued by the Department. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to obtain a permit to construct from the Department prior to the construction of three public swimming pools.

Action: The Individual/Entity is required to: complete the construction of the pools in accordance with the construction permits by February 20, 2024. The Department has assessed a total civil penalty in the amount of one thousand two hundred dollars (\$1,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**).

Update: On September 22, 2023, the Department issued the construction permits to the Individual/Entity. The civil penalty has been paid.

86) <u>Order Type and Number:</u>	Consent Order 23-163-RW
<u>Order Date:</u>	November 22, 2023
<u>Individual/Entity:</u>	Sapna & Nisha, Inc.
<u>Facility:</u>	Comfort Suites
<u>Location:</u>	3971 Grandview Drive Simpsonville, SC 29680
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenville
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	23-1166B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Sapna & Nisha, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on February 3, 2023, June 19, 2023, and July 3, 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; the life ring did not have a permanently attached rope; 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.

87) Order Type and Number: Consent Order 23-164-RW
Order Date: November 27, 2023
Individual/Entity: **Companion at the Palms, LLC**
Facility: Companion at the Palms
Location: 1055 Clemson Frontage Road
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-1082B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Companion at the Palms, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 23, 2023, and August 8, 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 emergency notification device was not operating; the "Shallow Water – No Diving Allowed" signs posted did not have the correct wording; the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted were deteriorated; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the water level was too low; a light in the pump room and chemical storage room was not working; and the flow meter was not operating.

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

88) Order Type and Number: Consent Order 23-165-RW
Order Date: November 28, 2023
Individual/Entity: **612 Devine Street Associates, LLC**
Facility: The Apartments at Palmetto Compress
Location: 612 Devine Street
Columbia, SC 29201
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-1165B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: 612 Devine Street Associates, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland

County, South Carolina. The Department conducted inspections on June 5, 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 waterline tiles were dirty; the water level was too low; skimmers were missing weirs; the drinking water fountain was not operating; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the shepherd's crook was not properly mounted in its designated location; a lifeline with floats was not attached to the pool wall; and the pool floor was dirty.

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

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

89)	<u>Order Type and Number:</u>	Consent Order 23-166-RW
	<u>Order Date:</u>	November 28, 2023
	<u>Individual/Entity:</u>	Regal Manor Homeowners' Association, Inc.
	<u>Facility:</u>	Regal Manor
	<u>Location:</u>	549 Starlight Drive Fort Mill, SC 29715
	<u>Mailing Address:</u>	Same
	<u>County:</u>	York
	<u>Previous Orders:</u>	19-193-RW (\$1,360.00) 20-106-RW (\$1,600.00)
	<u>Permit/ID Number:</u>	46-1084B; 46-1085C
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Regal Manor Homeowners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in York County, South Carolina. The Department conducted inspections on July 13, 2023, and August 3, 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 shepherd's crook was missing a bolt; the pool rules sign was deteriorated and was not legible; the pool rules sign was not completely filled out; the current pool operator of record information was not legible; the bound and numbered log book was not available for review; the cyanuric acid level was above the water quality standards acceptable limit; and the pool equipment room was not locked.

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.

90)	<u>Order Type and Number:</u>	Consent Order 23-167-RW
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Order Date: November 28, 2023
Individual/Entity: **Winchester Homeowners Association, Inc.**
Facility: Winchester Subdivision
Location: Winchester Way
Columbia, SC 29223
Mailing Address: 508 Hampton Street
Columbia, SC 29201
County: Richland
Previous Orders: None
Permit/ID Number: 40-365-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Winchester Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 7, 2023, and July 24, 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 deck was not clear of hazards and was uneven with sharp edges; the water level was too high; the drinking water fountain was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring was deteriorated; the letters on the “Shallow Water – No Diving Allowed” signs posted were not the correct size; the current pool operator of record information was not posted to the public; and a skimmer was missing a weir.

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.

91) Order Type and Number: Consent Order 23-168-RW
Order Date: November 28, 2023
Individual/Entity: **Windswept Cove Owners’ Association, Inc.**
Facility: Windswept II
Location: 2713 Windswept Cove
York, SC 29745
Mailing Address: 312 Bulkhead Way, Suite 104
Lake Wylie, SC 29710
County: York
Previous Orders: None
Permit/ID Number: 46-1051B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Windswept Cove Owners’ Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on May 30, 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: the

equipment room was not locked; the gates did not self-close and latch; 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; 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 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.

92) Order Type and Number: Consent Order 23-169-RW
Order Date: November 28, 2023
Individual/Entity: **Hampton Street 123, LLC**
Facility: Land Bank Apartments
Location: 1401 Hampton Steet
Columbia, SC 29201
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-1161G
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hampton Street 123, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on May 31, 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: the pool floor was dirty; the water level was too low; there was no drinking water fountain; the foot rinse shower was not operating; there were non-pool related items stored in the equipment room; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not completely filled out; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the bound and numbered log book was not maintained a minimum of three times per week by the operator of record; and the 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.

93) Order Type and Number: Consent Order 23-170-RW
Order Date: November 30, 2023
Individual/Entity: **Brookfield 7501, LLC**
Facility: Dira East

Location: 7501 Brookfield Road
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-129-1
Violations Cited: S.C. Code Ann. Regs. 61-51(K)(1)(c)

Summary: Brookfield 7501, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 16, 2023, and 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: 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 dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

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

94) Order Type and Number: Consent Order 23-171-RW
Order Date: November 30, 2023
Individual/Entity: **The Woodcreek Club, LLC**
Facility: The Woodcreek Club
Location: 300 Club Ridge Road
Elgin, SC 29045
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-376-1 & 40-377-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Woodcreek Club, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Richland County, South Carolina. The Department conducted inspections on June 26, 2023, and August 2, 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 deck was uneven with sharp edges; a skimmer was missing a weir; a skimmer basket was floating; there was no drinking water fountain; the pool equipment room was not locked during the first inspection and was not accessible during the second inspection; a gate was propped open; the chlorine and pH levels were not within the acceptable range of water quality standards; the facility address was not clearly posted at the emergency notification device in a permanent and weather-resistant manner; 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; a return cover was missing; an equalizer cover was missing; the return piping was leaking; the main drain lines and return lines for the pool were partially closed; the flow meter was not operating; a light in the pool wall was out of its niche; a section of the perimeter fence was broken; a section of the fence had openings greater than four inches; there was a hose

filling the kiddie pool at the time of inspection; and the main drain valve for the kiddie pool was fully closed.

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.

Drinking Water Enforcement

95) <u>Order Type and Number:</u>	Consent Order 23-027-DW
<u>Order Date:</u>	October 23, 2023
<u>Individual/Entity:</u>	Town of Awendaw
<u>Facility:</u>	Town of Awendaw
<u>Location:</u>	6971 Doar Road Awendaw SC 29429
<u>Mailing Address:</u>	P.O. Box 520 Awendaw, SC 29429
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	1010504
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.7

Summary: The Town of Awendaw (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Charleston County, South Carolina. The Department conducted an inspection on June 28, 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 elevated storage tank had not been inspected since 2017 and the exterior of the tank had rusting spots.

Action: The Individual/Entity is required to: clean and paint the interior and exterior surfaces of the elevated storage tank, perform any additional maintenance on the tank, and schedule an inspection for Department staff to verify the completed work by June 15, 2024. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None

96) <u>Order Type and Number:</u>	Consent Order 23-028-DW
<u>Order Date:</u>	November 1, 2023
<u>Individual/Entity:</u>	The Timbermen, Inc.
<u>Facility:</u>	The Timbermen, Inc.
<u>Location:</u>	264 Fruit Hill Lane Johnston, SC 29832

Mailing Address: P.O. Box 488
Johnston, SC 29832
County: Aiken
Previous Orders: None
Permit/ID Number: 4130002
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1), 61-58.17.I(2)(a), & 61-58.16.E(1)(b)

Summary: The Timbermen, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Aiken County, South Carolina. On July 28, 2023, violations were issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: failed to take all required repeat samples following an E. coli positive routine sample, which resulted in a violation of the maximum contaminant level for E. coli; failed to notify the Department by the end of the day when the system was notified of an E. coli present test result; and failed to collect within twenty-four hours of notification of a total coliform positive sample, at least one groundwater source sample from each groundwater source in use at the time the total coliform positive sample was collected.

Action: The Individual/Entity is required to: submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by December 1, 2023; and submit a standard operating procedure that will be followed to ensure compliance with all monitoring and reporting requirements for bacteriological contaminants by January 15, 2024. 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 eight thousand dollars (**\$8,000.00**) by December 1, 2023, and 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 civil penalty has been paid. The Individual/Entity submitted an investigative report and corrective action plan.

97) Order Type and Number: Consent Order 23-029-DW
Order Date: November 9, 2023
Individual/Entity: **Tara Hall School, Inc.**
Facility: Mingo Creek Academy
Location: 510 Tara Hall Road
Georgetown, SC 29440
Mailing Address: Same
County: Georgetown
Previous Orders: None
Permit/ID Number: 2270924
Violations Cited: S.C. Code Ann. Regs. 61-58.7 & 61-58.17.K(1)

Summary: Tara Hall School, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Georgetown County, South Carolina. The Department conducted an inspection on June 29, 2023, and the PWS was rated unsatisfactory for water quality; and on October 11, 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: provide for a South Carolina professional engineer to conduct an evaluation of the sources and storage tanks; conduct an investigation to determine the cause(s) of the total coliform and E. coli present results at the PWS; and submit a corrective action plan with a schedule to complete all of the recommendations presented in the evaluation and investigation by February 7, 2024. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None.

98) <u>Order Type and Number:</u>	Consent Order 23-030-DW
<u>Order Date:</u>	November 9, 2023
<u>Individual/Entity:</u>	Pair-O-Dyce Properties, LLC
<u>Facility:</u>	Boondocks General Store
<u>Location:</u>	8835 Toccoa Highway Westminster, SC 29693
<u>Mailing Address:</u>	243 Edgewater Trail S. Toccoa, GA 30577
<u>County:</u>	Oconee
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	3774005
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.7

Summary: Pair-O-Dyce Properties, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Oconee County, South Carolina. The Department conducted an inspection on July 20, 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 an unpermitted source of water and the associated well appurtenances were not in compliance with public supply standards; it could not be determined if the bladder storage tank provided adequate storage to serve the facility; and written procedures and maintenance logs for the operation and maintenance of the PWS were not provided for Department review.

Action: The Individual/Entity is required to: provide for a South Carolina professional engineer to conduct an evaluation of Well 1 and the associated well appurtenances and bladder storage tank, and submit a corrective action plan with a schedule to complete all of the recommendations presented in the evaluation by February 9, 2024; and complete written procedures for the PWS and submit a copy of the procedures to the Department within thirty days of completion of the corrective action plan. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None.

99)	<u>Order Type and Number:</u>	Consent Order 23-031-DW
	<u>Order Date:</u>	November 13, 2023
	<u>Individual/Entity:</u>	McAfee Redevelopment, LLC
	<u>Facility:</u>	McAfee Mobile Home Park
	<u>Location:</u>	975 McAfee Court Fort Mill, SC 29707
	<u>Mailing Address:</u>	136 Main Street Pineville, NC 28134
	<u>County:</u>	York
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	4660008
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.7 & 61-58.8.B

Summary: McAfee Redevelopment, 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 July 6, 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 fence surrounding the HP Tank was deteriorated with overgrown vegetation; the HP tank did not have a sample tap; there was trash and non-essential items in the well houses; the well house roof at Well 2 was rusted, had holes, and was full of trash and debris; Well 2 did not have a screened vent or pressure gauge; the wellhead piping at Well 2 was rusted; the flow meter at Well 2 was broken; there was exposed electrical wiring at Well 2; the sample tap at Well 2 was threaded; it could not be determined at the time of the sanitary survey if Well 2 and its associated tank had been physically disconnected from the PWS; an Emergency Preparedness Plan was not developed and 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: correct the deficiencies by February 11, 2024 or submit a corrective action plan and schedule proposing an alternative plan for ensuring compliance by February 11, 2024. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None.

100)	<u>Order Type and Number:</u>	Consent Order 23-032-DW
	<u>Order Date:</u>	November 20, 2023
	<u>Individual/Entity:</u>	Vanessa Montgomery, Individually and d.b.a. Vanessa Montgomery Daycare
	<u>Facility:</u>	Vanessa Montgomery Daycare
	<u>Location:</u>	208 Leah's Loop Greeleyville, SC 29056
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Williamsburg
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	4570132

Violations Cited:
30.G(2)(a)

S.C. Code Ann. Regs. 61-58.17.K(1) & 61-

Summary: Vanessa Montgomery, Individually and d.b.a. Vanessa Montgomery Daycare (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Williamsburg County, South Carolina. On October 4, 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; and the Individual/Entity failed to pay the annual Safe Drinking Water Act fees for fiscal years 2023 and 2024.

Action: The Individual/Entity is required to: submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by December 20, 2023; and pay to the Department the outstanding balance owed for the annual Safe Drinking Water Act fees for fiscal years 2023 and 2024, which totals three hundred nine dollars and thirty-eight cents (\$309.38) by December 20, 2023. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity submitted a corrective action plan and paid the outstanding balance owed for the annual Safe Drinking Water Act fees.

Water Pollution Enforcement

101) Order Type and Number: Consent Order 23-042-W
Order Date: October 3, 2022
Individual/Entity: **WestRock Charleston Kraft, LLC**
Facility: WestRock Paper Mill
Location: 5600 Virginia Avenue
North Charleston, SC 29406
Mailing Address: Same
County: Charleston
Previous Orders: 22-065-W (\$4,200.00)
Permit/ID Number: NPDES Permit SC0001759
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: WestRock Charleston Kraft, LLC (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Charleston County, South Carolina. On December 1, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for total suspended solids (TSS) 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 TSS.

Action: The Individual/Entity is required to: submit a written notification of the planned completion date for all corrective actions necessary to resolve the violations by November 3, 2023; 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 three thousand five hundred dollars (\$3,500.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**) by November 3, 2023.

Update: The civil penalty has been paid and the planned notification of corrective actions was retro dated; therefore, the six-month compliance confirmation period has been completed. The Order is closed.

102) Order Type and Number: Consent Order 23-043-W
Order Date: October 3, 2023
Individual/Entity: **U.S. Army Corps of Engineers**
Facility: St. Stephen Power Plant
Location: 1275 Rediversion Road
St. Stephen, South Carolina
Mailing Address: USACE Charleston District
69A Hagood Avenue
Charleston, SC 29403
County: Berkeley
Previous Orders: None
Permit/ID Number: SCG360002
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(1)(4).

Summary: The U.S. Army Corps of Engineers (Individual/Entity) owns and is responsible for the proper operation and maintenance of the St. Stephen Power Plant wastewater treatment facility (WWTF) in Berkeley County, South Carolina. On April 11, 2023, the Department issued a Notice of Violation for failure to submit quarterly discharge monitoring reports (DMRs) for the periods of October 2020 through December 2022. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to submit DMRs for the period of October 2020 through December 2022.

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

Update: The Order is closed.

103) Order Type and Number: Consent Order 23-044-W
Order Date: October 3, 2023
Individual/Entity: **City of Sumter**
Facility: Sumter Pocotaligo River Plant
Location: 600 Justin Lane
Sumter, Sumter, SC
Mailing Address: 303 East Liberty Street

Sumter, SC 29151
County: Sumter
Previous Orders: 23-004-W (\$8,000.00)
Permit/ID Number: SC0027707
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 Sumter (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment plant (WWTP) in Sumter County, South Carolina. On April 4, 2023, a Notice of Alleged Violation was issued as a result of Escherichia coli (E.coli) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to comply with the permitted effluent limitations for E.coli.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the violations by November 3, 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 seven hundred fifty dollars (\$4,750.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand seven hundred fifty dollars (**\$4,750.00**) by November 3, 2023.

Update: The written notification for the planned completion date for all corrective actions has been submitted and the civil penalty has been paid.

104) Order Type and Number: Consent Order 23-045-W
Order Date: October 13, 2023
Individual/Entity: **Aiken County PSA**
Facility: Horse Creek WWTF
Location: 70 PSA Road
Beech Island, South Carolina 29842
Mailing Address: Same
County: Aiken
Previous Orders: 20-012-W (\$5,040.00)
22-051-W (\$1,000.00)
Permit/ID Number: NPDES Permit SC0024457
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), and the Water Pollution Control Permits Regulation and S.C. Code Ann Regs. 61-9.122.41(e)

Summary: Aiken County Public Service Authority (Individual/Entity) owns and is responsible for the Horse Creek wastewater treatment facility (WWTF) located in Aiken County, South Carolina. On April 6, 2023, a Notice of Violation was issued as a result of violations of the permitted discharge limits for biochemical oxygen demand (BOD) and nitrogen-ammonia (ammonia) 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 BOD and ammonia.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the effluent violations by November 13, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by November 13, 2023.

Update: The written notification for the planned completion date for all corrective actions has been submitted and the civil penalty has been paid.

105) Order Type and Number: Consent Order 23-046-W
Order Date: October 19, 2023
Individual/Entity: **Town of Pageland**
Facility: Town of Pageland/Pageland Southeast
Wastewater Treatment Facility
Location: 126 North Pearl Street
Pageland, SC 29728-1925
Mailing Address: Same
County: Chesterfield County
Previous Orders: 21-046-W (\$2,800.00)
Permit/ID Number: NPDES Permit # SC0021539
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d); Water Pollution Control Permits, S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: The Town of Pageland (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Pageland Southeast wastewater treatment facility (WWTF) located in Chesterfield County, South Carolina. On April 24, 2023, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Escherichia coli (E.coli) and chronic toxicity (CTOX) reported on discharge monitoring reports (DMRs) 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 E.coli and CTOX.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the effluent violations by November 20, 2023; conduct a six (6) monthly monitoring event compliance confirmation period for E.coli and a six (6) quarter compliance confirmation period for CTOX 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 six thousand four hundred dollars (\$6,400.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand four hundred dollars (**\$6,400.00**) by November 20, 2023.

Update: The written notification for the planned completion date for all corrective actions has been submitted and the civil penalty has been paid.

106) Order Type and Number: Consent Order 23-047-W
Order Date: October 19, 2023
Individual/Entity: **Department of the Air Force**
Facility: Joint Base Charleston- Short Stay
Location: Building 30, 211 Short Stay Road
Moncks Corner, SC
Mailing Address: 210 West Stewart Avenue Joint Base
Charleston, SC 29404
County: Charleston
Previous Orders: None
Permit/ID Number: SCG570041
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 Department of the Air Force (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment plant (WWTP) in Charleston County, South Carolina. On April 12, 2023, a Notice of Alleged Violation (NOAV) was issued as a result of Escherichia coli (E.coli) and Total Residual Chlorine (TRC) 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 E.coli and TRC.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the violations by November 20, 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.

Update: The written notification for the planned completion date for all corrective actions has been submitted.

107) Order Type and Number: Consent Order 23-049-W
Order Date: October 23, 2023
Individual/Entity: **Summerville Commissioners of Public Works**
Facility: Summerville Commissioners of Public Works
Location: 400 Orangeburg Road
Summerville, SC 29484
Mailing Address: P.O. Box 817
Summerville, SC 29484-0817
County: Dorchester County
Previous Orders: 21-034-W (\$5,600.00)
Permit/ID Number: NPDES Permit # SC0037541
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: Summerville Commissioners of Public Works (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Dorchester County, South Carolina. On January 27, 2023, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Enterococci 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 Enterococci.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the effluent violations by November 23, 2023; conduct a six (6) monthly monitoring event compliance confirmation period for Enterococci; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by November 23, 2023.

Update: The written notification for the planned completion date for all corrective actions has been submitted and the civil penalty has been paid.

105) Order Type and Number: Consent Order 23-048-W
Order Date: October 25, 2023
Individual/Entity: **Town of Holly Hill**
Facility: Holly Hill Wastewater Treatment Facility
Location: Approximately 2500 Feet SW of the intersection of intersection of Hwy. 178 and S-38-120, Holly Hill, SC 29059
Mailing Address: 8423 Old State Rd
Holly Hill, SC 29059
County: Orangeburg
Previous Orders: None
Permit/ID Number: ND0063380
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), the Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.21(d), and State Land Application Permit ND0063380

Summary: Town of Holly Hill (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Orangeburg County, South Carolina. On April 12, 2023, a Notice of Violation was issued for failure to reapply for permit coverage within one hundred eighty (180) days prior to the existing permit expiring. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to submit an application for renewal of the State Land Application Permit within one hundred eighty (180) days prior to the existing permit expiring.

Action: The Individual/Entity is required to: continue operating the WWTF in accordance with the most recent State Land Application permit until a new permit becomes effective and submit an administratively complete application for renewal of its Land Application Permit by October 9, 2023. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall

pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by November 24, 2023.

Update: The Individual/Entity has submitted an administratively complete application for renewal of its State Land Application Permit and the civil penalty has been paid.

109) Order Type and Number: Consent Order 23-050-W
Order Date: November 1, 2023
Individual/Entity: **Andover Properties LLC**
Facility: FTPA Storage Summerville LLC
Location: 1822 North Main Street
Summerville, SC
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: SCG750051
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: Andover Properties LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of its vehicle wash water discharges (VWWD) in Berkeley County, South Carolina. On July 24, 2023, a Notice of Alleged Violation (NOAV) was issued as a result of failure to sample, Total Suspended Solids (TSS), and oil and grease violations reported on discharge monitoring reports (DMRs) submitted to the Department. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to sample and failed to comply with the permitted effluent limitations for TSS and oil and grease.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the violations by December 1, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the VWWD should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of sixteen thousand one hundred fifty dollars (\$16,150.00). The Individual/Entity shall pay a civil penalty in the amount of sixteen thousand one hundred fifty dollars (**\$16,150.00**) by December 1, 2023.

Update: The civil penalty has been paid and the written notification for the planned completion date for all corrective actions has been submitted.

110) Order Type and Number: Consent Order 23-051-W
Order Date: November 1, 2023
Individual/Entity: **JACABB Utilities LLC**
Facility: The Shoals Wastewater Treatment Plant
Location: West North 2nd Street
Seneca, SC
Mailing Address: 210 West North 2nd Street

Seneca, SC 29678

County: Anderson
Previous Orders: None
Permit/ID Number: SCG570008
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: JACABB Utilities LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment plant (WWTP) in Anderson County, South Carolina. On June 15, 2023, a Notice of Alleged Violation (NOAV) was issued as a result of Escherichia coli (E.coli) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to comply with the permitted effluent limitations for E.coli.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the violations by December 1, 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 dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by December 1, 2023.

Update: The written notification for the planned completion date for all corrective actions has been submitted and the civil penalty has been paid.

111) Order Type and Number: Consent Order 23-052-W
Order Date: November 6, 2023
Individual/Entity: **Town of Lynchburg**
Facility: Town of Lynchburg WWTF
Location: U.S. Highway 76
Lynchburg, SC 29080
Mailing Address: P.O. Box 147
Lynchburg, SC 29080
County: Lee
Previous Orders: 22-034-W (\$1,000.00)
23-033-W (\$6,868.00)
Permit/ID Number: SC0042676
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 Lynchburg (Individual/Entity) owns and is responsible for a wastewater treatment facility (WWTF) located in Lee County, South Carolina. The Individual/Entity reported violations of total suspended solids percent removal (TSS % removal) on discharge monitoring reports (DMRs) 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 TSS % removal.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the effluent violations by November 6, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of nine thousand dollars (\$9000.00). The Individual/Entity shall pay a civil penalty in the amount of nine hundred dollars (**\$900.00**) by November 6, 2024 and pay a suspended penalty in the amount of eight thousand one hundred dollars (\$8,100.00) should any requirement of the Order not be met.

Update: The written notification for the planned completion date for all corrective actions has been submitted and the civil penalty has been paid.

112) Order Type and Number: Consent Order 23-053-W
Order Date: November 21, 2023
Individual/Entity: **Town of Bowman**
Facility: Town of Bowman WWTF
Location: Secondary Road #36
Bowman, SC 29018
Mailing Address: P.O. Box 37
Bowman, SC 29018
County: Orangeburg
Previous Orders: 23-029-W (\$4,800.00)
21-040-W (\$3,000.00)
21-078-W (\$9,000.00)
Permit/ID Number: SC0040037
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 Bowman (Individual/Entity) owns and is responsible for a wastewater treatment facility (WWTF) located in Orangeburg County, South Carolina. The Individual/Entity reported violations of ultimate oxygen demand (UOD) on discharge monitoring reports (DMRs) 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 UOD.

Action: The Individual/Entity is required to: submit written notification of the planned completion date for all corrective actions necessary to resolve the effluent violations by December 21, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand, eight hundred dollars (\$4,800.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, eight hundred dollars (**\$4,800.00**) by December 21, 2023.

Update: The civil penalty has been paid.

113) Order Type and Number: Consent Order 23-054-W
Order Date: November 21, 2023
Individual/Entity: **Greenworks Recycling, Inc.**
Facility: Greenworks Recycling
Location: 15 Beverly Road
Greenville, SC 29609
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: SCR006429
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) and (e)(1)

Summary: Greenworks Recycling, Inc. (Individual/Entity) owns and is responsible for a recycling and composting facility (Site) located in Greenville County, South Carolina. The Individual/Entity failed to respond to an unsatisfactory rating for a stormwater Compliance Evaluation Inspection (CEI) conducted by the Department on January 27, 2023. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation, as follows: failed to comply with its Permit and failed to properly operate and maintain facilities and systems of treatment and control installed or used to achieve compliance.

Action: The Individual/Entity is required to: ensure that a detailed map of the Site is present and leachate is properly managed and controlled; ensure that a stormwater pollution prevention plan (SWPPP) is developed and maintained onsite; provide documentation of annual personnel training and routine inspections; repair the berm along the Site's property line and erosion of the bank at the washdown area; and conduct preliminary testing/sampling of effluents by December 21, 2023. The Department has assessed a total civil penalty in the amount of seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of seven thousand dollars (**\$7,000.00**) should any requirement of the Order not be met.

Update: Annual personnel training and routine inspection documentation along with the developed SWPPP have been submitted. The berm has been repaired and preliminary testing has been conducted.

114) Order Type and Number: Consent Order 23-055-W
Order Date: November 30, 2023
Individual/Entity: **Essex Homes Southeast, Inc.**
Facility: Brentwood Subdivision
Location: Brentwood Subdivision, Lancaster, SC
Mailing Address: 100 Executive Center Drive
Columbia, SC 29210
County: Lancaster County
Previous Orders: None
Permit/ID Number: NPDES Permits SCR10V881, SCR10AR84, and SCR10AR85
Violations Cited: The Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41 (a) and (e).

Summary: Essex Homes Southeast, Inc. (Individual/Entity) is responsible for construction located in Lancaster County, South Carolina. On November 17, 2021, a Notice of Violation was issued for failure to install and maintain stormwater management, sediment, and erosion controls per the Department approved plans as required by the Permit. The Individual/Entity has violated the Water Pollution Control Permits Regulation as follows: failed to install and maintain stormwater management, sediment, and erosion controls as required by the Permits.

Action: The Individual/Entity is required to: complete the on-site work and analysis necessary to determine the as-built conditions in the Brentwood Subdivision stormwater system and whether any additional controls or other remedies are necessary for compliance by December 30, 2023; submit to the Department a report of analysis and findings, to include as-built drawings, remedies, and a schedule for completion for Department approval by January 30, 2024. Upon review, the Department shall provide written notification of its decision of whether a Notice of Intent (NOI) is deemed necessary; submit, if necessary, an NOI and permit application within sixty (60) days of receipt of written Department notice; within thirty (30) days of the Department's approval or the issuance of NPDES permit coverage, initiate implementation of the approved remedies; within thirty (30) days of completion of the approved remedies, submit revised as-built drawings for the stormwater collection system structures in Brentwood Subdivision if the structures were midwived and a report signed and sealed by a South Carolina Registered Professional Engineer certifying the Site is in compliance with Sections 72-300 thru 72-316 of the South Carolina Stormwater Management and sediment Reduction Regulations. The Department has assessed a total civil penalty in the amount of seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a civil penalty in the amount of seven thousand dollars (**\$7,000.00**) by December 30, 2023.

Update: None

BUREAU OF AIR QUALITY

115) <u>Order Type and Number:</u>	Consent Order 23-026-A
<u>Order Date:</u>	October 13, 2023
<u>Individual/Entity:</u>	Adornus Manufacturing, LLC
<u>Facility:</u>	Adornus Manufacturing, LLC
<u>Location:</u>	1551 Highway 9 Bypass West Lancaster, SC 29720
<u>Mailing Address:</u>	Same
<u>County:</u>	Lancaster
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	1460-0077-CA
<u>Violations Cited:</u>	S.C. Code Ann. Regs 61-62.1, Section II,
<i>Permit Requirements</i>	

Summary: Adornus Manufacturing, LLC (Individual/Entity) produces custom-built cabinetry at its facility located in Lancaster County South Carolina. On June 17, 2021, the Department conducted a review of records. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to comply with terms of the Construction Permit 1460-0077-CA, specifically establish equipment operating ranges; keep complete and accurate records for PM₁₀, VOC, and HAP

emissions; keep records of equipment operating hours; submit timely notifications for start of construction and operating permit request; and submit annual reports as required.

Action: The Individual/Entity is required to: submit annual reports for the reporting periods ending on March 31 of 2021, 2022, and 2023, including corrected PM₁₀, VOC, and HAP emissions calculated on a monthly basis and as twelve-month rolling sums by November 12, 2023; henceforth maintain records of PM₁₀, VOC, and HAP emissions calculated monthly and as a twelve-month rolling sum; and henceforth submit required annual reports in a timely manner. The Department has assessed a total civil penalty in the amount of twenty-five thousand dollars (\$25,000.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-five thousand dollars (**\$25,000.00**) by November 12, 2023.

Update: None

116) Order Type and Number: Consent Order 23-027-A
Order Date: October 16, 2023
Individual/Entity: **Lineage Logistics Services, LLC**
Facility: Lineage Logistics Services, LLC
Location: 220 Frontage Road
Gaston, SC 29053
Mailing Address: Same
County: Calhoun
Previous Orders: NA
Permit/ID Number: NA
Violations Cited: U.S. EPA 40 CFR 68. and S.C. Code Ann.
Regs. 61-62.68 *Chemical Accident Prevention Provisions*

Summary: Lineage Logistics (Individual/Entity) stores and distributes frozen food products at its facility located in Calhoun County, South Carolina. On October 6, 2022, the Department conducted an inspection. The Individual/Entity has violated U.S. EPA and South Carolina Air Pollution Control Regulations, as follows: failed to manage the facility's Risk Management Program, specifically deficiencies with the process hazard analysis; compliance audit, process safety, mechanical integrity, and operating procedures; and safety information, maintenance, employee training, and contractors.

Action: The Individual/Entity is required to: henceforth, maintain compliance with all applicable requirements specified in the 112(r) Regulations. The Department has assessed a total civil penalty in the amount of nineteen thousand eight hundred dollars (\$19,800.00). The Individual/Entity shall pay a civil penalty in the amount of nineteen thousand eight hundred dollars (**\$19,800.00**) by November 15, 2023.

Update: On June 23, 2023, the Department received follow-up documentation addressing the deficiencies identified in the October 6, 2022, inspection.

117) Order Type and Number: Consent Order 23-028-A
Order Date: November 1, 2023
Individual/Entity: **Victory Boats LLC**
Facility: Victory Boats LLC
Location: 396 Highway 34 East

Winnsboro SC, 29180
Mailing Address: Same
County: Fairfield County
Previous Orders: None
Permit/ID Number: 1000-0045-CA
Violations Cited: U.S. EPA 40 CFR 70, S.C. Code Ann. Regs 61-62.70, and South Carolina Code Ann. Regs. 61-62.1 Section II, *Permit Requirements*

Summary: Victory Boats LLC. (“Individual/Entity”) operates a fiberglass boat manufacturing facility located in Fairfield County, South Carolina. On February 24, 2022, Victory Boats submitted an Operating Permit Request to the Department establishing January 1, 2022, as the date of initial startup. The Title V Permit application was due no later than January 6, 2023. The Individual/Entity has violated US EPA and South Carolina Air Pollution Control Regulations, as follows: failed to submit a timely Title V Permit application to the Department.

Action: The Individual/Entity is required to: submit a complete Title V Permit application to the Department within thirty (30) days. The Department has assessed a total civil penalty in the amount of seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a penalty of seven thousand dollars (**\$7,000.00**) by December 1, 2023.

Update: On July 18, 2023, the Department received the Title V Permit application. The application is currently under review by the Department. The Individual/Entity has paid the civil penalty.

118) Order Type and Number: Consent Order 23-029-A
Order Date: November 1, 2023
Individual/Entity: **Duncan Real Estate of Anderson, LLC**
Facility: None
Location: Parcel #123-09-02-024-000
Anderson, SC
Mailing Address: 206 Meadowood Drive
Anderson, SC 29626
County: Anderson
Previous Orders: None
Permit/ID Number: None
Violations Cited: S.C. Code Ann. Regs. 61-62.2 (Supp. 2022),
Prohibition of Open Burning

Summary: Duncan Real Estate of Anderson, LLC (“Individual/Entity”) owns property located on Hillside Drive in Anderson, South Carolina (“Site”). On January 26 and February 16, 2023, the Department conducted an investigation in response to a complaint of open burning at the Site. 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 and plastic.

Action: The Individual/Entity is required to: cease all open burning except as in compliance the regulations. 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**) by December 1, 2023.

119) Order Type and Number: Consent Order 23-030-A
Order Date: November 13, 2023
Individual/Entity: **Esteban Hernandez**
Facility: None
Location: Parcel #154-00-03-038
Williamston, SC
Mailing Address: 13 Thornwood Drive
Williamston, SC 29697
County: Anderson
Previous Orders: None
Permit/ID Number: None
Violations Cited: S.C. Code Ann. Regs. 61-62.2 (Supp. 2022),
Prohibition of Open Burning

Summary: Esteban Hernandez (Individual/Entity) owns property located in Anderson County, South Carolina. On May 16, 2023, and May 23, 2023, the Department 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 allowed by Section I of Open Burning Regulations, specifically, land clearing debris that was generated from an off-site location.

Action: The Individual/Entity is required to: cease all open burning except as permitted by the regulation. The Department has assessed a total civil penalty in the amount of seven hundred fifty dollars (\$750.00). The Individual/Entity shall pay a civil penalty in the amount of seven hundred fifty dollars (**\$750.00**) by December 13, 2023.

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

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

On-Site Wastewater Enforcement

120) Order Type and Number: Administrative Order 23-029-OSWW
Order Date: September 18, 2023
Individual/Entity: **Cory Cothran, DBA Cothran Landscapes & Grading, LLC**
Facility: Cory Cothran, DBA Cothran Landscapes & Grading, LLC
Location: 121 Sweetwater Road
Seneca, SC 29672
Mailing Address: 326 Long View Ridge Lane
Seneca, SC 29672
County: Oconee

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

Summary: Cory Cothran, DBA Cothran Landscapes & Grading, LLC (Individual/Entity) installed an OSWW system on property located in Oconee County, South Carolina. The Department conducted an investigation on January 11, 2023. 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 and failed to ensure that the OSWW system was installed per the requirements of the permit.

Action: The Individual/Entity is required to cease and desist installing OSWW systems outside the requirements of the permit. 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: On December 20, 2023, the Individual/Entity was referred to the Department's Office of General Counsel for enforcement of the Administrative Order in the Administrative Law Court.

121) Order Type and Number: Administrative Order 23-096-OSWW
Order Date: September 21, 2023
Individual/Entity: **Truman J. Murphy, III**
Facility: Truman J. Murphy, III
Location: 7118 Monticello Road
Columbia, SC 29203
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Truman J. Murphy, III (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on August 31, 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 connect the Site to the available public sewer 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.

122) Order Type and Number: Administrative Order 23-088-OSWW
Order Date: September 26, 2023
Individual/Entity: **Nancy G. Meadows and Stephen Edward Ratcliffe**
Facility: Nancy G. Meadows and Stephen Edward Ratcliffe
Location: 127 Woodruff Lane
Moore, SC
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Nancy G. Meadows and Stephen Edward Ratcliffe (Individual/Entity) own property located in Spartanburg County, South Carolina. The Department conducted an investigation on July 3, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

Update: On December 4, 2023, the Individual/Entity was referred to the Department's Office of General Counsel for enforcement of the Administrative Order in the Administrative Law Court.

123) Order Type and Number: Administrative Order 23-094-OSWW
Order Date: September 26, 2023
Individual/Entity: **Phillip Russell Byrd, Jr.**
Facility: Phillip Russell Byrd, Jr.
Location: 335 East 3rd Street
Kershaw, SC 29067
Mailing Address: Same
County: Lancaster
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Phillip Russell Byrd, Jr. (Individual/Entity) owns property located in Lancaster County, South Carolina. The Department conducted an investigation on July 19, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

Update: On December 27, 2023, the Individual/Entity was referred to the Department's Office of General Counsel for enforcement of the Administrative Order in the Administrative Law Court.

124) <u>Order Type and Number:</u>	Administrative Order 23-095-OSWW
<u>Order Date:</u>	September 26, 2023
<u>Individual/Entity:</u>	Leon Davis and Latrice L. Brown
<u>Facility:</u>	Leon Davis and Latrice L. Brown
<u>Location:</u>	509 Myrtle Road Andrews, SC 29510
<u>Mailing Address:</u>	Same
<u>County:</u>	Georgetown
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Leon Davis and Latrice L. Brown (Individual/Entity) owns property located in Georgetown County, South Carolina. The Department conducted an investigation on August 2, 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.

125) Order Type and Number: Consent Order 23-087-OSWW
Order Date: October 2, 2023
Individual/Entity: **Brandon Jones, B & B Contracting**
Facility: Brandon Jones, B & B Contracting
Location: 6628 Meadow Prong Road
Effingham, SC 29541
Mailing Address: 3330 West Cummings Road
Effingham, SC 29541
County: Florence
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Brandon Jones, B & B Contracting (Individual/Entity) installed an OSWW system at property located in Florence County, South Carolina. The Department conducted an investigation on March 9, 2023, and determined that the Individual/Entity does not hold a Department issued license to construct 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 OSWW systems without first applying for, receiving, and maintaining 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**) to the Department by November 2, 2023.

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

126) Order Type and Number: Consent Order 23-093-OSWW
Order Date: October 17, 2023
Individual/Entity: **Roscoe Hickman**
Facility: Roscoe Hickman
Location: 2537 Triple Crown Blvd.
Florence, SC 29506
Mailing Address: 914 Noisy Lane
Florence, SC 29506
County: Florence
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Roscoe Hickman (Individual/Entity) installed an OSWW system at property located in Florence County, South Carolina. The Department conducted an investigation on March 9, 2023, and determined that the Individual/Entity does not hold a Department issued license to construct 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 OSWW systems without first applying for, receiving, and maintaining a Department issued license. 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**) to the Department by November 17, 2023.

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

127) <u>Order Type and Number:</u>	Consent Order 23-091-OSWW
<u>Order Date:</u>	November 1, 2023
<u>Individual/Entity:</u>	Jeremy Hildreth, DBA Hildreth Backhoe Service
<u>Facility:</u>	Jeremy Hildreth, DBA Hildreth Backhoe Service
<u>Location:</u>	301 Youngs Bend Road Kershaw, SC 29067
<u>Mailing Address:</u>	712 Doc Wyatt Road Wadesboro, NC 28170
<u>County:</u>	Kershaw
<u>Previous Orders:</u>	22-031-OSWW
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Jeremy Hildreth, DBA Hildreth Backhoe Service, (Individual/Entity) installed an onsite wastewater (OSWW) system on property located in Kershaw County, South Carolina. The Department conducted a review of Department records on August 1, 2023, and determined no Final Inspection was scheduled for the site. The Individual/Entity has violated the South Carolina OSWW Systems Regulation as follows: no Final Inspection for the installed OSWW system was scheduled with the Department.

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

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

128) <u>Order Type and Number:</u>	Consent Order 23-099-OSWW
<u>Order Date:</u>	November 29, 2023
<u>Individual/Entity:</u>	David John Herrington, DBA Herrington's Since 1986, LLC
<u>Facility:</u>	David John Herrington, DBA Herrington's Since 1986, LLC

<u>Location:</u>	Lot 2 and 6, Joyner Swamp Road Galivants Ferry, SC 29544
<u>Mailing Address:</u>	2216 Joyner Swamp Road Galivants Ferry, SC 29544
<u>County:</u>	Horry
<u>Previous Orders:</u>	21-070-OSWW
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: David John Herrington, DBA Herrington's Since 1986, LLC, (Individual/Entity) installed an onsite wastewater (OSWW) system on property located in Horry County, South Carolina. The Department conducted a Final Inspection on August 29, 2023, and observed that the OSWW systems at Lots 2 and 6 were installed deeper than allowed on the permit to Construct. The Individual/Entity has violated the South Carolina OSWW Systems Regulation as follows: to ensure that all systems for which the licensee is responsible are constructed, repaired, and cleaned in accordance with S.C. Regulation 61-56 and permits issued by the Department.

Action: The Individual/Entity is required to cease and desist installing OSWW systems outside the specifications on the permit to Construct. 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**) to the Department by December 29, 2023.

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

January 4, 2024

() ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Health Promotion and Services Administrative and Consent Orders.
- II. SUBJECT:** Health Promotion and Services Administrative Orders and Consent Orders for the period of October 1, 2023, through November 30, 2023.
- III. FACTS:** For the period of October 1, 2023, through November 30, 2023, Health Promotion and Services reports 0 Administrative Orders and 97 Consent Orders totaling \$91,050 in assessed civil penalties.

Permit Type	Administrative Orders	Consent Orders	Assessed Civil Penalties
Retail Food Establishments	0	97	\$91,050

Submitted By:



Bentley P. White
Policy Director
Health Promotion and Services

HEALTH PROMOTION AND SERVICES ENFORCEMENT REPORT
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

January 4, 2024

CONSENT ORDERS (97)

- Order Type and Number: Consent Order 23-328-FOOD
Order Date: October 2, 2023
Individual/Entity: Circle K/Subway #3064
Facility: Circle K/ Subway #3064
Location: 3710 Highway 501
Myrtle Beach, SC 29577
County: Horry
Previous Orders: None
Permit Number: 26-206-13008

Summary: The Department conducted inspections on August 9, 2023, August 18, 2023, and August 28, 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.

- Order Type and Number: Consent Order 23-314-FOOD
Order Date: October 2, 2023
Individual/Entity: Josey's Chuck Wagon
Facility: Josey's Chuck Wagon
Location: 6001 Wade Hampton Blvd
Taylors, SC 29687
County: Greenville
Previous Orders: None
Permit Number: 23-206-11326

Summary: The Department conducted inspections on October 28, 2021, September 12, 2022, and August 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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.

- Order Type and Number: Consent Order 23-271-FOOD
Order Date: October 2, 2023
Individual/Entity: Blueberry's Grill Barefoot
Facility: Blueberry Grill Barefoot
Location: 4856 Highway 17 South
North Myrtle Beach, SC 29582

County: Horry
Previous Orders: 23-16-FOOD (\$800.00)
Permit Number: 26-206-13792

Summary: The Department conducted an inspection on June 26, 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 (23-16-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.

4. Order Type and Number: Consent Order 23-281-FOOD
Order Date: October 2, 2023
Individual/Entity: Circle K #272
Facility: Circle K #272
Location: 1611 Highway 17 South,
Surfside Beach, SC 29575
County: Horry
Previous Orders: 22-266-FOOD (\$800.00)
Permit Number: 26-206-14088

Summary: The Department conducted inspections on July 20, 2023, and July 28, 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 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 (22-266-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.

5. Order Type and Number: Consent Order 23-238-FOOD
Order Date: October 2, 2023
Individual/Entity: Harry the Hats
Facility: Harry the Hats
Location: 351 Lake Arrowhead Road
Myrtle Beach, SC 29579
County: Horry
Previous Orders: None
Permit Number: 26-206-13819

Summary: The Department conducted inspections on August 23, 2022, January 13, 2023, May 24, 2023, and June 2, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; 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 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.

6. Order Type and Number: Consent Order 23-280-FOOD
Order Date: October 3, 2023
Individual/Entity: Jonathan Staton
Facility: Dagwoods Deli and Sports Bar
Location: 600 North Kings Highway
Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-10224

Summary: The Department conducted inspections on January 23, 2023, June 15, 2023, June 23, 2023, and July 25, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to frequently clean the warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, raw foods, or laundering wiping cloths; and drainboards.

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.

7. Order Type and Number: Consent Order 23-164-FOOD
Order Date: October 3, 2023
Individual/Entity: Parris and Potter Management Company
Facility: KFC of North Myrtle Beach
Location: 602 Highway 17 South
North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-10441

Summary: The Department conducted inspections on November 9, 2022, March 1, 2023, March 10, 2023, and March 20, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that equipment is maintained in a state of repair and condition that meets the regulation requirements; and failed to ensure floors, floor coverings, walls, wall coverings, and ceilings were designed, constructed, and installed so they are smooth and easily cleanable.

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.

8. Order Type and Number: Consent Order 23-160-FOOD
Order Date: October 3, 2023
Individual/Entity: Refuel Operating Company LLC
Facility: Refuel 25
Location: 405 Nelson Boulevard
Kingstree, SC 29556
County: Williamsburg
Previous Orders: None
Permit Number: 45-206-00529

Summary: The Department conducted inspections on July 18, 2022, March 27, 2023, April 3, 2023, and April 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The 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.

9. Order Type and Number: Consent Order 23-212-FOOD
Order Date: October 3, 2023
Individual/Entity: Ganesh Rao
Facility: Baymont Inn
Location: 2491 Broad Street
Sumter, SC 29150
County: Sumter
Previous Orders: None
Permit Number: 43-206-01466

Summary: The Department conducted inspections on April 24, 2023, June 2, 2023, June 12, 2023, and June 22, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to meet the lighting intensity as measured by foot candles throughout specific areas of the facility; failed to ensure that physical facilities were maintained in good repair; failed to ensure that nonfood-contact surfaces of equipment that are exposed to splash, spillage or other food soiling or that require frequent cleaning, shall be constructed of a corrosion-resistant, nonabsorbent, smooth material; and failed to ensure the plumbing system is repaired according to law; and maintained in good repair.

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.

10. Order Type and Number: Consent Order 23-275-FOOD
Order Date: October 3, 2023
Individual/Entity: GPM Southeast LLC
Facility: Scotchman #3223

Location: 1272 Dick Pond Road
Myrtle Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-12503

Summary: The Department conducted inspections on July 12, 2022, July 6, 2023, July 14, 2023, July 21, 2023, July 28, 2023, and August 7, 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.

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.

11. Order Type and Number: Consent Order 23-274-FOOD
Order Date: October 6, 2023
Individual/Entity: WilchoHess LLC
Facility: Speedway #4591
Location: 6222 Highway 707
Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-09403

Summary: The Department conducted inspections on December 5, 2022, July 10, 2023, July 20, 2023, and July 27, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that nonfood-contact surfaces are free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

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.

12. Order Type and Number: Consent Order 23-174-FOOD
Order Date: October 6, 2023
Individual/Entity: Kristina Ciminillo
Facility: Daniello's Pizzeria & Pub
Location: 755 Main Street
North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-13799

Summary: The Department conducted inspections on October 6, 2022, April 5, 2023, April 13, 2023, and April 18, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at all times during operation, the person in charge shall be

a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The 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.

13. Order Type and Number: Consent Order 23-318-FOOD
Order Date: October 6, 2023
Individual/Entity: Mariscos Don Camaron
Facility: Mariscos Don Camaron
Location: 2410 Augusta Road, Suite L
West Columbia, SC 29169
County: Lexington
Previous Orders: None
Permit Number: 32-206-07441

Summary: The Department conducted inspections on August 1, 2023, August 9, 2023, and August 22, 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.

14. Order Type and Number: Consent Order 23-247-FOOD
Order Date: October 6, 2023
Individual/Entity: Surfside Jenny's
Facility: Surfside Jenny's
Location: 1013 Glenns Bay Road
Surfside Beach, SC 29575
County: Horry
Previous Orders: 22-302-FOOD (\$400.00); and
23-66-FOOD (\$1,500.00)
Permit Number: 26-206-08782

Summary: The Department conducted an inspection on July 13, 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 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 (22-302-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and by failing to maintain the premises free of insects, rodents, and other pests.

The previous Consent Order (23-66-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation 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 maintain the premises free of insects, rodents, and other pests.

15. Order Type and Number: Consent Order 23-301-FOOD
Order Date: October 6, 2023
Individual/Entity: Bojangles #1076
Facility: Bojangles #1076
Location: 91 Highway 57
Little River, SC 29566
County: Horry
Previous Orders: None
Permit Number: 26-206-11495

Summary: The Department conducted inspections on September 20, 2022, March 1, 2023, and August 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.

16. Order Type and Number: Consent Order 23-211-FOOD
Order Date: October 6, 2023
Individual/Entity: Subway #14750
Facility: Subway #14750
Location: 303 West Academy Street
Kingstree, SC 29556
County: Williamsburg
Previous Orders: None
Permit Number: 45-206-00468

Summary: The Department conducted inspections on December 1, 2021, July 27, 2022, January 9, 2023, and May 3, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks.

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.

17. Order Type and Number: Consent Order 23-308-FOOD
Order Date: October 6, 2023
Individual/Entity: Conch Café
Facility: Conch Café
Location: 1870 North Waccamaw Drive

County:
Previous Orders:
Permit Number:

Murrells Inlet, SC 29576
Horry
None
26-206-14568

Summary: The Department conducted inspections on April 6, 2022, February 27, 2023, August 15, 2023, and August 25, 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.

18. Order Type and Number: Consent Order 23-302-FOOD
Order Date: October 6, 2023
Individual/Entity: Chili's Bar and Grill
Facility: Chili's Bar and Grill
Location: 100 Orchard Road
Myrtle Beach, SC 29579
County: Horry
Previous Orders: None
Permit Number: 26-206-10538

Summary: The Department conducted inspections on July 14, 2022, October 4, 2022, March 1, 2023, and August 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.

19. Order Type and Number: Consent Order 22-261-FOOD
Order Date: October 6, 2023
Individual/Entity: Octavio Jaron
Facility: Super Carniceria El Gallo Girro
Location: 3401 Whitehorse Road
Greenville, SC 29611
County: Greenville
Previous Orders: None
Permit Number: 23-206-10162

Summary: The Department conducted inspections on July 3, 2023, July 12, 2023, July 21, 2023, July 28, 2023, August 8, 2023, and August 17, 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 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.

20. Order Type and Number: Consent Order 23-195-FOOD
Order Date: October 6, 2023
Individual/Entity: Patty Smith
Facility: McCormick Drive Inn
Location: 117 Virginia Street
McCormick, SC 29835
County: McCormick
Previous Orders: None
Permit Number: 35-206-00766

Summary: The Department conducted inspections on February 16, 2023, June 1, 2023, June 9, 2023, June 11, 2023, and June 16, 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 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 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 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 paid the civil penalty; however, correction of the violation has not been verified.

21. Order Type and Number: Consent Order 23-283-FOOD
Order Date: October 11, 2023
Individual/Entity: Bargain Beachwear #7
Facility: Bargain Beachwear #7
Location: 1310 Highway 17 South
Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-13427

Summary: The Department conducted inspections on July 6, 2023, July 14, 2023, and July 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide a test kit or other device that accurately measures the concentration of MG/L of sanitizing solutions.

Action: The 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 23-130-FOOD
Order Date: October 11, 2023
Individual/Entity: Yolo Rollo Ice Cream
Facility: Yolo Rollo Ice Cream
Location: 2150 Northwoods Boulevard
North Charleston, SC 29406
County: Charleston
Previous Orders: None
Permit Number: 10-206-11970

Summary: The Department conducted an inspection on April 24, 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.

23. Order Type and Number: Consent Order 23-333-FOOD
Order Date: October 11, 2023
Individual/Entity: Cook Out
Facility: Cook Out
Location: 100 Loyola Drive
Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-13218

Summary: The Department conducted inspections on March 21, 2023, March 30, 2023, and September 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 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.

24. Order Type and Number: Consent Order 23-282-FOOD
Order Date: October 11, 2023
Individual/Entity: Borgata of Surfside
Facility: Borgata of Surfside
Location: 813 Surfside Drive
Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-13479

Summary: The Department conducted inspections on February 14, 2023, July 27, 2023, and August 4, 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).

25. Order Type and Number: Consent Order 23-334-FOOD
Order Date: October 11, 2023
Individual/Entity: Jersey Mikes NMB
Facility: Jersey Mikes NMB
Location: 515 Highway 17 North
North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-11772

Summary: The Department conducted inspections on May 24, 2023, September 12, 2023, and September 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The 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.

26. Order Type and Number: Consent Order 23-311-FOOD
Order Date: October 11, 2023
Individual/Entity: Sushi King Steak & Seafood
Facility: Sushi King Steak & Seafood
Location: 4036-9 River Oaks Drive
Myrtle Beach, SC 29579
County: Horry
Previous Orders: None
Permit Number: 26-206-14258

Summary: The Department conducted inspections on January 3, 2023, April 12, 2023, and July 25, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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 23-259-FOOD
Order Date: October 11, 2023
Individual/Entity: Dumpling & Seafood Restaurant
Facility: Dumpling & Seafood Restaurant
Location: 9550 North Kings Highway
Myrtle Beach, SC 29572
County: Horry
Previous Orders: None
Permit Number: 26-206-14785

Summary: The Department conducted inspections on December 20, 2022, December 30, 2022, and May 24, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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.

28. Order Type and Number: Consent Order 23-335-FOOD
Order Date: October 11, 2023
Individual/Entity: Piggly Wiggly #160 Deli/Bakery
Facility: Piggly Wiggly #160 Deli/Bakery
Location: 1620 Highmarket Street
Georgetown, SC 29440
County: Georgetown
Previous Orders: None
Permit Number: 22-206-06399

Summary: The Department conducted inspections on December 8, 2022, April 11, 2023, and August 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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.

29. Order Type and Number: Consent Order 23-269-FOOD
Order Date: October 11, 2023
Individual/Entity: Chicago Pizza
Facility: Chicago Pizza
Location: 665 South Highway 17
Surfside Beach, SC 29577
County: Horry
Previous Orders: 23-75-FOOD (\$800.00)
Permit Number: 26-206-13756

Summary: The Department conducted inspections on October 12, 2022, February 14, 2023, and July 25, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to cook, cool, and reheat for hot holding to a temperature of at least 165°F (74°C) for fifteen seconds, all parts of 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 (23-75-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation 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.

30. <u>Order Type and Number:</u>	Consent Order 23-187-FOOD
<u>Order Date:</u>	October 11, 2023
<u>Individual/Entity:</u>	Kings Sushi
<u>Facility:</u>	Kings Sushi
<u>Location:</u>	112 Highway 17 North Surfside Beach, SC 29575
<u>County:</u>	Horry
<u>Previous Orders:</u>	22-264-FOOD (\$1,000.00); 22-329-FOOD (\$2,250.00); and 23-113-FOOD (\$1,500.00)
<u>Permit Number:</u>	26-206-13054

Summary: The Department conducted an inspection on June 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure that food was safe, unadulterated, and honestly presented; 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 two hundred fifty dollars (\$1,250.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred fifty dollars (\$1,250.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (22-264-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation 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.

The previous Consent Order (22-329-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 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 food was safe, unadulterated, and honestly presented.

The previous Consent Order (23-113-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 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 ensure that food was safe, unadulterated, and honestly presented; 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.

31. <u>Order Type and Number:</u>	Consent Order 23-260-FOOD
<u>Order Date:</u>	October 11, 2023
<u>Individual/Entity:</u>	Fiesta Grande
<u>Facility:</u>	Fiesta Grande
<u>Location:</u>	1002 South Broad Street Clinton, SC 29325
<u>County:</u>	Laurens
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	30-206-01560

Summary: The Department conducted inspections on February 27, 2023, March 3, 2023, March 7, 2023, and June 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; and 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 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.

32. <u>Order Type and Number:</u>	Consent Order 23-258-FOOD
<u>Order Date:</u>	October 11, 2023
<u>Individual/Entity:</u>	Subway #3
<u>Facility:</u>	Subway #3
<u>Location:</u>	1909 East Greenville Street Anderson, SC 29621
<u>County:</u>	Anderson
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	04-206-03526

Summary: The Department conducted inspections on June 27, 2023, July 6, 2023, July 14, 2023, and July 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 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.

33. Order Type and Number: Consent Order 23-268-FOOD
Order Date: October 11, 2023
Individual/Entity: Ferrara Pizza & Pasta
Facility: Ferrera Pizza & Pasta
Location: 109 J Old Chapin Road
Lexington, SC 29072
County: Lexington
Previous Orders: None
Permit Number: 32-206-07079

Summary: The Department conducted inspections on May 25, 2023, June 1, 2023, July 18, 2023, July 26, 2023, August 2, 2023, and August 8, 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 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). The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

34. Order Type and Number: Consent Order 23-264-FOOD
Order Date: October 12, 2023
Individual/Entity: Bojangles #525
Facility: Bojangles #525
Location: 151 Harbison Boulevard
Columbia, SC 29212
County: Lexington
Previous Orders: None
Permit Number: 32-206-05124

Summary: The Department conducted inspections on July 11, 2023, July 20, 2023, and July 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.

35. Order Type and Number: Consent Order 23-326-FOOD
Order Date: October 18, 2023
Individual/Entity: Surfside Charlies
Facility: Surfside Charlies
Location: 800 Highway 17
Surfside Beach, SC 29575

County: Horry
Previous Orders: 23-98-FOOD (\$800.00)
Permit Number: 26-206-14614

Summary: The Department conducted inspections on October 24, 2022, March 6, 2023, and August 23, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; and failed to 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 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 (23-98-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.

36. Order Type and Number: Consent Order 23-324-FOOD
Order Date: October 18, 2023
Individual/Entity: Doyle's Pub & Grub
Facility: Doyle's Pub & Grub
Location: 3901 Dick Pond Road, Unit N
Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-14619

Summary: The Department conducted inspections on March 2, 2023, August 14, 2023, and August 24, 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.

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.

37. Order Type and Number: Consent Order 23-353-FOOD
Order Date: October 18, 2023
Individual/Entity: Mon Café Japan
Facility: Mon Café Japan
Location: 2734-A Beaver Run Boulevard
Myrtle Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-08103

Summary: The Department conducted inspections on April 19, 2023, April 28, 2023, and September 12, 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.

38. Order Type and Number: Consent Order 23-300-FOOD
Order Date: October 18, 2023
Individual/Entity: Bubba's Fish Shack
Facility: Bubba's Fish Shack
Location: 16 South Ocean Boulevard
Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-13058

Summary: The Department conducted inspections on March 6, 2023, March 16, 2023, and August 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.

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.

39. Order Type and Number: Consent Order 23-349-FOOD
Order Date: October 18, 2023
Individual/Entity: California Dreaming
Facility: California Dreaming
Location: 40 Beacon Drive
Greenville, SC 29615
County: Greenville
Previous Orders: None
Permit Number: 23-206-05417

Summary: The Department conducted inspections on June 13, 2022, October 26, 2022, and August 24, 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.

40. Order Type and Number: Consent Order 23-189-FOOD
Order Date: October 18, 2023
Individual/Entity: La Carreta Mexican Restaurant
Facility: La Carreta Mexican Restaurant
Location: 335 Folly Road
Charleston, SC 29412

County: Charleston
Previous Orders: 22-133-FOOD (\$4,750.00)
Permit Number: 10-206-05928

Summary: The Department conducted inspections on April 11, 2022, June 9, 2022, and June 8, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; failed to use effective methods to cool cooked time/temperature control for safety foods; and failed to properly cool cooked time/temperature control for safety foods.

Action: The Department has assessed a total civil penalty in the amount of one thousand two hundred fifty dollars (\$1,250.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred fifty dollars (\$1,250.00). The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

Previous Orders: The previous Consent Order (22-133-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to use effective methods to cool cooked time/temperature control for safety foods; 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; and by failing to properly cool cooked time/temperature control for safety foods.

41. Order Type and Number: Consent Order 23-348-FOOD
Order Date: October 18, 2023
Individual/Entity: Monterrey Mexican of Greer
Facility: Monterrey Mexican of Greer
Location: 6130 Wade Hampton Boulevard
Taylors, SC 29687
County: Greenville
Previous Orders: None
Permit Number: 23-206-10566

Summary: The Department conducted inspections on November 8, 2021, October 3, 2022, August 22, 2023, and August 25, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; failed to use effective methods to cool cooked time/temperature control for safety foods; and failed to properly 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.

42. Order Type and Number: Consent Order 23-248-FOOD
Order Date: October 24, 2023
Individual/Entity: Mark Gifford and Aaron Gifford
Facility: Atlas Tap House
Location: 1004 Chester Street

County:
Previous Orders:
Permit Number:

Myrtle Beach, SC 29577
Horry
None
26-206-12619

Summary: The Department conducted inspections on January 11, 2023, June 30, 2023, July 7, 2023, and July 18, 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; 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 four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (\$400.00).

43. Order Type and Number: Consent Order 23-272-FOOD
Order Date: October 24, 2023
Individual/Entity: Gilbert Rivera
Facility: Charley's Grilled Subs
Location: 10835 Kings Road, #288
Myrtle Beach, SC 29572
County: Horry
Previous Orders: 22-84-FOOD (\$800.00); and
22-321-FOOD (\$500.00)
Permit Number: 26-206-12158

Summary: The Department conducted inspections on November 7, 2022, May 25, 2023, June 2, 2023, and June 12, 2023. Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The 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 (22-84-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 (22-321-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing 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.

44. Order Type and Number: Consent Order 23-343-FOOD
Order Date: October 25, 2023
Individual/Entity: Bojangles #1205
Facility: Bojangles #1205
Location: 3031 Wade Hampton Boulevard
Taylors, SC 29687
County: Greenville
Previous Orders: None
Permit Number: 23-206-11259

Summary: The Department conducted inspections on March 30, 2023, April 6, 2023, and August 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide water at a temperature of at least 100°F through a mixing valve or combination faucet at the handwashing sink(s).

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.

45. Order Type and Number: Consent Order 23-306-FOOD
Order Date: October 25, 2023
Individual/Entity: Santino's Pizza Sub
Facility: Santino's Pizza Sub
Location: 5102 North Broad Street
Loris, SC 29569
County: Horry
Previous Orders: None
Permit Number: 26-206-00795

Summary: The Department conducted inspections on November 8, 2022, March 15, 2023, and August 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.

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.

46. Order Type and Number: Consent Order 23-355-FOOD
Order Date: October 25, 2023
Individual/Entity: Captain D's #3814
Facility: Captain D's #3814
Location: 216 Highway 72 West
Greenwood, SC 29646
County: Greenwood
Previous Orders: None
Permit Number: 24-206-03107

Summary: The Department conducted inspections on September 6, 2023, September 14, 2023, and September 19, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to convey sewage to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law.

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.

47. Order Type and Number: Consent Order 23-329-FOOD
Order Date: October 25, 2023
Individual/Entity: El Jimador Viejo LLC
Facility: El Jimador Viejo LLC
Location: 2114 North Highway 81
Anderson, SC 29621
County: Anderson
Previous Orders: None
Permit Number: 04-206-04183

Summary: The Department conducted inspections on August 17, 2023, August 25, 2023, September 1, 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 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.

48. Order Type and Number: Consent Order 23-310-FOOD
Order Date: October 25, 2023
Individual/Entity: Hong Kong Chinese
Facility: Hong Kong Chinese
Location: 2274 Highway 501 East
Conway, SC 29526
County: Horry
Previous Orders: 22-98-FOOD (\$800.00);
22-293-FOOD (\$1,000.00); and
23-76-FOOD (\$1,000.00)
Permit Number: 26-206-13154

Summary: The Department conducted an inspection on August 15, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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 (22-98-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation 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 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 (22-293-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation 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 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 (23-76-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation 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.

49. <u>Order Type and Number:</u>	Consent Order 23-346-FOOD
<u>Order Date:</u>	November 1, 2023
<u>Individual/Entity:</u>	Slim Chickens
<u>Facility:</u>	Slim Chickens
<u>Location:</u>	7550 Garners Ferry Road Columbia, SC 29209
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	40-206-09224

Summary: The Department conducted inspections on March 30, 2023, April 7, 2023, and September 11, 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.

50. <u>Order Type and Number:</u>	Consent Order 23-332-FOOD
<u>Order Date:</u>	November 1, 2023
<u>Individual/Entity:</u>	El Primo Mexican Restaurant
<u>Facility:</u>	El Primo Mexican Restaurant
<u>Location:</u>	1586 East Main Street Duncan, SC 29334
<u>County:</u>	Spartanburg
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	42-206-05817

Summary: The Department conducted an inspection on September 21, 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.

51. Order Type and Number: Consent Order 23-344-FOOD
Order Date: November 1, 2023
Individual/Entity: Spinx #128
Facility: Spinx #128
Location: 498 The Parkway
Greer, SC 29604
County: Greenville
Previous Orders: None
Permit Number: 23-206-07331

Summary: The Department conducted inspections on January 18, 2023, January 27, 2023, and September 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 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.

52. Order Type and Number: Consent Order 23-152-FOOD
Order Date: November 1, 2023
Individual/Entity: Desayunador Los Gardi Buenas
Facility: Desayunador Los Gardi Buenas
Location: 357 Highway 17, Unit C
Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-14668

Summary: The Department conducted inspections on November 18, 2022, March 29, 2023, and April 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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

53. Order Type and Number: Consent Order 23-304-FOOD
Order Date: November 1, 2023
Individual/Entity: Snooky's on the Water
Facility: Snooky's on the Water
Location: 4495 Baker Street
Little River, SC 29566
County: Horry

Previous Orders: None
Permit Number: 26-206-13569

Summary: The Department conducted inspections on September 20, 2022, February 1, 2023, and August 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.

54. Order Type and Number: Consent Order 23-365-FOOD
Order Date: November 1, 2023
Individual/Entity: China Apple
Facility: China Apple
Location: 2288 Glenns Bay Road
Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-12673

Summary: The Department conducted inspections on November 2, 2022, March 17, 2023, and September 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.

55. Order Type and Number: Consent Order 23-377-FOOD
Order Date: November 1, 2023
Individual/Entity: Ruby Tuesday #4069
Facility: Ruby Tuesday #4069
Location: 724 Citadel Road
Orangeburg, SC 29118
County: Orangeburg
Previous Orders: None
Permit Number: 38-206-01883

Summary: The Department conducted inspections on July 11, 2022, February 1, 2023, and October 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The 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.

56. Order Type and Number: Consent Order 23-254-FOOD
Order Date: November 1, 2023
Individual/Entity: El Jimador
Facility: El Jimador
Location: 108J Scarborough Drive
Lexington, SC 29072
County: Lexington
Previous Orders: None
Permit Number: 32-206-06481

Summary: The Department conducted inspections on May 23, 2023, July 18, 2023, and July 24, 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 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.

57. Order Type and Number: Consent Order 23-342-FOOD
Order Date: November 1, 2023
Individual/Entity: Thornblade Club House
Facility: Thornblade Club House
Location: 1275 Thornblade Boulevard
Greer, SC 29650
County: Greenville
Previous Orders: None
Permit Number: 23-206-06975

Summary: The Department conducted inspections on February 9, 2022, November 9, 2022, and September 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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.

58. Order Type and Number: Consent Order 23-362-FOOD
Order Date: November 1, 2023
Individual/Entity: BurgerFi of NMB
Facility: BurgerFi of NMB
Location: 801 Main Street
North Myrtle Beach, SC 29582
County: Horry
Previous Orders: 22-242-FOOD (\$400.00); and
23-285-FOOD (\$1,000.00)
Permit Number: 26-206-13629

Summary: The Department conducted an inspection on September 25, 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 (22-242-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure floors, floor coverings, walls, wall coverings, and ceilings were designed, constructed, and installed so they are smooth and easily cleanable; and by failing to ensure that in retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one (1) thirty-second inch (1 mm).

The previous Consent Order (23-285-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.

59. <u>Order Type and Number:</u>	Consent Order 23-367-FOOD
<u>Order Date:</u>	November 1, 2023
<u>Individual/Entity:</u>	Ruby Tuesday #4467
<u>Facility:</u>	Ruby Tuesday #4467
<u>Location:</u>	1480 Sniders Highway Walterboro, SC 29488
<u>County:</u>	Colleton
<u>Previous Orders:</u>	22-92-FOOD (\$1,000.00); and 22-268-FOOD (\$1,600.00)
<u>Permit Number:</u>	15-206-00449

Summary: The Department conducted an inspection on September 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 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 (22-92-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 (22-268-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.

60. Order Type and Number: Consent Order 23-316-FOOD
Order Date: November 1, 2023
Individual/Entity: La Reata (Seven Coronas LLC)
Facility: La Reata (Seven Coronas LLC)
Location: 5322 Wade Hampton Boulevard, Suite D
Taylors, SC 29687
County: Greenville
Previous Orders: 22-234-FOOD (\$800.00)
Permit Number: 23-206-11608

Summary: The Department conducted inspections on October 27, 2021, September 19, 2022, and August 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; and failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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).

Previous Orders: The previous Consent Order (22-234-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.

61. Order Type and Number: Consent Order 23-322-FOOD
Order Date: November 1, 2023
Individual/Entity: Cocteles El Rey
Facility: Cocteles El Rey
Location: 8724 Highway 707, Unit D
Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-14757

Summary: The Department conducted inspections on March 16, 2023, August 22, 2023, September 1, 2023, and September 8, 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).

62. Order Type and Number: Consent Order 23-298-FOOD
Order Date: November 1, 2023
Individual/Entity: El Paraiso Mexican Restaurant
Facility: El Paraiso Mexican Restaurant

Location: 7260 Parklane Road
Columbia, SC 29223
County: Richland
Previous Orders: None
Permit Number: 40-206-08731

Summary: The Department conducted inspections on July 25, 2023, August 4, 2023, August 11, 2023, and August 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure the backflow prevention device installed on a water supply system met construction, installation, maintenance, inspection, and testing standards specified by the public water system supplying water to the retail food establishment; failed to maintain the premises free of insects, rodents, and other pests; 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 seven hundred dollars (\$1,700.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand seven hundred dollars (\$1,700.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

63. Order Type and Number: Consent Order 23-370-FOOD
Order Date: November 2, 2023
Individual/Entity: Coastal Crust
Facility: Coastal Crust
Location: 1254 Pendleton Street
Greenville, SC 29611
County: Greenville
Previous Orders: None
Permit Number: 23-206-12204

Summary: The Department conducted inspections on January 5, 2023, July 17, 2023, and October 4, 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.

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.

64. Order Type and Number: Consent Order 23-358-FOOD
Order Date: November 2, 2023
Individual/Entity: Family Barn
Facility: Family Barn
Location: 700 Highway 17 North
Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-14349

Summary: The Department conducted inspections on November 14, 2022, March 27, 2023, April 6, 2023, and September 20, 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 ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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).

65. Order Type and Number: Consent Order 23-320-FOOD
Order Date: November 2, 2023
Individual/Entity: Creekside Bar-Be-Que
Facility: Creekside Bar-Be-Que
Location: 1115 Salem Church Road
Anderson, SC 29625
County: Anderson
Previous Orders: None
Permit Number: 04-206-02830

Summary: The Department conducted inspections on March 23, 2023, March 30, 2023, August 3, 2023, and August 11, 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; 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 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.

66. Order Type and Number: Consent Order 23-340-FOOD
Order Date: November 2, 2023
Individual/Entity: Double Dogs
Facility: Double Dogs
Location: 110 Milestone Way
Greenville, SC 29615
County: Greenville
Previous Orders: None
Permit Number: 23-206-13050

Summary: The Department conducted inspections on February 11, 2022, November 14, 2022, and September 14, 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 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.

67. Order Type and Number: Consent Order 23-357-FOOD
Order Date: November 2, 2023
Individual/Entity: China 1
Facility: China 1

Location: 5350 North Main Street
Cowpens, SC 29330
County: Spartanburg
Previous Orders: None
Permit Number: 42-206-06709

Summary: The Department conducted inspections on October 4, 2023, and October 5, 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 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.

68. Order Type and Number: Consent Order 23-273-FOOD
Order Date: November 2, 2023
Individual/Entity: Tavern in Surfside
Facility: Tavern in Surfside
Location: 8739 Highway 17 Bypass South
Surfside Beach, SC 29575
County: Horry
Previous Orders: 23-07-FOOD (\$2,400.00); and
23-52-FOOD (\$1,000.00)
Permit Number: 26-206-14317

Summary: The Department conducted inspections on July 13, 2023, and July 21, 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; failed to use effective methods to cool cooked time/temperature control for safety foods; and failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The 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 (23-07-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 (23-52-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.

69. Order Type and Number: Consent Order 23-159-FOOD
Order Date: November 6, 2023
Individual/Entity: Southside LLC
Facility: Tupelo Bay- Runaway Bay

Location: 1800 Highway 17 South
Garden City, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-10350

Summary: The Department conducted inspections on April 29, 2022, April 11, 2023, April 20, 2023, and April 28, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The 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).

70. Order Type and Number: Consent Order 23-292-FOOD
Order Date: November 6, 2023
Individual/Entity: Robert A. Jones
Facility: Ocean Front Snack Shack
Location: 5905 South Kings Highway
Myrtle Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-11743

Summary: The Department conducted inspections on August 18, 2022, August 2, 2023, August 11, 2023, and August 21, 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).

71. Order Type and Number: Consent Order 23-325-FOOD
Order Date: November 6, 2023
Individual/Entity: Cherrette Jupiter
Facility: Jupiter Pies
Location: 9261 Highway 707, Unit B
Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-13597

Summary: The Department conducted inspections on December 15, 2022, July 18, 2023, July 28, 2023, August 4, 2023, and September 5, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and

failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The Department has assessed a total civil penalty in the amount of six hundred dollars (\$600.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred dollars (\$600.00).

72. Order Type and Number: Consent Order 23-361-FOOD
Order Date: November 7, 2023
Individual/Entity: Conway Mart
Facility: Conway Mart
Location: 1300 Highway 501 Business
Conway, SC 29526
County: Horry
Previous Orders: None
Permit Number: 26-206-14516

Summary: The Department conducted inspections on August 15, 2023, August 16, 2023, and September 8, 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 provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks.

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).

73. Order Type and Number: Consent Order 23-245-FOOD
Order Date: November 7, 2023
Individual/Entity: Moe's Southwest Grill
Facility: Moe's Southwest Grill
Location: 181 Brookton Circle, Unit 3
Myrtle Beach, SC 29588
County: Horry
Previous Orders: 23-47-FOOD (\$500.00)
Permit Number: 26-206-12655

Summary: The Department conducted an inspection on July 6, 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 five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (\$500.00).

Previous Orders: The previous Consent Order (23-47-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.

74. Order Type and Number: Consent Order 23-163-FOOD
Order Date: November 8, 2023
Individual/Entity: J. B. Foods, Inc. & Jeanne Galiano
Facility: Palmetto Subs
Location: 15 East Wesmark Boulevard
Sumter, SC 29150
County: Sumter
Previous Orders: None
Permit Number: 43-206-00877

Summary: The Department conducted inspections on June 28, 2022, May 15, 2023, May 25, 2023, and June 1, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that nonfood-contact surfaces of equipment that are exposed to splash, spillage or other food soiling or that require frequent cleaning, shall be constructed of a corrosion-resistant, nonabsorbent, smooth material.

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).

75. Order Type and Number: Consent Order 23-389-FOOD
Order Date: November 14, 2023
Individual/Entity: Dray Bar & Grill
Facility: Dray Bar & Grill
Location: 1800 Drayton Road
Drayton, SC 29333
County: Spartanburg
Previous Orders: None
Permit Number: 42-206-06845

Summary: The Department conducted an inspection on October 24, 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.

76. Order Type and Number: Consent Order 23-341-FOOD
Order Date: November 14, 2023
Individual/Entity: Celebrations by Catering Etc.
Facility: Celebrations by Catering Etc.
Location: 11020 Anderson Road, Suite B
Piedmont, SC 29673
County: Anderson
Previous Orders: None
Permit Number: 04-206-03900

Summary: The Department conducted an inspection on August 15, 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.

77. Order Type and Number: Consent Order 23-369-FOOD
Order Date: November 14, 2023
Individual/Entity: Lee's Barbecue
Facility: Lee's Barbecue
Location: 16994 Highway 72 West
Waterloo, SC 29384
County: Laurens
Previous Orders: None
Permit Number: 30-206-00048

Summary: The Department conducted an inspection on October 12, 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).

78. Order Type and Number: Consent Order 23-331-FOOD
Order Date: November 14, 2023
Individual/Entity: Sportsman
Facility: Sportsman
Location: 4735 South Kings Highway, Unit F
Myrtle Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-12709

Summary: The Department conducted inspections on August 26, 2022, August 22, 2023, and August 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.

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.

79. Order Type and Number: Consent Order 23-371-FOOD
Order Date: November 14, 2023
Individual/Entity: Blue Fin
Facility: Blue Fin
Location: 461-4 Town Center Place

County: Columbia, SC 29229
Previous Orders: Richland
Permit Number: None
40-206-06208

Summary: The Department conducted inspections on August 17, 2023, August 23, 2023, and October 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The 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.

80. Order Type and Number: Consent Order 23-382-FOOD
Order Date: November 14, 2023
Individual/Entity: Garden Grille
Facility: Garden Grille
Location: 2311 South Main Street
Greenwood, SC 29646
County: Greenwood
Previous Orders: None
Permit Number: 24-206-00018

Summary: The Department conducted inspections on August 21, 2023, August 30, 2023, and September 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.

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.

81. Order Type and Number: Consent Order 23-350-FOOD
Order Date: November 14, 2023
Individual/Entity: Bul Go Gi- Korean Grill
Facility: Bul Go Gi- Korean Grill
Location: 2435 E. North Street, 1118-A
Greenville, SC 29615
County: Greenville
Previous Orders: None
Permit Number: 23-206-12029

Summary: The Department conducted inspections on November 8, 2021, November 15, 2021, October 18, 2022, and August 21, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure there was no bare hand contact with ready-to-eat foods; and failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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.

82. Order Type and Number: Consent Order 23-359-FOOD
Order Date: November 14, 2023
Individual/Entity: LR Mart #2
Facility: LR Mart #2
Location: 5521 Highway 905
Conway, SC 29526
County: Horry
Previous Orders: None
Permit Number: 26-206-14532

Summary: The Department conducted inspections on July 7, 2022, January 24, 2023, and September 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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.

83. Order Type and Number: Consent Order 23-364-FOOD
Order Date: November 14, 2023
Individual/Entity: Corner Crossroads Store
Facility: Corner Crossroads Store
Location: 3695 Sumter Highway
Kingstree, SC 29556
County: Williamsburg
Previous Orders: None
Permit Number: 45-206-00381

Summary: The Department conducted inspections on June 8, 2023, June 16, 2023, and September 25, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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).

84. Order Type and Number: Consent Order 23-147-FOOD
Order Date: November 14, 2023
Individual/Entity: Bodega Todo
Facility: Bodega Todo
Location: 218 President Street
Charleston, SC 29403

County: Charleston
Previous Orders: 22-94-FOOD (\$400.00)
Permit Number: 10-206-11453

Summary: The Department conducted inspections on April 4, 2022, June 14, 2022, and April 24, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; failed to maintain the proper temperature of the wash solution in a spray-type warewasher; 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 fifty dollars (\$1,250.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred fifty dollars (\$1,250.00).

Previous Orders: The previous Consent Order (22-94-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.

85. Order Type and Number: Consent Order 23-132-FOOD
Order Date: November 15, 2023
Individual/Entity: Little River House of Pizza
Facility: Little River House of Pizza
Location: 1442 Highway 17
Little River, SC 29566
County: Horry
Previous Orders: None
Permit Number: 26-206-14491

Summary: The Department conducted inspections on September 27, 2022, October 6, 2022, February 24, 2023, March 3, 2023, March 14, 2023, March 22, 2023, March 31, 2023, April 11, 2023, April 19, 2023, and April 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; and failed to ensure that the plumbing system was installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the retail food establishment.

Action: The Department has assessed a total civil penalty in the amount of six thousand one hundred fifty dollars (\$6,150.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand one hundred fifty dollars (\$6,150.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

86. Order Type and Number: Consent Order 23-384-FOOD
Order Date: November 20, 2023
Individual/Entity: McDonald's #260
Facility: McDonald's #260
Location: 3024 North Main Street
Anderson, SC 29625
County: Anderson
Previous Orders: None

Permit Number: 04-206-04666

Summary: The Department conducted inspections on August 21, 2023, August 28, 2023, and September 7, 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.

87. Order Type and Number: Consent Order 23-366-FOOD
Order Date: November 20, 2023
Individual/Entity: Branchville Food Mart
Facility: Branchville Food Mart
Location: 210 Dorange Road
Branchville, SC 29432
County: Orangeburg
Previous Orders: None
Permit Number: 38-206-02506

Summary: The Department conducted inspections on November 8, 2022, September 19, 2023, and September 26, 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.

88. Order Type and Number: Consent Order 23-339-FOOD
Order Date: November 20, 2023
Individual/Entity: Tony's
Facility: Tony's
Location: 704 West Main Street
Pickens, SC 29671
County: Pickens
Previous Orders: None
Permit Number: 39-206-00554

Summary: The Department conducted inspections on April 25, 2022, February 6, 2023, and September 12, 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.

89. Order Type and Number: Consent Order 23-373-FOOD
Order Date: November 20, 2023
Individual/Entity: Fusion Cocina Latina, LLC
Facility: Fusion Cocina Latina, LLC
Location: 1945-6 Decker Boulevard
Columbia, SC 29206
County: Richland
Previous Orders: None
Permit Number: 40-206-08794

Summary: The Department conducted inspections on August 3, 2023, August 10, 2023, and October 2, 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.

90. Order Type and Number: Consent Order 23-380-FOOD
Order Date: November 20, 2023
Individual/Entity: Chipotle Mexican Grill
Facility: Chipotle Mexican Grill
Location: 3556 Clemson Boulevard
Anderson, SC 29621
County: Anderson
Previous Orders: None
Permit Number: 04-206-04005

Summary: The Department conducted inspections on August 3, 2023, August 10, 2023, and October 2, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: 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).

91. Order Type and Number: Consent Order 23-379-FOOD
Order Date: November 20, 2023
Individual/Entity: Ingles #239 Deli
Facility: Ingles #239 Deli
Location: 1900 North Main Street
Anderson, SC 29621
County: Anderson
Previous Orders: None
Permit Number: 04-206-02631

Summary: The Department conducted inspections on June 27, 2023, July 6, 2023, August 10, 2023, and August 11, 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 sanitize utensils and food contact surfaces of equipment before using, after cleaning; failed to keep equipment food contact surfaces and utensils clean to sight and touch; and failed to ensure employees wash hands after engaging in activities that contaminate their hands.

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.

92. Order Type and Number: Consent Order 23-305-FOOD
Order Date: November 29, 2023
Individual/Entity: Clearwater Oyster/Pollo Loco
Facility: Clearwater Oyster/ Pollo Loco
Location: 9717 North Kings Highway
Myrtle Beach, SC 29572
County: Horry
Previous Orders: None
Permit Number: 26-206-14629

Summary: The Department conducted inspections on February 28, 2023, March 10, 2023, and July 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).

93. Order Type and Number: Consent Order 23-415-FOOD
Order Date: November 29, 2023
Individual/Entity: Refuel 51
Facility: Refuel 51
Location: 6151 Highway 707
Myrtle Beach, SC 29588
County: Horry
Previous Orders: None
Permit Number: 26-206-14075

Summary: The Department conducted inspections on May 11, 2023, October 30, 2023, and November 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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00).

94. Order Type and Number: Consent Order 23-338-FOOD
Order Date: November 29, 2023
Individual/Entity: 3 Amigos Mexican Grill

Facility: 3 Amigos Mexican Grill
Location: 108 South Catherine Street
Walhalla, SC 29691
County: Oconee
Previous Orders: 23-217-FOOD (\$4,200.00)
Permit Number: 37-206-01235

Summary: The Department conducted inspections on June 14, 2023, June 22, 2023, and August 24, 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; and failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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).

Previous Orders: The previous Consent Order (23-217-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation 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; 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.

95. Order Type and Number: Consent Order 23-351-FOOD
Order Date: November 29, 2023
Individual/Entity: Taqueria
Facility: Taqueria
Location: 152 North Pine Street
Batesburg, SC 29006
County: Lexington
Previous Orders: 23-141-FOOD (\$1,600.00); and
23-256-FOOD (\$1,500.00)
Permit Number: 32-206-05204

Summary: The Department conducted inspections on May 24, 2023, June 1, 2023, July 17, 2023, and September 12, 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 refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; failed to ensure food employees cleaned their hands and exposed portions of their arms properly for at least twenty (20) seconds using a cleaning compound in a handwashing sink; and failed to ensure that food employees clean their hands in a handwashing sink or approved automatic handwashing facility.

Action: The Department has assessed a total civil penalty in the amount of one thousand two hundred fifty dollars (\$1,250.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred fifty dollars (\$1,250.00).

Previous Orders: The previous Consent Order (23-141-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; and 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.

The previous Consent Order (23-256-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure employees wash hands after engaging in activities that contaminate their hands; by failing to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; and by failing to maintain the premises free of insects, rodents, and other pests.

96. <u>Order Type and Number:</u>	Consent Order 23-383-FOOD
<u>Order Date:</u>	November 29, 2023
<u>Individual/Entity:</u>	JC's Sandwich Shoppe
<u>Facility:</u>	JC's Sandwich Shoppe
<u>Location:</u>	713-B East Greenville Street Anderson, SC 29621
<u>County:</u>	Anderson
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	04-206-02680

Summary: The Department conducted inspections on March 17, 2023, March 24, 2023, September 11, 2023, and September 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.

97. <u>Order Type and Number:</u>	Consent Order 23-345-FOOD
<u>Order Date:</u>	November 29, 2023
<u>Individual/Entity:</u>	Rigsby's Smoked Burgers
<u>Facility:</u>	Rigsby's Smoked Burgers
<u>Location:</u>	411 The Parkway Greer, SC 29651
<u>County:</u>	Greenville
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	23-206-12120

Summary: The Department conducted inspections on November 23, 2021, October 25, 2022, August 25, 2023, and September 1, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The 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.

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

January 4, 2024

(X) ACTION/DECISION

() INFORMATION

I. TITLE: Request for Placement of Nine Specific Fentanyl-Related Substances in Schedule I for Controlled Substances in South Carolina

II. SUBJECT: Placement of Nine Specific Fentanyl-Related Substances in Schedule I for Controlled Substances in South Carolina

III. FACTS:

Controlled substances are governed by the South Carolina Controlled Substances Act (“CSA”), Title 44, Chapter 53, Article 3 of the South Carolina Code of Laws. Schedule I substances are listed in Section 44-53-190 of the South Carolina Code of Laws. Pursuant to Section 44-53-160, titled “Manner in which changes in schedule of controlled substances made,” controlled substances are generally designated by the General Assembly upon recommendation by the Department. Section 44-53-160(C) provides a process for the Department to expeditiously designate a substance if the federal government has so designated.

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

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

On December 7, 2023, the Administrator of the federal Drug Enforcement Administration (“DEA”) issued a final rule in the Federal Register to schedule the following nine fentanyl-related substances in schedule I of the federal Controlled Substances Act (“federal CSA”), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible: *meta*-fluorofentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide), *meta*-fluoroisobutyryl fentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide), *para*-methoxyfuranyl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide), 3-

furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-3-carboxamide), 2',5'-dimethoxyfentanyl (*N*-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-*N*-phenylpropionamide), isovaleryl fentanyl (3-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide), *ortho*-fluorofuranyl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide), *alpha'*-methyl butyryl fentanyl (2-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide), and *para*-methylecyclopropyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide). These nine fentanyl-related substances are currently listed in schedule I of the federal CSA pursuant to a temporary scheduling order issued in February of 2018. The South Carolina Board of Health and Environmental Control ("Board") adopted the federal scheduling in February of 2018. *Placement of Fentanyl Related Substances into Schedule I for Controlled Substances*, (S.C. Board of Health & Env'tl. Control, February 8, 2018) N(attached). The new federal scheduling order makes permanent the imposition of the regulatory controls and administrative, civil, and criminal sanctions applicable to federal schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess), or propose to handle these nine specific fentanyl-related controlled substances. The federal scheduling order became effective December 7, 2023. *Federal Register*, Volume 88, Number 234, pages 85104-85109; [https:// www. https://www.govinfo.gov/content/ pkg/FR-2023-12-07/pdf/2023-26694.pdf](https://www.govinfo.gov/content/pkg/FR-2023-12-07/pdf/2023-26694.pdf).

IV. ANALYSIS:

On February 6, 2018, DEA published an order in the Federal Register amending 21 CFR 1308.11(h), temporarily placing fentanyl-related substances, as defined in that order, in schedule I of the federal CSA based upon a finding that these substances pose an imminent hazard to the public safety and pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The nine substances named above meet the existing definition of fentanyl-related substances, as they are not otherwise controlled in any other schedule and are structurally related to fentanyl by one or more of the five modifications listed under the definition. That temporary scheduling order was effective on the date of publication and was based on findings by the former Acting Administrator of the DEA that the temporary scheduling of these substances was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). The Board issued an order on February 8, 2018, making identical changes to the state's controlled substance schedule I.

Pursuant to 21 U.S.C. 811(h)(2), the temporary control of fentanyl-related substances, a class of substances as defined in the order, as well as these nine specific substances already covered by that order, was set to expire on February 6, 2020. However, on February 6, 2020, as explained in DEA's April 10, 2020, correcting amendment, Congress extended that expiration date until May 6, 2021, by enacting the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act. This temporary order was subsequently extended multiple times, most recently on December 29, 2022, through the Consolidated Appropriations Act, 2023, which extended the order until December 31, 2024.

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

- 2) The abuse potential of *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha'*- methyl butyryl fentanyl, and *para*-methylecyclopropyl

fentanyl is associated with each substance's pharmacological similarity to other schedule I and II mu-opioid receptor agonist substances which have a high potential for abuse. Similar to morphine (schedule II), fentanyl (schedule II), and several schedule I opioid substances that are structurally related to fentanyl, these nine fentanyl-related substances have been shown to bind and act as mu-opioid receptor agonists.

2) *meta*-Fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha'*-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl have no currently accepted medical use in treatment in the United States.

3) There is a lack of accepted safety for use of *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha'*-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl under medical supervision.

Based on its findings, the DEA concluded these fentanyl-related substances warrant control in schedule I of the federal CSA. The federal final rule took effect December 7, 2023.

V. RECOMMENDATION:

Pursuant to S.C. Code Section 44-53-160(C), the Department recommends placing these nine specific fentanyl-related substances in Schedule I in the same manner as the federal Drug Enforcement Administration. This recommendation applies to nine fentanyl-related substances that were the subject of a December 8, 2018, Board temporary scheduling order. The listing of these nine specific fentanyl-related substances includes their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible. Based on the above, the Department recommends the addition to schedule I for controlled substances in South Carolina and the amendment of Section 44-53-190(B) of the South Carolina Code of Laws to include:

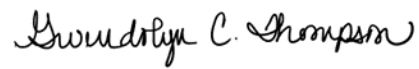
- () *meta*-fluorofentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide);
- () *meta*-fluoroisobutyryl fentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- () *para*-methoxyfuranyl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- () 3-furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-3-carboxamide);
- () 2',5'-dimethoxyfentanyl (*N*-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-*N*-phenylpropionamide);
- () isovaleryl fentanyl (3-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
- () *ortho*-fluorofuranyl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- () *alpha'*-methyl butyryl fentanyl (2-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);

() *para*-methylcyclopropyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide)

Submitted by:



Lisa Thomson
Director, Bureau of Drug Control



Gwen Thompson
Director for Healthcare Quality

Attachments:

Federal Register 88, Number 234, December 7, 2023

Placement of Fentanyl Related Substances into Schedule I for Controlled Substances, (S.C. Board of Health & Env'tl. Control, February 8, 2018)

Country	Entity	License requirement	License review policy	Federal Register citation
	R2, Sharjah Airport Free Zone Street, Office 806, Sharjah, United Arab Emirates; and PO Box 120683, Saif-Zone, Sharjah, United Arab Emirates; and . SM-Office E1-1414D, Ajman Free Zone, Ajman, United Arab Emirates.	*	*	*

* * * * *

Matthew S. Borman,
Deputy Assistant Secretary for Export Administration.
 [FR Doc. 2023-26935 Filed 12-5-23; 11:15 am]
BILLING CODE 3510-33-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance (1950-)

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 20 of the Code of Federal Regulations, Parts 400 to 499, revised as of April 1, 2023, in Appendix I to Subpart P of Part 404, in Part B, section 101.00, revise the first sentence of paragraph C.7.c. to read as follows:

Appendix 1 to Subpart P of Part 404—Listing of Impairments

* * * * *

Part B

* * * * *

101.00 Musculoskeletal Disorders.

* * * * *

C. * * *

7. * * *

c. For 101.15, 101.16, 101.17, 101.18, 101.20C, 101.20D, 101.22, and 101.23, all of the required criteria must be present simultaneously, or within a close proximity of time, to satisfy the level of severity needed to meet the listing. * * *

[FR Doc. 2023-26983 Filed 12-6-23; 8:45 am]

BILLING CODE 0099-10-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-1036]

Schedules of Controlled Substances: Placement of Nine Specific Fentanyl-Related Substances in Schedule I

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

SUMMARY: With the issuance of this final rule, the Drug Enforcement Administration places nine fentanyl-related substances, as identified in this final rule, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible, in schedule I of the Controlled Substances Act. These nine fentanyl-related substances are currently listed in schedule I pursuant to a temporary scheduling order. This action makes permanent the imposition of the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess), or propose to handle these nine specific fentanyl-related controlled substances.

DATES: *Effective date:* December 7, 2023.

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

SUPPLEMENTARY INFORMATION: In this rule, the Drug Enforcement Administration (DEA) is permanently scheduling the following nine controlled substances including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible, in schedule I of the Controlled Substances Act (CSA):

- *meta*-fluorofentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide),
- *meta*-fluoroisobutyryl fentanyl (*N*-(3-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide),
- *para*-methoxyfuranlyl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide),
- 3-furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-3-carboxamide),
- 2',5'-dimethoxyfentanyl (*N*-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-*N*-phenylpropionamide),
- isovaleryl fentanyl (3-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide),
- *ortho*-fluorofuranlyl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide),
- *alpha'*-methyl butyryl fentanyl (2-methyl-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide), and
- *para*-methylcyclopropyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide).

Legal Authority

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (1) on his own motion; (2) at the request of the Secretary of the Department of Health and Human Services (HHS);¹ or (3) on the petition of any interested party.² This action was initiated on the Attorney General's own motion, as delegated to the Administrator of the DEA (Administrator), and is supported by, *inter alia*, a recommendation from the Assistant Secretary for Health of HHS

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

² 21 U.S.C. 811(a).

(Assistant Secretary) and an evaluation of all relevant data by DEA. This action continues the imposition of the regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle *meta*-fluorofentanyl, *meta*-fluoroisobutyl fentanyl, *para*-methoxyfentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyl fentanyl, and *para*-methylcyclopropyl fentanyl.

Background

On February 6, 2018, DEA published an order in the **Federal Register** (FR) (83 FR 5188) amending 21 CFR 1308.11(h), temporarily placing fentanyl-related substances, as defined in that order, in schedule I of the CSA based upon a finding that these substances pose an imminent hazard to the public safety and pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The nine substances named in this final rule meet the existing definition of fentanyl-related substances, as they are not otherwise controlled in any other schedule (i.e., not included under another DEA Controlled Substance Code Number) and are structurally related to fentanyl by one or more of the five modifications listed under the definition. That temporary scheduling order was effective on the date of publication and was based on findings by the former Acting Administrator that the temporary scheduling of these substances was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Pursuant to 21 U.S.C. 811(h)(2), the temporary control of fentanyl-related substances, a class of substances as defined in the order, as well as these nine specific substances already covered by that order, was set to expire on February 6, 2020. However, on February 6, 2020, as explained in DEA's April 10, 2020, correcting amendment (85 FR 20155), Congress extended that expiration date until May 6, 2021, by enacting the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Pub. L. 116–114, sec. 2, 134 Stat. 103). This temporary order was subsequently extended multiple times, most recently on December 29, 2022, through the Consolidated Appropriations Act, 2023, which extended the order until December 31, 2024.

Comment: One commenter stated that fentanyl and the list of related substances is a hazard due to the

overdose deaths that have been occurring. This commenter also referenced the National Institute on Drug Abuse, stating that fentanyl-related overdoses have been increasing in the United States. Lastly, this commenter stated that permanently placing fentanyl and the list of related substances in schedule I would improve public health and allow for regulation of these substances.

DEA Response: DEA appreciates the comments in support of this rulemaking. One clarification to note is that fentanyl remains a schedule II substance. This final rule only applies to the fentanyl-related substances that are listed in this final order.

Comment: One commenter stated the proposed rule would make it more difficult to produce and distribute these dangerous fentanyl-related substances, which would help combat the opioid epidemic in the United States. This commenter also referenced a news article by National Public Radio, stating that these nine fentanyl-related substances are not currently classified as controlled substances, making it easy to produce and distribute these substances without legal consequences. Lastly, this commenter recognized that this proposal could have significant impacts on the healthcare industry, such as increased oversight and regulation of fentanyl-related substances, which could prevent their misuse and abuse.

DEA Response: DEA appreciates the comments in support of this rulemaking. One clarification to note based on the comment above is that, by temporary order on February 6, 2018, DEA placed these nine fentanyl-related substances under schedule I. 83 FR 5188. That temporary order defined a fentanyl-related substance to mean any substance not otherwise controlled in any schedule (i.e., not listed under another DEA Controlled Substance Code Number), and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), that is structurally related to fentanyl by one or more of five specified structural modifications. Therefore, these nine fentanyl-related substances are in fact already schedule I controlled substances.

The final rule being issued today applies to nine fentanyl-related substances that were the subject of a February 6, 2018, temporary scheduling order. These nine substances will now be listed in 21 CFR 1308.11(b), as specified in the text of the rule that appears below. This final rule should not have a significant impact on the

healthcare industry because these nine fentanyl-related substances have no medical use and they have already been added as schedule I controlled substances since 2018.

Comment: One commenter discussed the direct and indirect effects on federal and state healthcare from this regulation. The commenter suggested that this regulation will boost federal oversight of manufacturing and disseminating harmful chemicals. In addition, this regulation would limit availability and expected use, ensure protection of residents, and increase confidence in the medical field. In addition, the commenter stated that is critical to restrict the use of “fentanyl replicates” to those who may need them for medical conditions. Lastly, the commenter stated that raising awareness of the risks of abusing these drugs benefits their prevention.

DEA Response: DEA appreciates the comments in support of this rulemaking. As mentioned previously, FDA has not approved a marketing application for a drug product containing any of these nine substances for any therapeutic indication. These substances have no medical use in the United States.

Comment: One commenter stated that this rule will affect federal healthcare because many federal agencies are trying to tackle the opioid crisis. The commenter discussed the rising number of pediatric deaths from fentanyl in 2021 and the surge in 2018 of fentanyl overdoses among older adolescents as well as in children younger than five. The commenter agrees with this final rule to schedule these fentanyl-related substances. The commenter also stated that fentanyl is highly addictive and that while fentanyl is prescribed for chronic pain or major surgery, it should be a last resort.

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

Comment: One commenter agreed with this final rule to make permanent these nine specific fentanyl-related substances rather than continuing multiple temporary extensions. Once finalized, the commenter stated that the federal government could act against anyone handling these substances since over 150 people die each day from a fentanyl-related drug overdose.

DEA Response: DEA appreciates the comments in support of this rulemaking. Again, DEA notes that fentanyl is a schedule II controlled substance that can be prescribed for approved medical uses. However, the nine fentanyl-related substances addressed in this rule are already

schedule I controlled substances and none of them have any medical use in the United States.

Comment: One commenter stated that fentanyl should be placed in schedule I. The commenter compared this substance to marijuana, which is a schedule I drug and thought it was mind-blowing that fentanyl was not a schedule I substance. It was suggested that the rising number of deaths, the risk to public health, abuse potential, and dependency should classify fentanyl as a schedule I.

DEA Response: DEA appreciates this comment. As stated previously, fentanyl remains a schedule II substance. Fentanyl has approved medical uses in the United States. This final rule only applies to the fentanyl-related substances that are listed in this final order.

Scheduling Conclusion

After consideration of the relevant matter presented through public comments, the scientific and medical evaluation and accompanying recommendation of HHS, and after its own eight-factor evaluation, DEA finds that these facts and all other relevant data constitute substantial evidence of the potential for abuse of *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl. DEA is permanently scheduling these nine fentanyl-related substances as schedule I controlled substances under the CSA.

Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also specifies the findings required to place a drug or other substance in any particular schedule.³ After consideration of the analysis and recommendation of the Assistant Secretary for HHS and review of all other available data, the Administrator, pursuant to 21 U.S.C. 811(a) and 812(b)(1), finds the following:

(1) The abuse potential of *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl is associated with each substance's pharmacological similarity to other

schedule I and II mu-opioid receptor agonist substances which have a high potential for abuse. Similar to morphine (schedule II), fentanyl (schedule II), and several schedule I opioid substances that are structurally related to fentanyl, these nine fentanyl-related substances have been shown to bind and act as mu-opioid receptor agonists;

(2) *meta*-Fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl, have no currently accepted medical use in treatment in the United States;⁴ and

(3) There is a lack of accepted safety for use of *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl under medical supervision.

Based on these findings, the Administrator concludes that *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible, warrant control in schedule I of the CSA.⁵

This final rule does not affect the scheduling of fentanyl itself, which

⁴ Although there is no evidence suggesting that *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl have a currently accepted medical use in treatment in the United States, it bears noting that a drug cannot be found to have such medical use unless DEA concludes that it satisfies a five-part test. Specifically, with respect to a drug that has not been approved by FDA, to have a currently accepted medical use in treatment in the United States, all of the following must be demonstrated:

- i. The drug's chemistry must be known and reproducible;
- ii. there must be adequate safety studies;
- iii. there must be adequate and well-controlled studies proving efficacy;
- iv. the drug must be accepted by qualified experts; and
- v. the scientific evidence must be widely available.

57 FR 10499 (1992).

⁵ 21 U.S.C. 812(b)(1).

remains a schedule II controlled substance.

Requirements for Handling *Meta*-Fluorofentanyl, *Meta*-Fluoroisobutyryl Fentanyl, *Para*-Methoxyfuranyl Fentanyl, 3-Furanyl Fentanyl, 2',5'-Dimethoxyfentanyl, Isovaleryl Fentanyl, *Ortho*-Fluorofuranyl Fentanyl, *Alpha*'-Methyl Butyryl Fentanyl, and *Para*-Methylcyclopropyl Fentanyl

Meta-Fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl will continue, on a permanent basis,⁶ to be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl, or who desires to handle these nine substances, is required to be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity of these substances in a manner not authorized by the CSA is unlawful and those in possession of any quantity of these substances may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks.* *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-

⁶ *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and/or *para*-methylcyclopropyl fentanyl have been subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h), by virtue of the February 6, 2018 temporary scheduling order (83 FR 5188) and the subsequent statutory extension of that order through December 31, 2024 (Pub. L. 117-328, Division O, Title VI, Sec. 601).

³ 21 U.S.C. 812(b).

dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl must be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable federal, state, local, and tribal laws.

3. *Security.* *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.71–1301.76. Non-practitioners handling these nine substances must also comply with the employee screening requirements of 21 CFR 1301.90–1301.93.

4. *Labeling and Packaging.* All labels and labeling for commercial containers of *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl, must be in compliance with 21 U.S.C. 825, and be in accordance with 21 CFR part 1302.

5. *Quota.* Only registered manufacturers are permitted to manufacture *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

6. *Inventory.* Any person registered with DEA to handle *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl must have an initial inventory of all stocks of controlled substances (including these substances) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including *meta*-fluorofentanyl, *meta*-

fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl) on hand every two years pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

7. *Records and Reports.* Every DEA registrant must maintain records and submit reports with respect to *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1301.74(b) and (c), 1301.76(b), 1307.11 and parts 1304, 1312, and 1317. Manufacturers and distributors must submit reports regarding these substances to the Automation of Reports and Consolidated Order System pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* Every DEA registrant who distributes *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl must continue to comply with the order form requirements, pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305.

9. *Importation and Exportation.* All importation and exportation of *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl must comply with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

10. *Liability.* Any activity involving *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl not authorized by, or in violation of, the CSA or its implementing regulations is unlawful and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders (E.O.) 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14094 (Modernizing Regulatory Review)

This action is not a significant regulatory action as defined by Executive Order (E.O.) 12866 (Regulatory Planning and Review), section 3(f), and the principles reaffirmed in E.O. 13563 (Improving Regulation and Regulatory Review); and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB). This action makes no change in the status quo, as *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfuranyl fentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl are already listed as a schedule I controlled substances.

Executive Order 12988, Civil Justice Reform

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

Executive Order 13132, Federalism

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

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

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

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–602, has reviewed this final rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small

entities. On February 6, 2018, DEA published an order to temporarily place fentanyl-related substances in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). DEA estimates that all entities handling or planning to handle *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl have already established and implemented the systems and processes required to handle these substances.

As discussed in the NPRM, there are 108 registrations authorized to handle one or more of the following substances: *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. These 108 registrations represent a maximum of 95 small entities. Therefore, DEA conservatively estimates as many as 95 small entities are affected by this rule.

A review of the 108 registrations indicates that all entities that currently handle *meta*-fluorofentanyl, *meta*-fluoroisobutyryl fentanyl, *para*-methoxyfentanyl, 3-furanyl fentanyl, 2',5'-dimethoxyfentanyl, isovaleryl fentanyl, *ortho*-fluorofuranyl fentanyl, *alpha*'-methyl butyryl fentanyl, and *para*-methylcyclopropyl fentanyl, also handle other schedule I controlled substances and have established and implemented (or maintain) the systems and processes required to handle these substances. Therefore, DEA anticipates that this final rule will impose minimal or no economic impact on any affected entities, and, thus, will not have a significant economic impact on any of the small entities. Therefore, DEA has concluded that this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, DEA has determined and certifies that this action would not result in any federal mandate that may result "in the expenditure by State, local, and Tribal Governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually

for inflation) in any 1 year * * * ." Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This final rule does not impose a new collection or modify an existing collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. Also, this final rule does not impose new or modify existing recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. However, this final rule does require compliance with the following existing OMB collections: 1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, 1117–0023, 1117–0029, and 1117–0056. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Congressional Review Act

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

Determination To Make Rule Effective Immediately

As indicated above, this rule finalizes the schedule I control status of nine substances that has already been in effect. These nine substances all fall within the definition of fentanyl-related substances set forth in the February 6, 2018, temporary scheduling order (83 FR 5188). Through the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act, which became law on February 6, 2020, Congress extended the temporary control of fentanyl-related substances until May 6, 2021. This temporary order was subsequently extended multiple times, most recently on December 29, 2022, through the Consolidated Appropriations Act, 2023, which extended the order until December 31, 2024.⁷ The February 2018 order was effective on the date of publication, and was based on findings by the then-Acting Administrator that the temporary scheduling of the fentanyl-related substances was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Because this rule

finalizes the control status of nine substances that has already been in effect, it does not alter the legal obligations of any person who handles these substances. Rather, it merely makes permanent the current scheduling status and corresponding legal obligations. Therefore, since this rule does not change the current scheduling status and corresponding legal obligations, DEA is making the rule effective on the date of publication in the **Federal Register**, as any delay in the effective date is unnecessary and would be contrary to the public interest.

Signing Authority

This document of the Drug Enforcement Administration was signed on November 29, 2023, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,
Federal Register Liaison Officer, Drug Enforcement Administration.

List of Subjects in 21 CFR Part 1308

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

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

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

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

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

■ 2. In § 1308.11:
■ a. Redesignate paragraphs (b)(10) through (94) to read as follows:

Old paragraph	New paragraph
(b)(10) through (33)	(b)(11) through (34).
(b)(34) through (43)	(b)(36) through (45).
(b)(44) through (47)	(b)(47) through (50).
(b)(48) through (50)	(b)(52) through (54).
(b)(51) through (66)	(b)(57) through (72).
(b)(67) through (74)	(b)(74) through (81).
(b)(75) through (94)	(b)(84) through (103).

■ b. Add new paragraphs (b)(10), (35), (46), (51), (55), (56), (73), (82), and (83);
The additions to read as follows:

⁷ Public Law 117–328, Division O, Title VI, Sec. 601.

§ 1308.11 Schedule I.

(b) * * *

* * * * *

*	*	*	*	*	*	*	*	*
(10)	<i>alpha'</i> -Methyl butyryl fentanyl (2-methyl- <i>N</i> -(1-phenethylpiperidin-4-yl)- <i>N</i> -phenylbutanamide)	.....						9864
(35)	2',5'-Dimethoxyfentanyl (<i>N</i> -(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)- <i>N</i> -phenylpropionamide)	.....						9861
(46)	3-Furanyl fentanyl (<i>N</i> -(1-phenethylpiperidin-4-yl)- <i>N</i> -phenylfuran-3-carboxamide)	.....						9860
(51)	Isovaleryl fentanyl (3-methyl- <i>N</i> -(1-phenethylpiperidin-4-yl)- <i>N</i> -phenylbutanamide)	.....						9862
(55)	<i>meta</i> -Fluorofentanyl (<i>N</i> -(3-fluorophenyl)- <i>N</i> -(1-phenethylpiperidin-4-yl)propionamide)	.....						9857
(56)	<i>meta</i> -Fluoroisobutyryl fentanyl (<i>N</i> -(3-fluorophenyl)- <i>N</i> -(1-phenethylpiperidin-4-yl)isobutyramide)	.....						9858
(73)	<i>ortho</i> -Fluorofuranyl fentanyl (<i>N</i> -(2-fluorophenyl)- <i>N</i> -(1-phenethylpiperidin-4-yl)furan-2-carboxamide)	.....						9863
(82)	<i>para</i> -Methoxyfuranyl fentanyl (<i>N</i> -(4-methoxyphenyl)- <i>N</i> -(1-phenethylpiperidin-4-yl)furan-2-carboxamide)	.....						9859
(83)	<i>para</i> -Methylcyclopropyl fentanyl (<i>N</i> -(4-methylphenyl)- <i>N</i> -(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide)	.....						9865

* * * * *

[FR Doc. 2023-26694 Filed 12-6-23; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice: 12224]

RIN 1400-AE83

Immigrant Visas

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (“Department”) is amending its regulation governing immigrant visas by removing the section which allows a consular officer to conduct an informal evaluation of the family members of an immigrant visa applicant to identify potential grounds of ineligibility. The existing regulation was promulgated in 1952, at a time when a consular officer could more readily assess a family member’s potential qualification for a visa without a formal visa application. Assessing eligibility for an immigrant visa is now a more complex task and not one which can be accomplished accurately with an informal evaluation.

DATES: This final rule is effective on January 8, 2024.

FOR FURTHER INFORMATION CONTACT: Claire Kelly, Office of Visa Services, Bureau of Consular Affairs, Department of State; telephone (202) 485-7586, VisaRegs@state.gov.

SUPPLEMENTARY INFORMATION: The Department published a notice of

proposed rulemaking, Public Notice 11604 at 88 FR 16384 (Mar. 17, 2023) (hereafter “proposed rule”), with a request for comments, proposing to amend Part 42 of Title 22 of the Code of Federal Regulations. The rule will eliminate 22 CFR 42.68 in its entirety. The regulatory amendment was discussed in detail in the proposed rule, and that discussion is adopted by reference in this final rule. The Department received two responsive comments, both in support of eliminating 22 CFR 42.68. The Department is now promulgating a final rule with no changes from the proposed rule. This rule results in no change for applicants, as the authority granted by 22 CFR 42.68 was no longer used by consular officers.¹

Analysis of Comments

The proposed rule was published in the **Federal Register** on March 17, 2023. The comment period closed May 16, 2023. The Department received two responsive comments, both in favor of the proposed elimination of 22 CFR 42.68, and one non-responsive comment.

One of the two responsive comments advocated for replacing 22 CFR 42.68 with “supportive and accessible eligibility screenings for noncitizens seeking visas,” while the other comment only expressed its support for the proposed elimination. The Department has considered these comments. Considering the complexity required to evaluate a noncitizen’s eligibility for a visa, and limited resources to reliably

assess eligibility absent a visa application, the Department is unable to offer any eligibility screenings. Noncitizens who wish to receive a nonimmigrant or immigrant visa must formally apply for a visa to allow a consular officer to assess their eligibility for the visa.

Regulatory Findings

A. Administrative Procedure Act

As this rule involves amending visa policy, which is a foreign affairs function of the United States, it is exempt from both the delayed effective date and notice and comment requirements of 5 U.S.C. 553 per subsection (a)(1). Notwithstanding the applicability of the foreign affairs exception to this rule, the Department, for its own benefit, sought public comment on the proposed elimination of 22 CFR 42.68. *See, e.g., Hoctor v. U.S. Dep’t of Agric.*, 82 F.3d 165, 171–72 (7th Cir. 1996) (observing that there is nothing in the APA that forbids an agency’s use of notice-and-comment procedures even if not required under the APA, and that courts should attach no weight to an agency’s varied approaches involving similar rules). Though this rule is not subject to 5 U.S.C. 553(d), the Department is also choosing to delay the effective date of this rule for 30 days.

B. Regulatory Flexibility Act

As this rulemaking is not required to be published for notice and comment under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth by the Regulatory

¹ See the proposed rule for further discussion.

SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

Placement of Fentanyl Related Substances into Schedule I for Controlled Substances

WHEREAS, pursuant to S.C. Code Section 44-53-160(C), the South Carolina Board of Health and Environmental Control (Board) is authorized to add a substance as a controlled substance if the Federal government has so designated; and

WHEREAS, on February 6, 2018, the Administrator of the Drug Enforcement Administration (DEA) issued a temporary scheduling order to schedule fentanyl-related substances that are not currently listed in any schedule of the Controlled Substances Act (CSA) and their isomers, esters, ethers, salts and salts of isomers, esters, and ethers in schedule I. These substances include any substance not otherwise controlled in any schedule (i.e., not included under any other Administration Controlled Substance Code Number) that is structurally related to fentanyl by one or more of the following modifications:

- (A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
- (B) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;
- (C) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;
- (D) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or
- (E) replacement of the N-propionyl group by another acyl group.

Federal Register, Volume 83, Number 25, pp. 5188-5192; <https://www.gpo.gov/fdsys/pkg/FR-2018-02-06/pdf/2018-02319.pdf>; and

WHEREAS, substances listed in Schedule I are those that have a high potential for abuse, no currently acceptable medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Information provided by the Assistant Secretary of HHS indicates that these fentanyl-related substances, as defined, have no currently accepted medical use in treatment in the United States and lack accepted safety for use under medical supervision; and

WHEREAS, fentanyl is often mixed with heroin and other substances (such as cocaine and methamphetamine) or used in counterfeit pharmaceutical prescription drugs. As a consequence, users who buy these substances on the illicit market are often unaware of the specific substance they are actually consuming and the associated risk. According to the Centers for Disease Control and Prevention (CDC), drug overdose deaths involving synthetic opioids (excluding methadone), such as fentanyl and tramadol, increased from 5,544 in 2014 to 9,580 in 2015. According to provisional data released in August 2017 by the CDC, National Center for Health Statistics, an estimated 55 Americans are dying every day from overdoses of synthetic opioids (excluding methadone). Drug overdose deaths involving synthetic opioids excluding methadone for the 12-month period ending in January of 2017 (20,145 deaths) more than doubled from the corresponding data for the period ending in January of 2016 (9,945 deaths); and

WHEREAS, according to the DEA, it is well known that deaths associated with the abuse of substances structurally related to fentanyl in the United States are on the rise and have already reached alarming levels. While a number of factors appear to be contributing to this public health crisis, chief among the causes is the sharp increase in recent years in the availability of illicitly produced, potent substances structurally related to fentanyl. Fentanyl is approximately 100 times more potent than morphine, and the

substances structurally related to fentanyl that DEA is temporarily controlling also tend to be potent substances. Typically, these substances are manufactured outside the United States by clandestine manufacturers and then smuggled into the United States; and

THEREFORE, the Board of Health and Environmental Control adopts the federal scheduling of cyclopropyl fentanyl and amends Section 44-53-190 by adding and designating into Schedule I of the South Carolina Controlled Substances Act substances not otherwise controlled in any schedule of the CSA (i.e., not included under any other Administration Controlled Substance Code Number) that are structurally related to fentanyl by one or more of the following modifications:

- (A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
- (B) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;
- (C) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;
- (D) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or
- (E) replacement of the N-propionyl group by another acyl group

and their isomers, esters, ethers, salts and salts of isomers, esters, and ethers.



L. Clarence Batts, Jr., Secretary
S.C. Board of Health and Environmental Control

February 8, 2018
Columbia, South Carolina

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

January 4, 2024

(X) ACTION/DECISION

() INFORMATION

- I. **TITLE:** Request for Placement of MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB- 4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA into Schedule I for Controlled Substances in South Carolina
- II. **SUBJECT:** Placement of MDMB-4en- PINACA, 4F-MDMB-BUTICA, ADB- 4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA in Schedule I for Controlled Substances in South Carolina

III. **FACTS:**

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

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

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

On December 12, 2023, The Administrator of the Drug Enforcement Administration (“DEA”) issued a temporary order to schedule six synthetic cannabinoids and their optical and geometric isomers, salts, and salts of isomers, whenever the existence of such isomers and salts is possible, in schedule I under the Federal Controlled Substances Act: Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamido)butanoate (Other name: MDMB-4en-PINACA), Methyl 2-[[1-(4-fluorobutyl)indole-3-

carbonyl]amino]-3,3-dimethyl-butanoate (Other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA), *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamide (Other name: ADB-4en-PINACA), 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-*b*]indol-1-one (Other name: CUMYL-PEGACLONE; SGT-151), Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate (Other names: 5F-EDMB-PICA; 5F-EDMB-2201), and Methyl 2-(1-(4-fluorobenzyl)-1*H*-indole-3-carboxamido)-3-methyl butanoate (Other name: MMB-FUBICA). Temporary scheduling allows the federal Drug Enforcement Administration to schedule a substance more quickly in order to avoid an imminent hazard to the public safety as defined in the federal Controlled Substances Act (“federal CSA”). 21 U.S.C. § 811(h). A temporary scheduling expires after two years, except that the Attorney General may extend the temporary scheduling for up to one year during the pendency of proceedings to permanently schedule the substance. 21 U.S.C. § 811(h)(2). As a result of this order, the federal regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle schedule I controlled substances apply to these six specified controlled substances. The federal temporary scheduling order became effective December 12, 2023. *Federal Register*, Volume 88, Number 237, pages 86040-86046; <https://www.govinfo.gov/content/pkg/FR-2023-12-12/pdf/2023-27243.pdf>.

IV. ANALYSIS:

The federal CSA requires the Administrator of the DEA to notify the Secretary of the Department of Health and Human Services (“HHS”) of an intent to place a substance in schedule I of the federal CSA temporarily (i.e., to issue a temporary scheduling order). The Administrator transmitted the required notice to the Assistant Secretary for Health of HHS (Assistant Secretary), by letter dated January 24, 2022, regarding MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA. The Assistant Secretary responded to this notice by letter dated March 7, 2022, and advised that, based on a review by the Food and Drug Administration (“FDA”), there are currently no approved new drug applications or investigational new drug applications for MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA. The Assistant Secretary also stated that HHS has no objection to the temporary placement of these substances in schedule I of the CSA.

In accordance with 21 U.S.C. 811(h)(1) and (3), the Administrator of the DEA considered available data and information and set forth in the attached Federal Register order the grounds for her determination that it is necessary to temporarily place MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA in schedule I of the federal CSA, and found that placement of these substances in schedule I of the federal CSA is necessary in order to avoid an imminent hazard to the public safety. The determination was based upon the following conclusions:

- 1) Available data and information for MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA indicate that these substances have a high potential for abuse.
- 2) MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA have no currently accepted medical use in treatment in the United States.

3) MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA have a lack of accepted safety for use under medical supervision.

V. RECOMMENDATION:

Pursuant to S.C. Code Section 44-53-160(C), the Department recommends placing these six synthetic cannabinoids and their optical and geometric isomers, salts, and salts of isomers, whenever the existence of such isomers and salts is possible substances in Schedule I for controlled substances in South Carolina and the amendment of Section 44-53-190(D) of the South Carolina Controlled Substances Act to include the following:

() Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamido)butanoate (Other name: MDMB-4en-PINACA);

() Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate (Other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA);

() *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1*H*-indazole-3-carboxamide (Other name: ADB-4en-PINACA);

() 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-*b*]indol-1-one (Other name: CUMYL-PEGACLONE; SGT-151);

() Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate (Other names: 5F-EDMB-PICA; 5F-EDMB-2201);

() Methyl 2-(1-(4-fluorobenzyl)-1*H*-indole-3-carboxamido)-3-methyl butanoate (Other name: MMB-FUBICA)

Submitted by:



Lisa Thomson
Director, Bureau of Drug Control



Gwen Thompson
Director for Healthcare Quality

Attachment:

Federal Register 88, Number 237, December 12, 2023

ASO AL D Fort Novosel (Ozark), AL [Amended]

Cairns Army Air Field (Fort Novosel), AL
(Lat. 31°16'33" N, long. 85°42'48" W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 5-mile radius of lat. 31°18'30" N, long. 85°42'20" W. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ASO GA D Columbus, GA [Amended]

Columbus Airport, GA
(Lat. 32°30'59" N, long. 84°56'20" W)
Lawson AAF (Fort Moore)
(Lat. 32°19'54" N, long. 84°59'14" W)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4.4-mile radius of the Columbus Airport, and that airspace extending upward from the surface to and including 2,700 feet MSL within a 5.2-mile radius of Lawson Army Airfield (Ft. Moore) and that airspace within 1 mile each side of the 145° bearing from the AAF extending from the 5.2-mile radius to 6.8 miles southeast of the AAF. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Surface Airspace.

* * * * *

ASO AL E2 Fort Novosel (Ozark), AL [Amended]

Columbus Airport, GA
(Lat. 32°30'59" N, long. 84°56'20" W)
Lawson AAF (Fort Moore)
(Lat. 32°19'54" N, long. 84°59'14" W)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4.4-mile radius of the Columbus Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO MS E5 Columbus, MS [Amended]

Columbus AFB, MS
(Lat. 33°38'43" N, long. 88°26'45" W)
Monroe County Airport
(Lat. 33°52'26" N, long. 88°29'23" W)
Columbus-Lowndes County Airport
(Lat. 33°27'55" N, long. 88°22'51" W)
Golden Triangle Regional Airport
(Lat. 33°26'54" N, long. 88°35'29" W)
Oktibbeha Airport
(Lat. 33°29'52" N, long. 88°4'53" W)
McCharen Field

(Lat. 33°35'03" N, long. 88°40'00" W)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Columbus AFB, a 16-mile radius of Monroe County Airport, and within a 6.4-mile radius of Columbus-Lowndes County Airport, and within a 6.6-mile radius of Golden Triangle Regional Airport, and within a 6.2-mile radius of Oktibbeha Airport, and a 6.3-mile radius of McCharen Field.

* * * * *

Issued in College Park, Georgia, on December 6, 2023.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2023-27195 Filed 12-11-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-1006]

Schedules of Controlled Substances: Temporary Placement of MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Temporary amendment; temporary scheduling order.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing this temporary order to schedule six synthetic cannabinoids and their optical and geometric isomers, salts, and salts of isomers, whenever the existence of such isomers and salts is possible, in schedule I under the Controlled Substances Act. This action is based on a finding by the Administrator that the placement of these six substances in schedule I is necessary to avoid imminent hazard to the public safety. As a result of this order, the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess) or propose to handle these six specified controlled substances.

DATES: This temporary scheduling order is effective December 12, 2023, until December 12, 2025. If this order is extended or made permanent, the DEA

will publish a document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Ph.D., Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3249.

SUPPLEMENTARY INFORMATION: The Drug Enforcement Administration (DEA) issues a temporary scheduling order¹ (in the form of a temporary amendment) to add the following six substances, including their optical and geometric isomers, salts, and salts of isomers, whenever the existence of such isomers and salts is possible, to schedule I under the Controlled Substances Act (CSA):

- Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate (Other name: MDMA-4en-PINACA),
- Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (Other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA),
- N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide (Other name: ADB-4en-PINACA),
- 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one (Other name: CUMYL-PEGACLONE; SGT-151),
- Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethylbutanoate (Other names: 5F-EDMB-PICA; 5F-EDMB-2201), and
- Methyl 2-(1-(4-fluorobenzyl)-1H-indole-3-carboxamido)-3-methylbutanoate (Other name: MMB-FUBICA).

Legal Authority

The CSA provides the Attorney General, as delegated to the Administrator of DEA (Administrator) pursuant to 28 CFR 0.100, with the authority to temporarily place a substance in schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b), if the Administrator finds that such action is necessary to avoid an imminent hazard to the public safety.² In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1) while the substance is temporarily controlled under section 811(h), the Administrator may extend the temporary scheduling for up to one year.³

¹ Though DEA has used the term "final order" with respect to temporary scheduling orders in the past, this order adheres to the statutory language of 21 U.S.C. 811(h), which refers to a "temporary scheduling order." No substantive change is intended.

² 21 U.S.C. 811(h)(1).

³ 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355.⁴

Background

The CSA requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of an intent to place a substance in schedule I of the CSA temporarily (*i.e.*, to issue a temporary scheduling order).⁵ The Administrator transmitted the required notice to the Assistant Secretary for Health of HHS (Assistant Secretary),⁶ by letter dated January 24, 2022, regarding MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA. The Assistant Secretary responded to this notice by letter dated March 7, 2022, and advised that, based on a review by the Food and Drug Administration (FDA), there are currently no approved new drug applications or investigational new drug applications for MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA. The Assistant Secretary also stated that HHS has no objection to the temporary placement of these substances in schedule I of the CSA.

DEA has taken into consideration the Assistant Secretary's comments as required by subsection 811(h)(4). DEA has found that the control of these six synthetic cannabinoids (SCs) in schedule I on a temporary basis is necessary to avoid an imminent hazard to the public safety. MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA currently are not listed in any schedule under the CSA, and no exemptions or approvals under 21 U.S.C. 355 are in effect for these six substances.

As required by 21 U.S.C. 811(h)(1)(A), DEA published a notice of intent (NOI) to temporarily schedule MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA on April 4, 2023.⁷ That NOI discussed findings from DEA's three-factor

analysis dated April 2023, which DEA made available on www.regulations.gov.

To find that temporarily placing a substance in schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator must consider three of the eight factors set forth in 21 U.S.C. 811(c): The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. Consideration of these factors includes any information indicating actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution of these substances.⁸

Substances meeting the statutory requirements for temporary scheduling may only be placed in schedule I.⁹ Substances in schedule I have high potential for abuse, no currently accepted medical use in treatment in the United States, and no accepted safety for use under medical supervision.¹⁰

The DEA's three-factor analysis and the Assistant Secretary's March 7, 2022, letter are available in their entirety under the tab "Supporting Documents" of the public docket of this action at www.regulations.gov.

Synthetic Cannabinoids

Synthetic cannabinoids (SCs) are substances synthesized in laboratories that mimic the biological effects of delta-9-tetrahydrocannabinol (THC, schedule I), the main psychoactive ingredient in marijuana (schedule I). SCs were introduced to the designer drug market in several European countries as "herbal incense" before the initial encounter in the United States by the U.S. Customs and Border Protection (CBP) in November 2008. From 2009, abuse of SCs has escalated in the United States as evidenced by large numbers of law enforcement encounters of SCs applied onto plant material and in other designer drug products intended for human consumption.¹¹ Recent hospital reports, scientific publications, and/or law enforcement reports demonstrate that MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA, and their associated designer drug products, are being abused for their psychoactive properties (see Factors 5 and 6 in DEA's three-factor analysis). As with many generations of SCs encountered since

2009, the abuse of MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA is negatively impacting communities in the United States.

As noted by DEA and CBP, SCs originate from foreign sources, such as China. Substances in bulk powder form are smuggled via common carrier into the United States and find their way to clandestine designer drug product manufacturing operations located in residential neighborhoods, garages, warehouses, and other similar destinations throughout the country. According to online discussion boards and law enforcement encounters, spraying or mixing the SCs with plant material provides a vehicle for the most common route of administration—smoking (using a pipe, a water pipe, or rolling the drug-laced plant material in cigarette papers).

MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA have no accepted medical use in treatment in the United States.¹² Emergency department presentations involving MDMA-4en-PINACA or CUMYL-PEGACLONE have included seizures, sudden collapse, involuntary muscle spasms, jerking movements, catatonia, and increased violence. Multiple deaths have been reported involving MDMA-4en-PINACA, 4F-MDMB-BUTICA, and CUMYL-PEGACLONE. In addition, all six SCs have been seized by law enforcement in the United States. Use of other schedule I SCs (*e.g.*, JWH-018, AB-FUBINACA) has resulted in signs of addiction and withdrawal. Based on the pharmacological similarities between MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA and other schedule I SCs (*e.g.*, JWH-018, AB-FUBINACA), these six SCs are likely to produce signs of addiction and withdrawal similar to

¹² Although there is no evidence suggesting that MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA have a currently accepted medical use in treatment in the United States, it bears noting that a drug cannot be found to have such medical use unless DEA concludes that it satisfies a five-part test. Specifically, with respect to a drug that has not been approved by FDA, to have a currently accepted medical use in treatment in the United States, all of the following must be demonstrated: i. The drug's chemistry must be known and reproducible; ii. there must be adequate safety studies; iii. there must be adequate and well-controlled studies proving efficacy; iv. the drug must be accepted by qualified experts; and v. the scientific evidence must be widely available. 57 FR 10499, Mar. 26, 1992, *pet. for rev. denied*, *Alliance for Cannabis Therapeutics v. DEA*, 15 F.3d 1131, 1135 (D.C. Cir. 1994).

⁴ 21 U.S.C. 811(h)(1); 21 CFR part 1308.

⁵ 21 U.S.C. 811(h)(4).

⁶ The Secretary of HHS has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

⁷ 88 FR 19896.

⁸ 21 U.S.C. 811(h)(3).

⁹ 21 U.S.C. 811(h)(1).

¹⁰ 21 U.S.C. 812(b)(1).

¹¹ While law enforcement data are not direct evidence of abuse, they can lead to an inference that drugs have been diverted and abused. See 76 FR 77330, 77332, Dec. 12, 2011.

those produced by other schedule I SCs (e.g., JWH-018, AB-FUBINACA).

MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA are SCs that have pharmacological effects similar to the schedule I hallucinogen THC and other temporarily and permanently controlled schedule I SCs. With no approved medical use and limited safety or toxicological information, MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA have emerged in the designer drug market, and the abuse of these substances for their psychoactive properties is concerning.

Factor 4. History and Current Pattern of Abuse

SCs have been developed by researchers over the last 30 years as tools for investigating the endocannabinoid system (e.g., determining CB1 and CB2 receptor activity). The first encounter of SCs intended for illicit use within the United States occurred in November 2008 by CBP. Since then, the popularity of SCs as product adulterants and objects of abuse has increased as evidenced by law enforcement seizures, public health information, and media reports.

Research and clinical reports have demonstrated that SCs are applied onto plant material so that the material may be smoked as users attempt to obtain a euphoric and psychoactive “high,” believed to be similar to marijuana. The adulterated products are marketed as “legal” alternatives to marijuana.

The designer drug products laced with SCs, including MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA, are often sold under the guise of “herbal incense” or “potpourri,” using various product names, and are routinely labeled “not for human consumption.” Additionally, these products are marketed as a “legal high” or “legal alternative to marijuana” and are readily available over the internet, in head shops, or sold in convenience stores. There are incorrect assumptions that these products are safe, that these are synthetic forms of marijuana, and that labeling these products as “not for human consumption” is a legal defense to criminal prosecution under the Controlled Substances Analogue Enforcement Act.

The powder form of SCs is typically dissolved in solvents (e.g., acetone) before being applied to plant material,

or dissolved in a propellant intended for use in electronic cigarette devices. Law enforcement personnel have encountered various application methods including buckets or cement mixers in which plant material and one or more SCs are mixed together, or in large areas where the plant material is spread out so that a dissolved SC mixture can be applied directly. Once mixed, the SC plant material is then allowed to dry before manufacturers package the product for distribution, ignoring any quality control mechanisms to prevent contamination or to ensure a uniform concentration of the substance in each package. Adverse health consequences may also occur from directly ingesting the drug during the manufacturing process. The failure to adhere to any manufacturing standards with regard to amounts, the substance(s) included, purity, or contamination may further increase the risk of adverse events. However, it is important to note that adherence to manufacturing standards would not eliminate their potential to produce adverse effects because the toxicity and safety profiles of these SCs have not been studied. MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA, similar to other schedule I SCs (e.g., JWH-018, AB-FUBINACA), have been found in powder form or mixed with dried leaves or herbal blends that were marketed for human use.

Following their manufacture in China, SCs are often encountered in countries, including New Zealand, Australia, and Russia, before appearing throughout Europe and, eventually, in the United States. Law enforcement in the United States has encountered MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA, and has documented the abuse of these substances. SCs and their associated products are available over the internet and sold in gas stations, convenience stores, and tobacco and head shops. MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA, similar to the previously scheduled SCs, have been seized alone and/or laced on products that are marketed under the guise of “herbal incense” and promoted as a “legal” alternative to marijuana.

CUMYL-PEGACLONE was detailed in a patent published in 2014, was first reported as an adulterated plant material in Germany in December 2016, and appeared in the United States in September 2018. These data further

support the trend that SCs often appear in the illicit drug markets of other countries, including those in Europe, before being reported in the United States. Law enforcement has seized CUMYL-PEGACLONE, and the substance’s abuse has been associated with overdoses requiring emergency medical intervention. Adverse effects reported following the abuse of CUMYL-PEGACLONE have included seizures followed by collapse and deaths. CUMYL-PEGACLONE has also been encountered laced onto paper in attempts to be smuggled inside of prison facilities.

Users abuse SCs by smoking for the purpose of achieving intoxication, which has resulted in numerous emergency department visits and calls to poison centers. As reported by the American Association of Poison Control Centers (AAPCC), severe, life-threatening health effects, including severe agitation and anxiety, nausea, vomiting, seizures, and hallucinations, can occur following ingestion of SCs. The AAPCC has specifically noted that SCs are made specifically to be abused.¹³ Emergency department presentations involving MDMB-4en-PINACA or CUMYL-PEGACLONE have included seizures, sudden collapse, involuntary muscle spasms, jerking movements, catatonia, or increased violence. Multiple deaths have been reported involving MDMB-4en-PINACA, 4F-MDMB-BUTICA, and CUMYL-PEGACLONE (see Factor 6 in DEA’s three-factor analysis).

Factor 5. Scope, Duration, and Significance of Abuse

Novel SCs substances, differing only by small chemical structural modifications intended to avoid prosecution while maintaining the pharmacological effects, continue to be sold on the illicit drug market as evidence by law enforcement encounters of these substances. Law enforcement and health care professionals continue to report the abuse of these substances and their associated products. The threat of serious injury to the individual and the imminent threat to public safety following the ingestion of MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, MMB-FUBICA, and other SCs persist.

Additional information obtained through the National Forensic Laboratory Information System

¹³ <https://aapcc.org/track/synthetic-cannabinoids>.

(NFLIS),¹⁴ along with additional data, may be found in DEA's three-factor analysis. According to NFLIS data,¹⁵ state and local forensic laboratories have detected the following information about the SCs in question:

- MDMB-4en-PINACA was identified in 9,566 NFLIS reports since 2019. In addition, MDMB-4en-PINACA was identified in five exhibits mixed with heroin and/or fentanyl and packaged for sale as suspected heroin.
- 4F-MDMB-BUTICA was identified in 385 NFLIS reports since 2020. 4F-MDMB-BUTICA was also identified in one exhibit in a pill form, mixed with methamphetamine and a synthetic cathinone known as eutylone.
- CUMYL-PEGACLONE was identified in two CBP drug seizures in 2018 and 2021, respectively.
- 5F-EDMB-PICA was identified in 106 NFLIS reports since 2020.
- MMB-FUBICA was identified in 397 NFLIS reports since 2016.

Factor 6. What, if Any, Risk There Is to the Public Health

Since first being identified in the United States in 2008, the ingestion of SCs continues to result in serious adverse effects. Details of these events involving MDMB-4en-PINACA and CUMYL-PEGACLONE are summarized below (for additional information and citations, see Factors 5 and 6 in DEA's three-factor analysis).

1. In October 2017 in France, two 16-year-old juveniles were given a cigarette laced with white powder by an unknown individual. Upon arrest of the dealer, he stated the powder was SGT-151. Both juveniles developed seizures followed by collapse. Toxicological analysis of both victim's blood and blood collected from the arrested dealer (who claimed to be a user of the same powder) confirmed the presence of CUMYL-PEGACLONE (SGT-151) and its metabolite, *N*-dealkyl CUMYL-PEGACLONE.

2. Between January and December 2017 in Germany, CUMYL-PEGACLONE was detected in 34 forensic serum/blood samples from fatal and non-fatal cases. Of these cases, six deaths were reported by the Institute of Forensic Medicine in Munich and the Institute of Forensic Medicine in Mainz, respectively. Details of the deaths demonstrated multiple factors in addition to SCs as possible causes of death.

3. Between July 1, 2018, and December 31, 2020, in Northern Australia, CUMYL-PEGACLONE was detected in five deaths. Concurrent alcohol use and underlying cardiovascular disease were considered relevant factors in most cases.

4. In September 2019, the Center for Forensic Science Research and Education released a report detailing the identification of MDMB-4en-PINACA in biological fluids per their toxicology department.

5. In February 2020, local law enforcement in Holyoke, Massachusetts, reported serious adverse effects following the abuse of the contents in glassine bags with suspected heroin. Analysis of contents in the bags confirmed the presence of MDMB-4en-PINACA. Per law enforcement witnesses to the overdoses, individuals were experiencing involuntary body/muscle spasms and movements that appeared similar to a seizure, although more violent. Victims were alert and conscious, and they appeared to be under the influence of some unknown narcotics at the time, with officers noting that what was observed was nothing like a typical heroin overdose. Victims described it like being under the influence of phencyclidine (schedule II substance) or something similar. In some cases, people were violent and emergency personnel were having a difficult time providing medical attention to these individuals. Emergency personnel also described very high heart rates and blood pressure. Some individuals were acting erratic and running in and out of traffic.

6. In March 2021, a forensic toxicology report from the Defense Health Agency reported the presence of ADB-BUTINACA, ADB-BUTINACA *N*-butanoic acid (a metabolite of ADB-BUTINACA), and MDMB-4en-PINACA 3,3-dimethylbutanoic acid (a metabolite of MDMB-4en-PINACA) in a submitted urine specimen.

7. MDMB-4en-PINACA and/or its metabolite were detected in 25 forensic investigation cases between August 2019 and March 2020. The first positive sample was collected in May 2019. The majority of cases (n = 16, 64%) were submitted from postmortem investigations, followed by eight cases from suspected clinical toxicology investigations, and one case from an impaired driving investigation.

Because they share pharmacological similarities with schedule I substances (Δ^9 -THC, JWH-018, and other temporarily and permanently controlled schedule I SCs), MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-

EDMB-PICA, and MMB-FUBICA pose serious risks to an abuser. Tolerance to SCs may develop fairly rapidly with larger doses being required to achieve the desired effect. Acute and chronic abuse of SCs in general have been linked to adverse health effects including signs of addiction and withdrawal, numerous reports of emergency department admissions, and overall toxicity and deaths. Psychiatric case reports have been reported in the scientific literature detailing the SC abuse and associated psychoses (see Factor 6 in DEA's three-factor analysis). As abusers obtain these drugs through unknown sources, the identity and purity of these substances is uncertain and inconsistent, thus posing significant adverse health risks to users.

MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA are being encountered on the illicit drug market and have no accepted medical use in the United States. Regardless, these products continue to be easily available and abused by diverse populations.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis with, possession, and/or abuse of MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA pose an imminent hazard to the public safety. DEA is not aware of any currently accepted medical uses for these substances in the United States. A substance meeting the statutory requirements for temporary scheduling, found in 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for MDMB-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.

¹⁴ NFLIS is a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by State and local forensic laboratories in the United States.

¹⁵ At the time of query (March 16, 2022), 2021 and 2022 data were still reporting.

As required by 21 U.S.C. 811(h)(4), the Administrator transmitted to the Assistant Secretary for Health, via a letter dated January 24, 2022, notice of her intent to place MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA in schedule I on a temporary basis. HHS had no objection to the temporary placement of these substances in schedule I.

DEA subsequently published a NOI in the **Federal Register** on April 4, 2023.¹⁶

Conclusion

In accordance with 21 U.S.C. 811(h)(1) and (3), the Administrator considered available data and information, herein set forth the grounds for her determination that it is necessary to temporarily place MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA in schedule I of the CSA, and finds that placement of these substances in schedule I of the CSA is necessary in order to avoid an imminent hazard to the public safety.

This temporary order scheduling these substances will be effective on the date the order is published in the **Federal Register** and remain in effect for two years, with a possible extension of one year, pending completion of the regular (permanent) scheduling process.¹⁷

The CSA sets forth specific criteria for scheduling a drug or other substance. Permanent scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done “on the record after opportunity for a hearing” conducted pursuant to the provisions of 5 U.S.C. 556 and 557.¹⁸ The permanent scheduling process of formal rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review.¹⁹ Temporary scheduling orders are not subject to judicial review.²⁰

Requirements for Handling

Upon the effective date of this temporary order, MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-

EDMB-PICA, and MMB-FUBICA will be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, engagement in research, and conduct of instructional activities or chemical analysis with, and possession of schedule I controlled substances, including the following:

1. *Registration.* Any person who handles (possesses, manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with), or desires to handle, MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, or MMB-FUBICA must be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312, as of December 12, 2023. Any person who currently handles MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, or MMB-FUBICA, and is not registered with the DEA, must submit an application for registration and may not continue to handle MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA as of December 12, 2023, unless the DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity of these substances in a manner not authorized by the CSA on or after December 12, 2023 is unlawful and those in possession of any quantity of these substances may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks.* Any person who does not desire or is not able to obtain a schedule I registration to handle MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, or MMB-FUBICA must surrender all currently held quantities of these six substances.

3. *Security.* MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA are subject to schedule I security requirements and must be handled in accordance with 21 CFR 1301.71–1301.93, as of December 12, 2023.

4. *Labeling and Packaging.* All labels, labeling, and packaging for commercial

containers of MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA must comply with 21 U.S.C. 825 and 958(e), and 21 CFR part 1302. Current DEA registrants shall have 30 calendar days from December 12, 2023 to comply with all labeling and packaging requirements.

5. *Inventory.* Every DEA registrant who possesses any quantity of MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA on the effective date of this order must take an inventory of all stocks of these substances on hand pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. Current DEA registrants will have 30 calendar days from the effective date of this order to be in compliance with all inventory requirements. After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA) on hand on a biennial basis pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records.* All DEA registrants must maintain records with respect to MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1304, 1312, 1317 and section 1307.11. Current DEA registrants authorized to handle these six substances shall have 30 calendar days from the effective date of this order to be in compliance with all recordkeeping requirements.

7. *Reports.* All DEA registrants must submit reports with respect to MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA pursuant to 21 U.S.C. 827, and in accordance with 21 CFR 1304, 1312, and 1317, and sections 1301.74(c) and 1301.76(b), as of December 12, 2023. Manufacturers and distributors must also submit reports regarding these six substances to the Automation of Reports and Consolidated Order System pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* All DEA registrants who distribute MDMA-4en-PINACA, 4F-MDMA-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA must

¹⁶ 88 FR 19896.

¹⁷ 21 U.S.C. 811(h)(1) and (2).

¹⁸ 21 U.S.C. 811.

¹⁹ 21 U.S.C. 877.

²⁰ 21 U.S.C. 811(h)(6).

comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305 as of December 12, 2023.

9. *Importation and Exportation.* All importation and exportation of MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312 as of December 12, 2023.

10. *Quota.* Only DEA registered manufacturers may manufacture MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA in accordance with a quota assigned pursuant to 21 U.S.C. 826, and in accordance with 21 CFR part 1303, as of December 12, 2023.

11. *Liability.* Any activity involving MDMA-4en-PINACA, 4F-MDMB-BUTICA, ADB-4en-PINACA, CUMYL-PEGACLONE, 5F-EDMB-PICA, and MMB-FUBICA not authorized by, or in violation of the CSA, occurring as of December 12, 2023, is unlawful and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Matters

The CSA provides for expedited temporary scheduling actions where necessary to avoid imminent hazards to the public safety. Under 21 U.S.C. 811(h), the Administrator, as delegated by the Attorney General, may, by order, temporarily schedule substances in schedule I. Such orders may not be issued before the expiration of 30 days from: (1) the publication of a notice in the **Federal Register** of the intent to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary for Health of HHS, as delegated by the Secretary of HHS.²¹

Inasmuch as section 811(h) directs that temporary scheduling actions be issued by order (as distinct from a rule) and sets forth the procedures by which such orders are to be issued, including the requirement to publish in the **Federal Register** a notice of intent, the notice-and-comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, which are applicable to rulemaking, do not apply to this temporary scheduling order. The APA expressly differentiates between orders and rules, as it defines an “order” to mean a “final disposition,

whether affirmative, negative, injunctive, or declaratory in form, of an agency *in a matter other than rule making.*”²² The specific language chosen by Congress indicates its intent that DEA issue *orders* instead of proceeding by rulemaking when temporarily scheduling substances. Given that Congress specifically requires the Administrator (as delegated by the Attorney General) to follow rulemaking procedures for *other* kinds of scheduling actions, *see* 21 U.S.C. 811(a), it is noteworthy that, in section 811(h), Congress authorized the issuance of temporary scheduling actions by order rather than by rule.

Alternatively, even if this action was subject to section 553 of the APA, the Administrator finds that there is good cause to forgo its notice-and-comment requirements, as any further delays in the process for issuing temporary scheduling orders would be impracticable and contrary to the public interest given the manifest urgency to avoid imminent hazards to public safety.

Although DEA believes this temporary scheduling order is not subject to the notice-and-comment requirements of section 553 of the APA, DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator took into consideration comments submitted by the Assistant Secretary in response to the notices that DEA transmitted to the Assistant Secretary pursuant to such subsection.

Further, DEA believes that this temporary scheduling action is not a “rule” as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act. The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

In accordance with the principles of Executive Orders (E.O.) 12866, 13563, and 14094, this action is not a significant regulatory action. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866.

E.O. 12866, sec. 3(f), as amended by E.O. 14094, sec. 1(b), provides the definition of a “significant regulatory action,” requiring review by the Office of Management and Budget. Because this is not a rulemaking action, this is not a significant regulatory action as defined in Section 3(f) of E.O. 12866.

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132 (Federalism), it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Signing Authority

This document of the Drug Enforcement Administration was signed on December 7, 2023, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

List of Subjects in 21 CFR Part 1308

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

For the reasons set out above, the DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

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

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

■ 2. In § 1308.11, add paragraphs (h)(62) to (h)(67) to read as follows:

§ 1308.11 Schedule I

* * * * *
(h) * * *

²¹ 21 U.S.C. 811(h)(1).

²² 5 U.S.C. 551(6) (emphasis added).

<p>(62) Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate, its optical and geometric isomers, salts and salts of isomers (Other name: MDMB-4en-PINACA)</p> <p>(63) Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate, its optical and geometric isomers, salts and salts of isomers (Other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA)</p> <p>(64) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide, its optical and geometric isomers, salts and salts of isomers (Other name: ADB-4en-PINACA)</p> <p>(65) 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one, its optical and geometric isomers, salts and salts of isomers (Other names: CUMYL-PEGACLONE; SGT-151)</p> <p>(66) Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate, its optical and geometric isomers, salts and salts of isomers (Other names: 5F-EDMB-PICA; 5F-EDMB-2201)</p> <p>(67) Methyl 2-(1-(4-fluorobenzyl)-1H-indole-3-carboxamido)-3-methyl butanoate, its optical and geometric isomers, salts and salts of isomers (Other name: MMB-FUBICA)</p>	<p>7090</p> <p>7091</p> <p>7092</p> <p>7093</p> <p>7094</p> <p>7095</p>
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[FR Doc. 2023-27243 Filed 12-11-23; 8:45 am]
 BILLING CODE 4410-09-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2023-0949]

RIN 1625-AA00

Safety Zone; Kaneohe Bay, Oahu, HI—Navy P8 Aircraft Salvage Operations

AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a 0.5 nautical mile radius temporary safety zone for navigable waters in Kaneohe Bay, HI encompassing the partially submerged Navy P8 aircraft. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by salvage operations of the Navy P8 aircraft. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Honolulu.

DATES: This rule is effective without actual notice from December 12, 2023 through December 10, 2023. For the purposes of enforcement, actual notice will be used from December 2, 2023. This rule will be enforced each day it is in effect from 7 a.m. to 6 p.m. December 12, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2023-0949 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Chief Petty Officer Bradley Lindsey, Waterways Management

Division, U.S. Coast Guard Sector Honolulu; telephone 808-541-4363, bradley.w.lindsey@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable and contrary to the public interest. The Coast Guard was unable to publish an NPRM and hold a reasonable comment period for this rulemaking due to the emergent nature and logistical coordination of salvage operations. It is impracticable to publish an NPRM because we must establish this safety zone by December 2, 2023.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to remove the existing threat to the environment and safeguard against future potential threat to the environment as well as safety hazards associated with emergency salvage operations of the Navy P8 aircraft.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Honolulu (COTP) has determined that potential hazards associated with emergency salvage operations starting December 2, 2023, will be a safety concern for anyone within a 0.5 nautical mile radius of the Navy P8 aircraft. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while salvage operations take place.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. until 6 p.m. on December 2, 2023, through December 10, 2023. The Coast Guard is establishing a 0.5 nautical mile radius temporary safety zone for navigable waters in Kaneohe Bay, HI encompassing the partially submerged Navy P8 aircraft. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the aircraft is being salvaged. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review).