



# Self-Reporting Violations, Common Pitfalls and Compliance Assistance Principles

South Carolina Department of Health and Environmental Control  
Healthy People. Healthy Communities.

# AUDIT PRIVILEGE AND VOLUNTARY DISCLOSURE

- Act 384 of 1996 as amended by Act 270 of 2000; SC Code of Laws §48-57-10 *et seq.*
- **LEGISLATIVE PURPOSE:** to encourage the use of internal, voluntary self-audits to improve compliance & provide limited protection from penalties for disclosure of an environmental violation or audit finding

# Audit Privilege & Voluntary Disclosure

2 legal protections created by the Act:

1. Audit Privilege – protects confidentiality of communications (oral and written) related to voluntary, internal self-audit
2. Immunity from administrative or civil penalties for voluntary disclosure of violations or audit findings to DHEC

# Voluntary Disclosure

## Section 48-57-100(A)

- Protection (immunity) from administrative or civil penalties if person or entity makes “voluntary disclosure” of environmental violations
- Burden of proving that disclosure is “voluntary” rests with person making the disclosure

# Voluntary Disclosure Criteria

## Section 48-57-100(B)

- **Disclosure is voluntary if :**
  1. Disclosure is made within 14 days following reasonable investigation;
  2. To an agency with regulatory authority over the violation disclosed
  3. Action initiated to resolve violation in a diligent manner

# Voluntary Disclosure Criteria

4. Person or entity cooperates in investigation of issues identified in the disclosure
5. Person or entity diligently pursues compliance and promptly corrects noncompliance within a reasonable time

# Voluntary Disclosure Criteria

- Disclosure is NOT voluntary if:
  1. Specific permit conditions require monitoring, sampling records, reports or assessment or management plans
  2. Specific permit conditions, orders or environmental laws require notification of releases to environment

# Voluntary Disclosure Criteria

3. Violation committed intentionally, willfully, or through criminal negligence
4. Violation not corrected in a diligent manner
5. Significant environmental harm or public health threat caused by violation
6. Violation occurred within 1 year of similar prior violation at same facility and immunity was granted for prior violation

# Voluntary Disclosure Criteria

7. Violation resulted in substantial economic benefit thus giving violator clear economic advantage over competitor
  8. Violation is of specific terms of judicial or administrative order
- Final waiver of penalties/fines not granted until full compliance certified by DHEC as occurring within a reasonable time



# Bureau of Air Quality Enforcement

South Carolina Department of Health and Environmental Control  
Healthy People. Healthy Communities.

# Current Number of Facilities in Operation in SC

- Title V Facilities – 276
- Conditional Major – 538
- Minor – 685

# Common Permit Violations

- Record keeping requirements
- Calibration requirements
- Reporting requirements

# 1) Record keeping conditions

- Required logs that document compliance with monitoring conditions (pressure drop, flow, etc)
  - All days should be accounted for if the monitoring frequency is specified as daily
  - If frequency specified in permit says daily during source operation then log should either show a reading or something to indicate source was not operating

## 2) Calibration Conditions

- Calibration Condition
  - The owner/operator shall inspect, calibrate, adjust, and maintain continuous monitoring systems, monitoring devices, and gauges in accordance with manufacturer's specifications or good engineering practices...

## Calibration Conditions (cont'd)

- Point of condition is to ensure devices being used for compliance monitoring purposes are accurate and are providing quality data
- Some facilities are choosing just to replace gauges, probes, thermocouples, etc. instead of calibrating them which is acceptable if done on the required frequency

## 3) Reporting Conditions

- Timeliness/ Late Reporting
  - Reports must be postmarked no later than
    - 30 days after the end of reporting period for periodic reports
    - 45 days after end of reporting period for Title V ACC
    - MACT reporting submittal timeframes may be subpart specific

# What to expect if a violation is discovered at your facility?

- Inspection report/referral
- Opportunity to contact the Department
- Written/ verbal communication from Enforcement Project Manager

# What should I do next?

- Return to compliance as soon as possible
- Have an open dialogue with the Department
- Be willing to provide the Department with requested documentation

# The Enforcement Process....

- Notice of Violation
- Enforcement Conference
- Consent Orders
- Administrative Orders

# Compliance Management Division

- Division Director – Michael Shroup (803) 898-4051
  - Technical Management Section
    - Manager – Dawn Jordan (803) 898-4075
  - Source Evaluation Section
    - Manager – Michael Verzwylvelt (803) 898-1789
  - Enforcement Section
    - Manager – Curt Branham
  - Asbestos Section
    - Manager – Marc McKenna (803) 898-4270

# Compliance Management Division

- Division Director – Michael Shroup (803) 898-4051
  - Technical Management Section
    - Manager – Dawn Jordan (803) 898-4075
  - Source Evaluation Section
    - Manager – Michael Verzwylvelt (803) 898-1789
  - Enforcement Section
    - Manager – Curt Branham (803) 898-4112
  - Asbestos Section
    - Manager – Marc McKenna (803) 898-4270



**Bureau of Land and Waste  
Management  
Hazardous Waste Enforcement**

South Carolina Department of Health and Environmental Control  
Healthy People. **Healthy Communities.**

# Common Violations

- Waste Determinations
- Labeling
- Contingency Plan

# Waste Determination – 262.11

- Miscellaneous, obsolete or expired pharmaceuticals and chemicals
- Unknown liquids or materials stored in containers, observed spilled on the floor or on the ground
- Filter press sludge, waste stains/lab waste, floor sweeping, production dust or blasting media, production filters, and process waste

# Labeling

- Satellite Accumulation Containers – 262.15
  - “Hazardous Waste” and an indication of the hazards of the contents
  - Containers holding excess waste must be dated with the date the excess began
- Central Accumulation Storage Containers – 262.16 & 262.17
  - “Hazardous Waste” and an indication of the hazards of the contents
  - Accumulation start date
- Transporting or Offering for Transportation – 262.32
  - Mark containers with the EPA Hazardous Waste Number(s)

# Contingency Plan

- No arrangements with local authorities – 262.256
- The Plan does not describe the arrangements agreed to with local authorities – 262.261
- The Plan and all revisions were not submitted to local authorities – 262.262
- The contingency plan was not amended whenever the list of emergency coordinators changed – 262.263

# Compliance Assistance

- Education
- Compliance assistance visits



South Carolina Department of Health and Environmental Control  
Healthy People. Healthy Communities.

# CONTACT US

Lorria Caswell  
Division of Compliance and Enforcement  
Enforcement Section  
2600 Bull Street, Columbia, SC 29201-1708  
(803) 898-0490  
caswellh@dhec.sc.gov

## Stay Connected

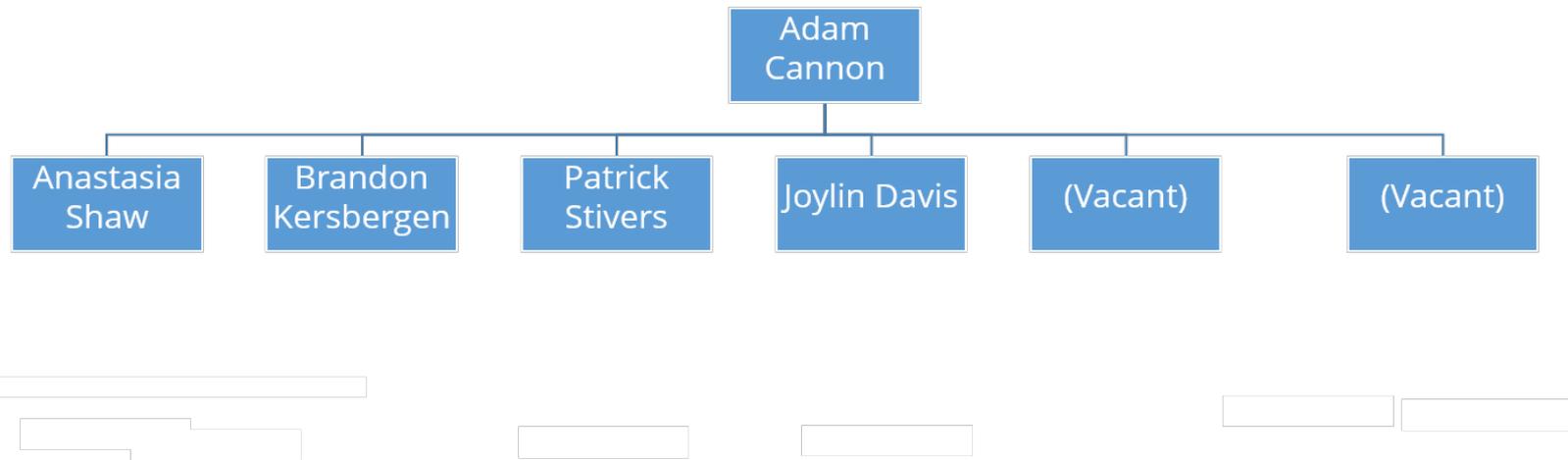




# Bureau of Water Water Pollution Enforcement

South Carolina Department of Health and Environmental Control  
Healthy People. Healthy Communities.

# Water Pollution Enforcement



# Enforcement Support for:

- NPDES Permitted Facilities
  - Water Treatment Facilities
  - Stormwater
  - Various General Permits
- Dams and Reservoirs
- State Land Application Permits
- Agricultural Operations
- Unpermitted/Unauthorized Discharges

# Common Violations

- Effluent Violations
- Stormwater BMP Installation/Maintenance
- Improper maintenance of Dams

# Effluent Violations

- 48-1-110(d) & 61-9.122.41(a)(1)
- Self-reported via Discharge Monitoring Reports
- Effluent sampled and reported in accordance with permit requirements
- Referred to enforcement for recurring violations

# Stormwater BMP Related

- 48-1-110(d) & 61-9.122.41(e)
- Monitored via Department inspections
- Requirements of BMPs detailed in SWPPP and Construction Drawings developed on behalf of Permittee when applying for permit coverage
- Referred to enforcement after consecutive unsatisfactory inspections

# Dam Condition Violations

- Regulations 72-1 through 72-9
- Monitored via Department Inspections
- Inspection report details areas needing maintenance, otherwise engineer inspection required
- Referred to enforcement for recurring violations unless condition poses imminent danger

# Compliance Assistance

- Customer Service
- Technical representation at Enforcement Conferences
- Warning Letters of future enforcement
- Orders to continue operation
- Compliance reminders of scheduled Requirements



South Carolina Department of Health and Environmental Control  
Healthy People. Healthy Communities.

# CONTACT US

Adam Cannon  
Water Pollution Compliance and Enforcement Division  
2600 Bull Street, Columbia, SC 29201-1708  
(803) 898-1647  
cannonah@dhec.sc.gov

## Stay Connected

---

