

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
July 13, 2023

_____ ACTION/DECISION

 X INFORMATION

1. **TITLE:** Administrative and Consent Orders issued by the Office of Environmental Affairs.
2. **SUBJECT:** Administrative and Consent Orders issued by the Office of Environmental Affairs during the period May 1, 2023, through May 31, 2023.
3. **FACTS:** For the reporting period of May 1, 2023, through May 31, 2023, the Office of Environmental Affairs issued thirty-eight (38) Consent Orders with total assessed civil penalties in the amount of five hundred, seventy-three thousand, forty dollars (\$573,040.00). Also, eighteen (18) Administrative Orders with total assessed civil penalties in the amount of one hundred sixty-three thousand, three hundred twenty-five dollars (\$163,325.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	7	\$126,205.00	3	\$7,200.00
Solid Waste	2	\$12,620.00	5	\$13,990.00
Hazardous Waste	0	0	4	\$80,000.00
Mining	0	0	0	0
Radiological Health	0	0	1	\$3,500.00
SUBTOTAL	9	\$138,825.00	13	\$104,690.00
Water				
Recreational Water	0	0	5	\$5,200.00
Drinking Water	0	0	7	\$4,000.00
Water Pollution	0	0	7	\$34,650.00
SUBTOTAL	0	0	19	\$43,850.00
Air Quality				
SUBTOTAL	1	\$20,500.00	2	\$419,000.00
Environmental Health Services				
Onsite Wastewater	8	\$4000.00	2	\$2,000.00
SUBTOTAL	8	\$4,000.00	2	\$2,000.00
OCRM				
SUBTOTAL	0	0	2	\$3,500.00
TOTAL	18	\$163,325.00	38	\$573,040.00

Submitted by:

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

Mailing Address: 115 Lavender Hill Court
Simpsonville, SC 29681
County: Laurens
Previous Orders: AO 19-0362-UST (\$3,483.00)
Permit/ID Number: 05713
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.34(c), 280.40(a)(3), 280.41(b)(1)(i)(B), and 280.45(b)(1) (2012 & Supp. 2022).

Summary: Pavan Parth, LLC (Individual/Entity) owns underground storage tanks (USTs) in Laurens County, South Carolina. The Department conducted an inspection on August 24, 2022, and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide records to the Department upon request; failed to test release detection equipment annually; failed to conduct an annual line tightness test on pressurized lines or have monthly monitoring; and failed to maintain record for at least one (1) year. This is a repeat violator.

Action: The Individual/Entity is required to submit a passing line tightness test results for the 8,000-gallon regular UST and passing release detection equipment operability test results for the 8,000-gallon regular UST. Should any of the required tests fail, the Individual/Entity is required to submit proof of repair and/or replacement of the affected system and current passing test results within thirty (30) days of the failed test results. The Department has assessed a total civil penalty in the amount of five thousand, thirty dollars (\$5,030.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand, thirty dollars (**\$5,030.00**) by July 3, 2023.

Update: None

3) Order Type and Number: Administrative Order 22-0378-UST
Order Date: April 10, 2023
Individual/Entity: **Lavern Bluefort**
Facility: Rail Express
Location: 3056 Nesmith Road
Nesmith, SC 29580
Mailing Address: 1757 Old Georgetown Road
Hemingway, SC 29554
County: Williamsburg
Previous Orders: AO 20-0286-UST (\$6,850.00)
CO 21-0502-UST (\$200.00)
Permit/ID Number: 16723
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.36(a)(1)(ii) and 280.70(a) (2012 & Supp. 2022).

Summary: Lavern Bluefort (Individual/Entity) owns and operates underground storage tanks (USTs) in Williamsburg County, South Carolina. The Department

conducted an inspection on September 28, 2022, 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 walkthrough inspections and failed to maintain corrosion protection or appropriate release detection on a temporarily closed underground storage tank (UST). This is a repeat violator.

Action: The Individual/Entity is required to submit proof that the 8,000-gallon regular compartment of the UST at the facility contains less than one (1) inch of residue; and a Class A/B Operator Annual Walkthrough Inspection log for the facility. The Department has assessed a total civil penalty in the amount of two thousand, one hundred dollars (\$2,100.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, one hundred dollars (**\$2,100.00**) by July 17, 2023.

Update: The Individual/Entity has submitted proof the 8,000-gallon regular UST contains less than one (1) inch of residue.

4) Order Type and Number: Administrative Order 22-0412-UST
Order Date: April 10, 2023
Individual/Entity: **MM Patel Investments, LLC**
Facility: Veermart
Location: 2568 Highway 378
Gilbert, SC 29054
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 06048
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (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: MM Patel Investments, LLC (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. Based on a routine compliance inspection on December 5, 2022, the Department issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment of an UST system.

Action: The Individual/Entity corrected the violation prior to the issuance of the Administrative Order. The Department has assessed a total civil penalty in the amount of five thousand, one hundred dollars (\$5,100.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand, one hundred dollars (**\$5,100.00**) by July 17, 2023.

Update: None

5) Order Type and Number: Administrative Order 22-0390-UST
Order Date: April 24, 2023
Individual/Entity: **Jamie Ham**
Facility: Ham's Grill & Grocery

Location: 100 Batchelor Drive
Blacksburg, SC 29702
Mailing Address: 217 99 Island Road
Blacksburg, SC 29702
County: Cherokee
Previous Orders: AO 19-0484-UST (\$9,658.00)
Permit/ID Number: 08618
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulations, 7 S.C. Code Ann., Regs. 61-92, 280.93(a) and 280.110(c) (2012 & Supp. 2022).

Summary: Jamie Ham (Individual/Entity) owns underground storage tanks (USTs) in Cherokee County, South Carolina. Based on a file review, the Department issued a Notice of Alleged Violation on October 10, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide proof of financial assurance and a completed Certificate of Financial Responsibility form. This is a repeat violator.

Action: The Individual/Entity is required to submit proof of financial assurance and a completed Certificate of Financial Responsibility form by June 26, 2023. The Department has assessed a total civil penalty in the amount of twenty-eight thousand, six hundred dollars (\$28,600.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-eight thousand, six hundred dollars (**\$28,600.00**) by June 26, 2023.

Update: None.

6) Order Type and Number: Administrative Order 22-0410-UST
Order Date: April 28, 2023
Individual/Entity: **Estate of Albert Rollings, Sr.**
Facility: City Service
Location: 204 South Main Street
Jefferson, SC 29718
Mailing Address: Same
County: Chesterfield
Previous Orders: AO 20-0202-UST (\$17,250.00; unpaid); AO 21-0501-UST (\$1,200.00; suspended)
Permit/ID Number: 02300
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-60(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.21(a), 280.31(a), 280.70(c), 280.93(a), 280.110(c), and 280.243(b) (2012 & Supp 2022).

Summary: The Estate of Albert Rollings, Sr. (Individual/Entity) owns underground storage tanks (USTs) in Chesterfield County, South Carolina. On October 19, 2022, the Department conducted a file review and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation as follows, failed to: comply with the performance standards of Section 280.20 or upgrading requirements of Section 280.21, or

closure and corrective action requirements found in Subparts G and F; maintain and operate a corrosion protection system; properly abandon a temporarily closed UST system; demonstrate financial responsibility; submit evidence of financial assurance; have a trained Class A/B operator at the facility for operation and maintenance and/or emergency response actions; and pay Annual Tank Registration Fees. This is a repeat violator.

Action: The Individual/Entity is required to submit: proof that a Class A/B operator has been trained for the Facility; a completed Certificate of Financial Responsibility and evidence of financial assurance; payment of Annual Tank Registration Fees and late fees for fiscal years 2016 through 2021 in the amount of six thousand, two hundred ninety-two dollars (\$6,292.00); and a completed UST Tank and Sludge Disposal Form for the closure of all USTs at the Facility by July 7, 2023. Within forty-five (45) days of the Department's approval, the USTs must be permanently closed, and within sixty (60) days of the permanent closure, submit a UST Closure and Assessment Report. The Department has assessed a total civil penalty in the amount of forty-nine thousand, eight hundred seventy-five dollars (\$49,875.00). The Individual/Entity shall pay a civil penalty in the amount of forty-nine thousand, eight hundred seventy-five dollars (\$49,875.00) by July 7, 2023.

Update: None

7) Order Type and Number: Administrative Order 22-0409-UST
Order Date: May 2, 2023
Individual/Entity: **John Bennett**
Facility: Bob White's El Cheapo
Location: 2463 North Okatie Highway
Ridgeland, SC 29936
Mailing Address: 218 Deloss Drive
Ridgeland, SC 29936
County: Jasper
Previous Orders: None
Permit/ID Number: 18116
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.22(b), 280.93(a), 280.110(c), 280.243(b) (2012 & Supp. 2022), and 44-2-60 (A) (2018).

Summary: John Bennett (Individual/Entity) owns an underground storage tank (UST) in Jasper County, South Carolina. Based on a routine file review conducted on October 18, 2022, the Department issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to notify the Department of ownership change within thirty (30) days of acquisitions of a regulated UST system; failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; failed to have a trained Class A/B operator designated for the facility; and failed to pay annual UST registration fees.

Action: The Individual/Entity is required to submit proof that a Class A/B operator has been trained and designated for the facility; a completed Notification of

Ownership Change for Underground Storage Tanks form; a completed Certificate of Financial Responsibility and proof of financial assurance; and payment of annual tank registration fees and late fees for fiscal years 2021 through 2023 in the amount of three hundred sixty-three dollars (\$363.00). The Department has assessed a total civil penalty in the amount of thirty-two thousand, five hundred dollars (\$32,500.00). The Individual/Entity shall pay a civil penalty in the amount of thirty-two thousand, five hundred dollars (**\$32,500.00**) by July 17, 2023.

Update: None

- 8) Order Type and Number: Consent Order 23-0061-UST
Order Date: May 2, 2023
Individual/Entity: **1850 Whiskey Road Real Estate, LLC**
Facility: Circle K 2723244
Location: 1850 Whiskey Road
Aiken, SC 29801
Mailing Address: 273 Equinox Loop
Aiken, SC 29803
County: Aiken
Previous Orders: None
Permit/ID Number: 00160
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: 1850 Whiskey Road Real Estate, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) in Aiken County, South Carolina. On March 17, 2023, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a total civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by June 16, 2023.

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

- 9) Order Type and Number: Consent Order 23-0044-UST
Order Date: May 12, 2023
Individual/Entity: **Kathy S. Jackson**
Facility: Stanley's Grocery
Location: 9210 Highway 9
Nichols, SC 29581
Mailing Address: 3942 Old Stage Road
Nichols, SC 29581
County: Horry
Previous Orders: None

Permit/ID Number: 05010
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-60(A)(2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.21(a)(3), 280.31(a), 280.70(a), 280.70(c), 280.93(a), and 280.110(c) (2012 & Supp 2022).

Summary: Kathy S. Jackson (Individual/Entity) owns an underground storage tank (UST) in Horry County, South Carolina. On January 4, 2023, the Department conducted a file review of the Facility and issued a Transfer of Ownership – New Owner letter. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to close the UST in accordance with Subpart G of the Regulation; failed to maintain and operate a corrosion protection system; failed to maintain corrosion protection for a temporarily closed UST; failed to properly close an UST system that has been temporarily closed for more than twelve (12) months and does not meet either performance standards in Section 280.20 or upgrading requirements in Section 280.21; failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; and, failed to pay Annual Tank Registration Fees.

Action: The Individual/Entity shall: immediately upon the execution date of the Consent Order, pay Annual Tank Registration Fees and associate late fees for fiscal years 2016 through 2020 in the amount of three thousand, twenty-five dollars (\$3,025.00) in accordance with a promissory note; submit an UST Tank and Sludge Disposal Form for the permanent closure of the UST at the Facility by June 26, 2023. Within forty-five (45) days of the Department’s approval of the Tank and Sludge Disposal Form, permanently close the UST, within sixty (60) days of closure, submit an UST Closure and Assessment Report, and pending the results of the UST Closure and Assessment Report, submit a completed Certificate of Financial Responsibility form and evidence of financial assurance as directed by the Department. The Department has assessed a total penalty in the amount of thirty-three thousand, nine hundred fifty dollars (\$33,950.00). The Individual/Entity shall pay a **suspended penalty** in the amount of thirty-three thousand, nine hundred fifty dollars (**\$33,950.00**) should any requirement of the Order not be met.

Update: The first Annual Tank Registration Fees payment has been made in accordance with the promissory note.

10) Order Type and Number: Consent Order 23-0064-UST
Order Date: May 26, 2023
Individual/Entity: **Kritu, Inc.**
Facility: Kritu, Inc.
Location: 623 Bypass 25
Greenwood, SC 29646
Mailing Address: Same
County: Greenwood
Previous Orders: None
Permit/ID Number: 04751
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (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: Kritu, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Greenwood County, South Carolina. Based on a routine inspection conducted on March 7, 2023, the Department 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 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 July 10, 2023.

Update: None

Solid Waste Enforcement

- 11) Order Type and Number: Administrative Order 21-10-SW
Order Date: April 24, 2023
Individual/Entity: **Dushant Smith dba Smart Smith LLC**
Facility: 247 Honeycutt Acres Drive, Longs, SC
Location: 247 Honeycutt Acres Drive
Longs, SC 29568
Mailing Address: 1011 Chaffee Road
Fort Bliss, TX 79916
County: Horry
Previous Orders: None
Permit/ID Number: None
Violations Cited: The South Carolina Solid Waste Policy and Management Act of 1991 (Rev.2018 & Supp. 2019), and South Carolina Solid Waste Management: Waste Tires, 8 S.C. Code Ann. Regs., R. 61-107.3 Part III.A.1 (Rev. 2015).

Summary: Dushant Smith dba Smart Smith, LLC (Individual/Entity) owns property located in Horry County, South Carolina. The Department conducted an inspection on January 27, 2022, and a Notice of Alleged Violation was issued on February 10, 2022. The Individual/Entity has violated the Solid Waste and Management Act and the South Carolina Solid Waste Management: Waste Tires Regulations as follows: operated a waste tire collection facility without a Department issued permit.

Action: The Individual/Entity is required to remove and properly dispose of all waste tires at the property and submit disposal receipts to the Department. The Department has assessed a total civil penalty in the amount of four thousand, six hundred seventy dollars (\$4,670.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, six hundred seventy dollars (**\$4,670.00**) by June 13, 2023.

Update: None

12) Order Type and Number: Administrative Order 23-07-SW
Order Date: May 2, 2023
Individual/Entity: **Green Man, LLC**
Facility: Green Man, LLC
Location: 100 Phoenix Street
Anderson, SC 29624
Mailing Address: 1523 Old Roberts Church Road
Anderson, SC 29626
County: Anderson
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2019); Solid Waste Management: Solid Waste Processing Facilities, R.61-107.6 (1995) and Solid Waste Management: Solid Waste Landfills and Structural Fill Regulations 61-107.19 Part IV.A.3. (Rev. 2008 and Supp. 2018).

Summary: Green Man, LLC (Individual/Entity), owns property in Anderson County South Carolina. The Department conducted a complaint inspection on November 1, 2022, and a Notice of Alleged Violation/Notice of Enforcement Conference was issued on February 27, 2023. The Individual/Entity violated the Solid Waste Management Act, and the South Carolina Solid Waste Processing Facility Regulation and the South Carolina Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation as follows: operated a solid waste processing facility and a Class II landfill without Department issued permits.

Action: The Individual/Entity is required to cease accepting solid waste; remove and properly dispose of the solid waste at the Site at a facility permitted to accept solid waste; and provide disposal receipts to the Department by July 3, 2023. The Department assessed a total civil penalty in the amount of seven thousand, nine hundred fifty dollars (\$7,950.00). The Individual/Entity shall pay a civil penalty in the amount of seven thousand, nine hundred fifty dollars (**\$7,950.00**) by July 3, 2023.

Update: None

13) Order Type and Number: Consent Order 23-14-SW
Order Date: May 2, 2023
Individual/Entity: **Enterprise Material Handling, LLC**
Facility: Enterprise Material Handling Class 2 Landfill
Location: 200 True Temper Road
Anderson, SC 29624
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit/ID Number: 042733-1201
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Solid Waste Landfills and Structural Fill, R.61-107.19, Part IV.C.5., 6., 7., and 10. (Rev. 2008 & Supp. 2019).

Summary: Enterprise Material Handling, LLC (Individual/Entity), operates a Class 2 Landfill located in Anderson County, South Carolina. The Department conducted monthly routine inspections from November 28, 2022, through March 7, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and associated Regulations as follows: failed to confine the working face to as small an area as equipment can safely and efficiently operate and maintain a working face slope of 33% or less; failed to spread solid waste in uniform layers and compact to the smallest practical volume; failed to apply clean earth cover no less than six (6) inches at least every thirty (30) days; and failed to control blown litter.

Action: The Individual/Entity is required to: confine the working face to as small an area as equipment can safely and efficiently operate and ensure the working face slope does not exceed 33%; ensure solid waste is spread in uniform layers and compacted to its smallest practical volume; cover all exposed material at least every thirty (30) days with at least six (6) inches of clean earth cover; ensure all seeps are repaired and covered as quickly as reasonably possible; ensure that blown litter is controlled and removed in accordance with the regulatory and Permit requirements. The Department has assessed a total civil penalty in the amount of two thousand, seven hundred fifty dollars (\$2,750.00). The Individual/Entity is required to pay a civil penalty in the amount of two thousand, seven hundred fifty dollars (**\$2,750.00**) by June 16, 2023.

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

14) Order Type and Number: Consent Order 23-12-SW
Order Date: May 4, 2023
Individual/Entity: **Charleston County**
Facility: Bees Ferry Class 3 Landfill
Location: 1344 Bees Ferry Road
Charleston, SC 29414
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 101001-1101
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Solid Waste Landfills and Structural Fill, R.61-107.19, Part V.C.258.21(a) and Part V.C.258.37 (Rev. 2008 & Supp. 2019).

Summary: Charleston County (Individual/Entity), operates a Class 3 Landfill located in Charleston County, South Carolina. The Department conducted monthly routine inspections from October 24, 2022, through February 27, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and associated Regulations as follows: failed to spread adequate daily cover and failed to control blown litter.

Action: The Individual/Entity is required to ensure that: daily cover meets the regulatory and Permit requirements; intermediate cover meets the regulatory and Permit requirements; and blown litter is controlled and removed in accordance with the regulatory and Permit requirements by July 3, 2023. The Department assessed a civil penalty in the amount of three thousand, eight hundred dollars (\$3,800.00). The

Individual/Entity shall pay a **suspended penalty** in the amount of three thousand, eight hundred dollars (**\$3,800.00**) should any requirement of the Order not be met.

Update: None

- 15) Order Type and Number: Consent Order 23-13-SW
Order Date: May 12, 2023
Individual/Entity: **Greenwood County**
Facility: Greenwood County Class 3 Landfill
Location: 1115 Siloam Church Road
Greenwood, SC 29646-9572
Mailing Address: Same
County: Greenwood
Previous Orders: None
Permit/ID Number: 241001-1101
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2021); Solid Waste Management: Solid Waste Landfills and Structural Fill, R.61-107.19, Part I.B.16, Part I.B. 41, Part V.C.251.21(a), Part V.C.258.34, and Part V. C.258.37 (2021) and permit # 241001-1101 Section A.4.

Summary: Greenwood County (Individual/Entity), operates a Class 3 Landfill Facility located in Greenwood, South Carolina. The Department conducted monthly routine inspections from August 24, 2022, through February 24, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, the Solid Waste Management; Solid Waste Landfills and Structural Fill Regulation, and the Permit as follows: failed to cover the working face of the landfill at the end of each operating day with a minimum of six (6) inches of clean earth cover; ensure that the leachate head above the liner system does not exceed one (1) foot, except for brief periods not to exceed one (1) week, due to circumstances beyond the immediate control of the permittee; failed to control and/or remove windblown litter; and failed to ensure that the slopes do not exceed thirty-three percent (33%) or 3:1.

Action: The Individual/Entity is required to submit proof that: daily cover meets the regulatory and/or Permit requirements; intermediate cover meets the regulatory requirements; blown litter is controlled and removed in accordance with the regulatory and/or Permit requirements by June 26, 2023. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**) by June 26, 2023.

Update: None

- 16) Order Type and Number: Consent Order 23-16-SW
Order Date: May 12, 2023
Individual/Entity: **Randall J. Cobb**
Facility: Randy Cobb Grading, LLC
Location: 130 Park Avenue
Salem, SC, 29676
Mailing Address: 590 Old Ford Road
Salem, SC 29676

County: Oconee
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: The South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018) and the Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, R.61-107.4, Part I.B.31., Part II.A.2., Part II.B.1.a., Part III.A.1. (2021).

Summary: Randall J. Cobb (Individual/Entity), operates a land-clearing business located in Oconee County, South Carolina. The Department conducted an inspection at the facility on December 21, 2022. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and the Compost and Mulch from Land-clearing Debris, Yard Trimmings and Organic Residuals Regulations as follows: operated a Type One Facility without a permit, except as specifically exempted in Part II of the Regulation.

Action: The Individual/Entity is required to: immediately upon the execution of the Consent Order, cease accepting and transporting unprocessed materials until such time the Site returns to the exempted limit of less than eighty (80) cubic yards of combined total of unprocessed and in-process material and submit to the Department in writing by May 31, 2023 its intent to either: continue operating as exempt (less than eighty (80) cubic yards of combined total of unprocessed and in-process material on the Site at any given time) or operate as conditionally exempt (less than four hundred (400) cubic yards of unprocessed and in-process material at the Site at any given time) or (c) apply for a permit as specified in R.61-107.4 Part IV Permit Application. The Department 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 June 30, 2023.

Update: The Individual/Entity has submitted the intent letter.

17) Order Type and Number: Consent Order 23-10-SW
Order Date: May 26, 2023
Individual/Entity: **City of Fort Mill**
Facility: City of Fort Mill Composting Site
Location: 1002 Steele Street
Fort Mill, SC 29715
Mailing Address: P.O. Box 159
Fort Mill, SC 29716
County: York
Previous Orders: None
Permit/ID Number: 461003-3001
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 (2018 & Supp. 2021) (Act, the Solid Waste Management: Solid Waste Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals Regulation (2002 & Supp. 2014) (Regulation), R.61-107.4, Part III.E.1.d. and Part III.E.1.e., Solid Waste Management: Transfer of Solid Waste Regulation (2002 & Supp. 2014) (Regulation), R.61-107.7, Part A.1. and Part D.1. and Permit # 461003-3001 (Permit).

Summary: The City of Fort Mill (Individual/Entity), is responsible for operating a Type One Composting and Wood Chipping facility located in York County, South Carolina. The Department conducted inspections on June 7, 2022, July 22, 2022, October 14, 2022, and January 18, 2023. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation, Solid Waste Management: Transfer of Solid Waste Regulation, and Permit 461003-3001 as follows: failed to ensure unprocessed feedstocks or other materials at the Facility do not exceed the Facility's permitted capacity of 533 cubic yards.

Action: The Individual/Entity is required to: immediately cease accepting feedstocks or other materials for processing until the storage of unprocessed feedstocks or other materials at the Facility is less than 533 cubic yards; reduce the amount of unprocessed feedstocks or other materials at the Facility to less than 533 cubic yards; submit either proof the Facility is operating in accordance with the regulations, the permit, and the approved operational plan for a Type One Composting and Wood Chipping facility, or a completed application for a Transfer Station permit by July 10, 2023. The Department has assessed a total civil penalty in the amount of four thousand, two hundred forty dollars (\$4,240.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, two hundred forty dollars (**\$4,240.00**) by July 10, 2023.

Update: None

Hazardous Waste Enforcement

18) Order Type and Number: Consent Order 23-12-HW
Order Date: May 23, 2023
Individual/Entity: **First Quality Printing and Packaging, LLC**
Facility: First Quality Printing and Packaging, LLC
Location: 335 Masters Boulevard
Anderson, SC 29626
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit/ID Number: SCR 000 776 526
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: First Quality Printing and Packaging, LLC (Individual/Entity) is a manufacturer of flexographic packaging goods, for use by other product manufacturers, at its facility located in Anderson County, South Carolina. The Department conducted an inspection at the facility on December 6, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations, as follows: failed to store solvent-contaminated wipes in closed containers; failed to store solvent contaminated wipes in a container labeled with the words "Excluded Solvent-Contaminated Wipes"; failed to close containers during

accumulation, except when adding and removing hazardous waste; failed to mark or label its containers with the words “Hazardous Waste” and an indication of the hazards of the contents; failed to close a box of universal waste lamps; failed to submit an updated contingency plan and a quick reference guide to the local emergency responders; failed to have a list of emergency equipment with the location and physical description of each item in the contingency plan; and failed to include an evacuation plan for generator personnel in the contingency plan.

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 nine thousand dollars (\$9,000.00). The Individual/Entity shall pay a civil penalty in the amount of nine thousand dollars (**\$9,000.00**) by June 22, 2023.

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

19) Order Type and Number: Consent Order 23-11-HW
Order Date: May 26, 2023
Individual/Entity: **China Jushi USA**
Facility: China Jushi USA
Location: 2971 Shop Road
Columbia, SC
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: SCR 00 789 685
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: China Jushi USA (Individual/Entity) is a glass fiber manufacturer located in Richland County, South Carolina. The Department conducted an inspection at the facility on September 8, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to make an accurate waste determination; failed to file a notification form with the Department within thirty (30) days of generating hazardous waste; failed to file a new or revised notification form when the generator status changed; failed to label containers with the words “Hazardous Waste,” an indication of the hazards, and accumulation start dates; failed to receive an extension to store hazardous waste for greater than ninety (90) days; failed to inspect central accumulation areas at least weekly; failed to post “No Smoking” signs near ignitable or reactive waste; failed to ensure that all employees are trained in waste handling and emergency procedures; failed to maintain job titles, job descriptions, and descriptions of the initial and continual training for employees; failed to retain a copy of all land disposal receipts for at least three (3) years; failed to submit written Quarterly Reports; failed to have necessary spill control equipment; failed to maintain aisle space; failed to maintain records documenting arrangements with local emergency responders; failed to have a contingency plan and submit a copy to all local emergency responders; failed to ensure that universal waste batteries showing evidence of leakage, spillage, or damage were properly contained; and failed to properly label universal waste batteries with the words “Universal Waste – Battery(ies)” and an accumulation start date.

Action: The Individual/Entity is required to submit a Waste Management Plan (WMP) for the management of hazardous waste generated and stored onsite at the Facility by July 26, 2023, revise and resubmit the WMP within fifteen (15) days of the Department's comments, and promptly implement the plan upon the Department's approval; submit analytical results for the spent absorbent sorbent lime, spent filters, and waste glass fibers waste streams by July 26, 2023; submit an updated EPA 8700-12 Form by June 12, 2023. The Department has assessed a civil penalty in the amount of fifty-seven thousand dollars (\$57,000.00). The Individual/Entity shall pay a civil penalty in the amount of fifty-seven thousand dollar (**\$57,000.00**) in accordance with a promissory note.

Update: The Department has received the analytical results and the updated EPA 8700-12 Form.

20) Order Type and Number: Consent Order 23-13-HW
Order Date: May 26, 2023
Individual/Entity: **Plastic Omnium Auto Exteriors, LLC**
Facility: Plastic Omnium Auto Exteriors, LLC
Location: 5100 Old Pearman Dairy Road
Anderson, SC 29625
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit/ID Number: SCR 000 000 505
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: Plastic Omnium Auto Exteriors, LLC (Individual/Entity) is a manufacturer and developer of exterior systems that improve performance, connectivity, and aerodynamics for the automotive industry such as smart bumpers and tailgates at its facility located in Anderson County, South Carolina. The Department conducted an inspection at the facility on January 24, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to mark or label containers with the words "Hazardous Waste" and an indication of the hazards of the contents; failed to include a list of all persons qualified to act as the emergency coordinator in the contingency plan; failed to have a quick reference guide and to submit a copy of the quick reference guide along with a revised copy of the contingency plan to the local emergency responders; failed to retain onsite a copy of all notices, certifications, and waste analysis data documenting offsite treatment, storage, or disposal; failed to clearly label or mark universal waste lamps or containers of lamps with one 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 universal waste had been accumulated from the date it became a waste; and failed to not accumulate universal waste for longer than one (1) year from the date the universal waste was generated.

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 eight thousand

dollars (\$8,000.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**) by June 26, 2023.

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

21) Order Type and Number: Consent Order 23-14-HW
Order Date: May 26, 2023
Individual/Entity: **Giant Cement Company**
Facility: Giant Cement Company
Location: 654 Judge Street
Harleyville, SC 29448
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit/ID Number: SCD 003 351 699
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), and the South Carolina Solid Waste Management: Used Oil Regulations, 8 S.C. Code Ann. Regs. 61-107.279 (2012 and Supp. 2021).

Summary: Giant Cement Company (Individual/Entity) is a producer of Portland and masonry cements at its facility located in Dorchester County, South Carolina. The Department conducted an inspection at the facility on June 30, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act, the Hazardous Waste Management Regulations, and the Used Oil Regulations as follows: failed to close containers during accumulation, except when adding and removing hazardous waste; failed to at least weekly, inspect the central accumulation area; failed to record name of the inspector conducting weekly inspections in an inspection log; failed to ensure facility personnel take part in an annual review of the initial hazardous waste training; failed to retain monitoring information required under the Permit that included calibration and maintenance records, the date, exact place, and the time of sampling or measurements, and the individual(s) who performed the sampling measurements; failed to use or store used oil in containers that were in good condition; failed to label containers of used oil with the words "Used Oil"; and failed to perform the following cleanup steps upon the detection of a release of used oil: stop the release, contain the release, cleanup and manage properly the released used oil and other materials, and prevent future releases by replacing any leaking containers.

Action: The Individual/Entity corrected all violation prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of six thousand dollars (\$6,000.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**) by June 26, 2023.

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

Radiological Health Enforcement

22) Order Type and Number: Consent Order 23-01-RH

Order Date: May 4, 2023
Individual/Entity: **Aiken Chiropractic Associates**
Facility: Aiken Chiropractic Associates
Location: 425 Laurens Street Northwest
Aiken, SC 29801
Mailing Address: Same
County: Aiken
Previous Orders: None
Permit/ID Number: Registration 02-2102
Violations Cited: The Atomic Energy and Radiation Control Act, S.C. Code Ann. §§ 13-7-10 et seq. (21017) and the X-Rays (Title B) Regulations, 6 S.C. Code Ann. Regs. 61-64 (2021).

Summary: Aiken Chiropractic Associates (Individual/Entity), provides chiropractic care at its facility located in Oconee County, South Carolina. The Department conducted an inspection at the facility on October 19, 2022. The Individual/Entity has violated the Atomic Energy and Radiation Control Act and the X-Rays (Title B) Regulations as follows: failed to post a “Caution-Radiation Area” sign in the radiation area and failed to conduct annual equipment performance testing.

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, five hundred dollars (\$3,500.00). The Individual/Entity is required to pay the civil penalty in the amount of three thousand, five hundred dollars (**\$3,500.00**) in four (4) monthly installments by August 15, 2023.

Update: The Individual/Entity has made the first two (2) payments of the civil penalty.

BUREAU OF WATER

Recreational Waters Enforcement

23) Order Type and Number: Consent Order 23-009-RW
Order Date: May 1, 2023
Individual/Entity: **Harrar Holdings II, LLC**
Facility: Serendipity Inn
Location: 407 71st Avenue North
Myrtle Beach, SC 29577
Mailing Address: 1406 B Commerce Place
Myrtle Beach, SC 29577
County: Horry
Previous Orders: 19-120-RW (\$680.00);
21-041-RW (\$1,600.00)
Permit/ID Number: 26-251-1 & 26-G14-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

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

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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 September 15, 2023.

Update: None

24) <u>Order Type and Number:</u>	Consent Order 23-010-RW
<u>Order Date:</u>	May 3, 2023
<u>Individual/Entity:</u>	Guru Enterprise, LLC
<u>Facility:</u>	Quality Inn
<u>Location:</u>	1147 Wilson Road Newberry, SC 29108
<u>Mailing Address:</u>	Same
<u>County:</u>	Newberry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	36-013-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51.J.22

Summary: Guru Enterprise, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Newberry County, South Carolina. The Department issued a Notice of Enforcement Conference on January 12, 2023, as a result of a review of inspection records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to fill in or remove the pool, which has been permanently closed for a period in excess of twenty-four consecutive months.

Action: The Individual/Entity is required to correct all deficiencies and any upgrades required to bring the pool into compliance with Regulation 61-51 and contact the Department to schedule an inspection to verify the completed work by October 31, 2023. The Individual/Entity will be required to properly fill in or remove the pool by December 15, 2023, if the requirement to bring the pool into compliance with Regulation 61-51 is not met within the specified timeline. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four hundred dollars (**\$400.00**) should any requirement of the Order not be met.

Update: On February 17, 2023, Department staff conducted a technical assistance inspection of the pool with the Individual/Entity to provide an inspection checklist of the deficiencies and required upgrades.

25) Order Type and Number: Consent Order 23-012-RW
Order Date: May 3, 2023
Individual/Entity: **City of North Charleston**
Facility: Danny Jones Recreation Center
Location: 1455 Monitor Street
North Charleston, SC 29405
Mailing Address: P.O. Box 190016
North Charleston, SC 29419-9016
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1439A
Violations Cited: S.C. Code Ann. Regs. 61-51.B.2

Summary: The City of North Charleston (Individual/Entity) owns and is responsible for obtaining from the Department the proper permit for the construction of a pool located at the Danny Jones Recreation Center (Site) in Charleston County, South Carolina. On March 23, 2023, the Site was inspected, and it was discovered that construction of the pool had commenced and a permit 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 a public swimming pool.

Action: The Individual/Entity is required to complete the construction of the pool in accordance with the construction permit by August 1, 2023. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (**\$400.00**) by June 2, 2023.

Update: The civil penalty has been paid. On April 18, 2023, the Department issued a permit to construct the pool at the Site.

26) Order Type and Number: Consent Order 23-011-RW
Order Date: May 9, 2023
Individual/Entity: Spring Gardens SC, LLC
Facility: Spring Gardens Apartments
Location: 325 Percival Road
Columbia, SC 29206
Mailing Address: 11921 Freedom Drive
Reston, VA 20190
County: Richland
Previous Orders: None
Permit/ID Number: 40-030-1
Violations Cited: S.C. Code Ann. Regs. 61-51.J.22

Summary: Spring Gardens SC, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department issued a Notice of Enforcement Conference on January 24, 2023, as a result of a review of inspection records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to fill in or remove the pool, which has been permanently closed for a period in excess of twenty-four consecutive months.

Action: The Individual/Entity is required to correct all deficiencies and any upgrades required to bring the pool into compliance with Regulation 61-51 and contact the Department to schedule an inspection to verify the completed work by October 31, 2023. The Individual/Entity will be required to properly fill in or remove the pool by December 30, 2023, if the requirement to bring the pool into compliance with Regulation 61-51 is not met within the specified timeline. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four hundred dollars (**\$400.00**) should any requirement of the Order not be met.

Update: On March 2, 2023, Department staff conducted a technical assistance inspection of the pool with the Individual/Entity to provide an inspection checklist of the deficiencies and required upgrades.

27) <u>Order Type and Number:</u>	Consent Order 23-015-RW
<u>Order Date:</u>	May 26, 2023
<u>Individual/Entity:</u>	Lions Gate III HOA, Individually and d.b.a. Lions Gate Condos III
<u>Facility:</u>	Lions Gate Condos III
<u>Location:</u>	155 Lionsgate Drive Columbia, SC 29223
<u>Mailing Address:</u>	146 Lionsgate Drive
<u>County:</u>	Columbia, SC 29223
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-282-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51.J.22

Summary: Lions Gate III HOA, Individually and d.b.a. Lions Gate Condos III (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department issued a Notice of Enforcement Conference on March 17, 2023, as a result of a review of inspection records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to fill in or remove the pool, which has been permanently closed for a period in excess of twenty-four consecutive months.

Action: The Individual/Entity is required to repair all sections of the perimeter fence that have openings greater than four inches, drain the stagnant water in the pool or cover the pool with a commercially manufactured pool cover, and contact the Department to schedule an inspection to verify the completed work by June 26, 2023; and correct all deficiencies and any upgrades required to bring the pool into compliance with Regulation 61-51, and contact the Department to schedule an inspection to verify the completed work by September 26, 2023. The Individual/Entity will be required to properly fill in or remove the pool by November 26, 2023, if the requirement to bring the pool into compliance with Regulation 61-51 is not met within the specified timeline. The

Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four hundred dollars (**\$400.00**) should any requirement of the Order not be met.

Update: On February 16, 2023, the Department conducted a technical assistance inspection of the pool with the Individual/Entity to provide an inspection checklist of the deficiencies and required upgrades. The fence has been repaired and the pool drained of stagnant water.

Drinking Water Enforcement

28) Order Type and Number: Consent Order 23-007-DW
Order Date: May 15, 2023
Individual/Entity: **Used Mobiles, LLC**
Facility: Coconut and Lime Mobile Home Park
Location: Aiken, SC 29803
Mailing Address: 301 Hogan Way
Lexington, SC 29072
County: Aiken
Previous Orders: None
Permit/ID Number: 0260075
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: Used Mobiles, LLC (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 April 14, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

Action: The Individual/Entity is required to submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by June 15, 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 which stated that an assessment of the PWS was conducted, and a professional well driller completed the assessment recommendations and disinfected the well and distribution system.

29) Order Type and Number: Consent Order 23-008-DW
Order Date: May 16, 2023
Individual/Entity: **Town of Carlisle**
Facility: Town of Carlisle
Location: 3911 Fishdam Avenue
Carlisle, SC 29031
Mailing Address: P.O. Box 305
Carlisle, SC 29031

<u>County:</u>	Union
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	4110003
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: The Town of Carlisle (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Union County, South Carolina. On April 7, 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 exceeded the maximum contaminant level (MCL) for total trihalomethanes.

Action: The Individual/Entity is required to submit a corrective action plan with a schedule to address the MCL violation by December 1, 2023. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None

30) <u>Order Type and Number:</u>	Consent Order 23-009-DW
<u>Order Date:</u>	May 16, 2023
<u>Individual/Entity:</u>	Dollar General Corporation
<u>Facility:</u>	Dollar General Jacksonboro
<u>Location:</u>	16483 Ace Basin Parkway Jacksonboro, SC 29452
<u>Mailing Address:</u>	100 Mission Ridge Goodlettsville, TN 37072
<u>County:</u>	Colleton
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	1574000
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.17.K(1)

Summary: Dollar General Corporation (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Colleton County, South Carolina. On April 14, 2023, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level for E. coli.

Action: The Individual/Entity is required to submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by June 15, 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 which stated that an assessment of the PWS was conducted which did not find any deficiencies, and a professional well driller disinfected the well and distribution system.

31) Order Type and Number: Consent Order 23-010-DW
Order Date: May 16, 2023
Individual/Entity: **Town of Lockhart**
Facility: Town of Lockhart
Location: 118 Mill Street
Lockhart, SC 29364
Mailing Address: P.O. Box 250
Lockhart, SC 29364
County: Union
Previous Orders: None
Permit/ID Number: 4420010
Violations Cited: S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: The Town of Lockhart (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Union County, South Carolina. On April 10, 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 exceeded the maximum contaminant level (MCL) for total trihalomethanes.

Action: The Individual/Entity is required to submit a corrective action plan with a schedule to address the MCL violation by December 1, 2023. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None

32) Order Type and Number: Consent Order 23-011-DW
Order Date: May 23, 2023
Individual/Entity: **Santuck-Hebron Water Company, Inc.**
Facility: Santuck-Hebron Water Company
Location: 2729 Santuck Carlisle Highway
Union, SC 29379
Mailing Address: P.O. Box 188
Carlisle, SC 29031
County: Union
Previous Orders: None
Permit/ID Number: 4420007
Violations Cited: S.C. Code Ann. Regs. 61-58.5.P(2)(b)

Summary: Santuck-Hebron Water Company, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Union County, South Carolina. On April 10, 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 exceeded the maximum contaminant level (MCL) for total trihalomethanes.

Action: The Individual/Entity is required to submit a corrective action plan with a schedule to address the MCL violation by December 1, 2023. The Department has

assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None.

33) Order Type and Number: Consent Order 23-012-DW
Order Date: May 26, 2023
Individual/Entity: **African Theological Arch Ministry**
Facility: Oyotunji African Village
Location: 56 Bryant Lane
Seabrook, SC 29940
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 0750042
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1) & 61-30.G(2)(a)

Summary: African Theological Arch Ministry (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Beaufort County, South Carolina. On April 14, 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 fee for fiscal year 2023.

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 June 25, 2023; and pay the annual Safe Drinking Water Act fee for fiscal year 2023, which totals two hundred forty dollars and sixty-three cents (\$240.63) by June 25, 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 to address maintenance deficiencies and a professional well driller disinfected the well and distribution system. The annual Safe Drinking Water Act fee for fiscal year 2023 has been paid.

34) Order Type and Number: Consent Order 23-013-DW
Order Date: May 26, 2023
Individual/Entity: **Town of Eastover**
Facility: Town of Eastover
Location: 624 Main Street
Eastover, SC 29044
Mailing Address: P.O. Box 58
Eastover, SC 29044

County: Richland
Previous Orders: 22-028-DW
Permit/ID Number: 4010002
Violations Cited: S.C. Code Ann. Regs. 61-58.7 & 61-58.8.B

Summary: The Town of Eastover (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Richland County, South Carolina. The Department conducted an inspection on February 10, 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 well casing, sanitary seal, and wellhead piping at Well 1 and Well 2 were in disrepair; there were exposed wires on the ground at Well 1; an electrical outlet at Well 2 was broken and the conduit was cracked and was not sealed at both ends; there was a water leak from the blow-off after the chlorine injection point at Well 1; there were no fill lines for the chemical solution tanks at Plant 1 and Plant 2, and the lime pump at Plant 2 was not plugged in; lime dust had accumulated in the well houses at Well 1 and Well 2; the pH levels were not consistently maintained within the recommended ranges; a storage tank that was no longer operational was not properly disconnected from the rest of the system; fire flow testing conducted in 2022 indicated that eighteen (18) fire hydrants failed to meet fire flow requirements; fire flow testing conducted in 2023 did not include the residual pressure; system valves were not being exercised and used properly to isolate line breaks; complete hydrant maintenance records were not provided for Department review; unaccounted water loss was indicated in the monthly water audit calculations; a current inspection report for the manway and vent screen at the Anderson Street Tank could not be provided for Department review; the valve pit at the Anderson Street Tank had a hole in the concrete with standing water in the pit; the pressure gauge at the Anderson Street Tank was broken off from the piping at the tank; written procedures for the operation and maintenance of the PWS were not updated and were not being implemented; and a completed emergency preparedness plan was not available for Department review.

Action: The Individual/Entity is required to correct the deficiencies and submit a completed procedures manual and emergency plan to the Department by October 1, 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 civil penalty in the amount of four thousand dollars (**\$4,000.00**) by October 1, 2023, and pay a stipulated penalty in the amount of three thousand dollars (\$3,000.00) should any requirement of the Order not be met.

Update: None.

Water Pollution Enforcement

35) Order Type and Number: Consent Order 23-018-W
Order Date: May 12, 2023
Individual/Entity: **SK Builders Inc.**
Facility: Pine Lake Estates Lots 1-30
Location: Located off Eastside Drive
Anderson County, SC
Mailing Address: 955 W Wade Hampton Blvd Ste 7

Greer, SC 29650

County: Anderson
Previous Orders: 19-064-W (\$7,125.00)
Permit/ID Number: N/A
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-90 (a); S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.26 (b)(14)(x).

Summary: SK Builders Inc. (Individual/Entity) is responsible for land disturbing activity associated with construction located in Anderson County, South Carolina. On March 17, 2022, a Notice of Non-Compliance was issued as a result of land disturbing activity initiated without NPDES permit coverage for storm water discharges. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to apply for and obtain proper permit coverage from the Department prior to initiating land disturbing activity and discharged sediment into the environment, including waters of the State, in a manner other than in compliance with a permit issued by the Department.

Action: The Individual/Entity is required to: submit to the Department a notarized document confirming appropriate inspections are being performed on Site by May 29, 2023; submit an administratively complete permit package to obtain coverage under the State NPDES General Permit for Stormwater Discharges from Construction Activities by August 12, 2023; submit a report signed by a Professional Engineer stating the Site is in compliance with the approved SWPPP within thirty (30) days of the issuance of Permit coverage; submit a Notice of Termination (NOT) within thirty (30) days of completion of permanent stabilization of the Site. The Department has assessed a total civil penalty in the amount of sixteen thousand one hundred twenty-five dollars (\$16,125.00). The Individual/Entity shall pay a civil penalty in the amount of sixteen thousand one hundred twenty-five dollars (**\$16,125.00**) due June 12, 2023.

Update: The Individual/Entity submitted the required confirmation of inspection performance and has paid the civil penalty.

36) Order Type and Number: Consent Order 23-019-W
Order Date: May 13, 2023
Individual/Entity: **Advanced Environmental Options, Inc.**
Facility: Advanced Environmental Options
Location: 25 Stan Perkins Road
Spartanburg, SC 29307
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: SCR004953
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-90(A)(1)

Summary: Advanced Environmental Options, Inc. (Individual/Entity) is responsible for land disturbing activity at its waste storage and transportation facility in Spartanburg County, South Carolina. The Individual/Entity was notified of unsatisfactory site conditions observed during Stormwater Compliance Evaluations via notification issued December 6, 2020. The Individual/Entity has violated the Pollution Control Act as

follows: it allowed discharge of organic or inorganic matter into the environment other than in compliance with a permit issued by the Department.

Action: The Individual/Entity is required to: submit a Sampling and Analysis Plan (SAP) by August 11, 2023, and submit a report of the assessment and findings of the SAP within thirty (30) days of its completion to include a schedule for completing any required maintenance identified in the SAP. 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 two thousand dollars (**\$2,000.00**) and pay a suspended penalty in the amount of eight thousand dollars (\$8,000.00) should any requirement of the Order not be met.

Update: The Individual/Entity has submitted a draft Sampling and Analysis Plan (SAP) for Department review and has paid the civil penalty.

37) Order Type and Number: Consent Order 23-020-W
Order Date: May 19, 2023
Individual/Entity: **Lenora's Santee Resort**
Facility: Lenora's Santee Resort WWTF
Location: Along I-95 at Exit #102
Summerton, SC 29148
Mailing Address: 1531 Tolly Ganly Circle
Orangeburg, SC 29118
County: Clarendon
Previous Orders: 18-028-W (\$2,000.00)
Permit/ID Number: ND0067652
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) and Water Pollution Control Permits Regulation S.C. Code Ann. Regs. 61-9.505.41(a), (e)(1)(2) and (3), and (l)(4)

Summary: Lenora's Santee Resort (Individual/Entity) owns and is responsible for a wastewater treatment facility (WWTF) located in Clarendon County, South Carolina. On January 11, 2023, the Department issued a Notice of Violation for unsatisfactory site conditions observed during inspections. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation, as follows: failed to provide an alternative power source to operate the WWTF, failed to operate and maintain the WWTF as efficiently as possible, failed to develop and maintain an Operations & Maintenance (O&M) manual, failed to provide for daily inspections by a certified operator of the appropriate grade, and failed to submit discharge monitoring reports (DMRs) at intervals specified in the Permit.

Action: The Individual/Entity is required to: submit DMRs via e-Permitting, submit notarized documentation certifying that an O&M manual has been developed and implemented, and notarized documentation that the digester has been pumped by June 18, 2023; and, submit a construction permit application for an alternative power source or notarized documentation that a plan of operation has been developed and implemented by July 18, 2023, addressing the event of reduction, loss or failure of primary source of power. The Department has assessed a total civil penalty in the amount of four thousand twenty-five dollars (\$4,025.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, twenty-five dollars (**\$4,025.00**) by June 19, 2023.

Update: The Individual/Entity has paid the civil penalty, implemented an O&M Manual, and cleaned the digester.

38) Order Type and Number: Consent Order 23-021-W
Order Date: May 19, 2023
Individual/Entity: **Welby's Construction Material LLC**
Facility: Hattaras Bluff Mine
Location: Dorchester, SC 29412
Mailing Address: 105 Wappoo Creek Drive
County: Dorchester
Previous Orders: None
Permit/ID Number: SCG731551
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), and NPDES SCG731551

Summary: Welby's Construction Material LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of its mineral mine dewatering facility (MDWF) in Dorchester County, South Carolina. On January 24, 2023, a Notice of Alleged Violation (NOAV) was issued as a result of Total Suspended Solids (TSS) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with limitations of NPDES Permit SCG731551 for TSS.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by June 19, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the MDWF 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 June 19, 2023.

Update: The Individual/Entity has paid the civil penalty in full. Department staff is in contact with the Individual/Entity to facilitate submittal of the required corrective action completion date notification.

39) Order Type and Number: Consent Order 23-022-W
Order Date: May 26, 2023
Individual/Entity: **Berkeley County Water & Sanitation**
Facility: Berkeley County Solid Waste Management
Location: 2277 Highway 52
Moncks Corner, SC 29461
Mailing Address: 212 Oakley Plantation Drive
Moncks Corner, SC 29461
County: Berkeley
Previous Orders: None
Permit/ID Number: SCR003642

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

Summary: Berkeley County Water & Sanitation (Individual/Entity) owns and is responsible for a landfill operation of the Berkeley County Solid Waste Management Facility located in Berkeley County, South Carolina. The Individual/Entity reported violations of ammonia-nitrogen (ammonia) 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 ammonia.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the effluent violations by June 26, 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 June 26, 2023.

Update: The Individual/Entity has paid the civil penalty and submitted a written notification of its corrective action completion date.

40) Order Type and Number: Consent Order 23-023-W
Order Date: May 26, 2023
Individual/Entity: **Blue Granite Water Company**
Facility: Highland Forest SD WWTF
Location: 419 Highland Forest Drive
Greenwood, SC 29646
Mailing Address: 130 S Main Street, Suite 800
Greenville, SC 29601
County: Greenwood
Previous Orders: None
Permit/ID Number: SC0034444
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) and Water Pollution Control Permits Regulation S.C. Code Ann. Regs. 61-9.122.41(a)

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

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the effluent violations by June 26, 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 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 June 26, 2023.

Update: The Individual/Entity has paid the civil penalty and successfully completed a compliance confirmation period.

41) Order Type and Number: Consent Order 23-024-W
Order Date: May 26, 2023
Individual/Entity: **Cherokee Plantation WWTF**
Facility: Cherokee Plantation WWTF
Location: 5109 Combahee Road
Yemassee, SC 29945
Mailing Address: Same
County: Colleton
Previous Orders: None
Permit/ID Number: ND0080659
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.21(d), and State Land Application Permit ND0080659

Summary: Cherokee Plantation Owners LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Colleton County, South Carolina. On January 10, 2023, a Notice of Violation (NOV) was issued for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to submit an application for renewal of the NPDES Permit at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to: continue operating the WWTF in accordance with the most recent NPDES permit until a new permit becomes effective and submit an administratively complete application for renewal of its NPDES Permit by June 10, 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 June 25, 2023.

Update: The Individual/Entity has submitted an administratively complete application for permit renewal and has paid the civil penalty.

BUREAU OF AIR QUALITY

42) Order Type and Number: Consent Order 23-006-A
Order Date: May 12, 2023
Individual/Entity: **China Jushi USA Corporation**
Facility: China Jushi USA Corporation
Location: 2971 Shop Road

Columbia SC 29209

Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 1900-0284
Violations Cited: U.S. EPA regulations at 40 CFR Part 60, *Standards of Performance for New Stationary Sources*, and S.C. Code Ann. Regs. 61-62.60, *South Carolina Designated Facility Plan And New Source Performance Standards*, Subpart A – *General Provisions*; U.S. EPA regulations at 40 CFR Part 60, *Standards of Performance for New Stationary Sources*, and S.C. Code Ann. Regs. 61-62.60, *South Carolina Designated Facility Plan And New Source Performance Standards*, Subpart CC – *Standards of Performance for Glass Manufacturing Plants*; U.S. EPA regulations at 40 CFR Part 63 and S.C. Code Ann. Regs. 61-62.63, *National Emission Standards For Hazardous Air Pollutants For Stationary Source Categories*, Subpart ZZZZ – *National Emission Standards For Hazardous Air Pollutants For Stationary Reciprocating Internal Combustion Engines*; S.C. Code Ann. Regs. 61-62.5, *Air Pollution Control Standards, Standard No. 4 – Emissions From Process Industries*; S.C. Code Ann. Regs. 61-62.5, *Air Pollution Control Standards, Standard No. 5.2 – Control of Oxides of Nitrogen*; and S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*.

Summary: China Jushi USA Corporation (Individual/Entity) manufactures textile glass fibers at its facility located in Richland County South Carolina. The Department conducted inspections on January 15, 2020; August 16, 18, 24, and 25, 2022; and September 1, 2, and 22, 2022. The Individual/Entity violated U.S. EPA Regulations and the S.C. Air Pollution Control Regulations, as follows: exceeded its PM emission limit of 0.1 g of PM/kg of glass produced for 219 days during the following months: July 2019, November 2019, March 2020, April 2020, May 2020, June 2020, July 2020, August 2020, October 2020, November 2020, December 2020, January 2021, February 2021, March 2021, April 2021, May 2021, June 2021, July 2021, November 2021, January 2022, March 2022, April 2022, May 2022, June 2022, and July 2022; failed to perform an initial source test on MC1 for PM emissions and opacity on or before the due date; failed to maintain all records of the hours of operation for its emergency generators and make them readily available to the Department upon request; exceeded its opacity limit of 20% on August 16, 18, 24, and 25, 2022, and September 1, 2, and 22, 2022; exceeded its monthly NO_x limit during the following months: July 2019, November 2019, June 2020, July 2020, October 2020, December 2020, February 2021, and January 2022; failed to maintain on-site and provide to the Department upon request during an inspection, the tune-up plan for the combustion sources associated with the glass furnace and forming processes on-site; failed to maintain on-site and provide to the Department upon request during an inspection, documentation to demonstrate that equipment including two boilers and a welding process is exempt from permitting requirements; failed to perform an initial source test on EU1 for PM (filterable), PM₁₀ (filterable and condensable), and PM_{2.5} (filterable and condensable) emissions on or before the due date; failed to perform initial source tests on EU2 and EU3 for PM (filterable), PM₁₀ (filterable and condensable), PM_{2.5} (filterable and condensable), SO₂, NO_x, fluorides, and HF emissions on or before the due date; failed to perform initial source test to verify CO and NO_x emission factors from the curing ovens associated with EU4 are not more than 0.0392 lb/MMBtu for CO and no more than 0.0922 lb/MMBtu for NO_x on or before the due date; failed to perform an initial source test on MC1 for CO and VOC emissions on or before the due date; failed to perform an initial source test on MC1 for phenol and acetaldehyde on or before the due date; failed to perform an initial source test on MC1 for

fugitive emissions of CO, NO_x, and SO₂ on or before the due date; failed to construct as specified in the permit application and associated construction permit(s) or submit to the Department a complete description of modifications that are at variance with the construction permit, and failed to obtain a construction permit or permission from the Department prior to constructing or altering a source of air contaminants (construction of binvents in place of fabric filters designated for EU1); failed to conduct additional correlation curve testing and revise the correlation equation within 60 days of an event requiring additional correlation curve testing, as required by PS-11; failed to operate and maintain the CEMS for SO₂, NO_x, CO, and PM emissions; failed to provide all records necessary to determine VOC emissions; failed to provide all records necessary to determine HAP emissions; failed to maintain all records necessary to determine facility-wide PM, PM_{2.5}, and PM₁₀ SO₂, CO, NO_x, and HF emissions; failed to minimize fugitive emissions to the maximum extent possible in accordance with the Construction Permit, including a failure to perform proper maintenance of the emissions control system and ensure replacement of worn and damaged parts; and, failed to document that air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions following a process upset resulting in discharges of air contaminants greater than those described for normal operation in the permit application.

Action: The Individual/Entity is required to: ensure compliance with emissions limits, monitoring requirements, source test requirements, operational requirements, and recordkeeping requirements pursuant to the Construction Permit and applicable regulations; by July 11, 2023, conduct three additional test runs for the PM CEMS. The resulting new data along with the previous data must be used to calculate a revised correlation equation. The revised correlation equation must be submitted to the Department by August 10, 2023. The Department has assessed a total civil penalty in the amount of four hundred, ten thousand dollars (\$410,000.00), payable in six total payments by November 1, 2023.

Update: The first three payments have been paid to the Department. Due to circumstances beyond the Individual/Entity's control, the PM CEMS correlation testing previously scheduled in June had to be rescheduled for Thursday July 6, 2023. The updated correlation curve will be due 30 days after completion of the testing.

43) Order Type and Number: Administrative Order 23-007-A
Order Date: May 12, 2023
Individual/Entity: **Corley Construction, LLC D.B.A. Fairfield Road Recycling**
Facility: Corley Construction, LLC D.B.A. Fairfield Road Recycling
Location: 7462 Fairfield Road
Columbia SC 29203
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 1900-0286
Violations Cited: U.S. EPA regulations at 40 CFR Part 60 and S.C. Code Ann. Regs. 61-62.60, *Standards of Performance for New Stationary Sources*, Subpart CCCC, *Standards of Performance for Commercial and Industrial Solid Waste Incineration Units*; S.C. Code Ann. Regs 61-62.5,

Standard No. 3, *Waste Combustion and Reduction*; and S.C. Code Ann. Regs. 61-62.1, Section II, *Definitions and General Requirements*.

Summary: Fairfield Road Recycling (Individual/Entity) operates an air curtain incinerator (“ACI”) in Richland County South Carolina. The Department conducted an inspection on September 23, 2021. The Individual/Entity has violated U.S. EPA Regulations and the S.C. Air Pollution Control Regulations, as follows: failed to conduct the annual test for opacity within 12 calendar months of the previous test; failed to limit opacity from the ACI in accordance with its permitted limits during the September 23, 2021, annual performance test; failed to ensure that the burn pit was refractory lined; failed to ensure that the air curtain was operating properly or at its designed air flow prior to burning; failed to submit a written report of the final source test results within 30 days of completion of the test conducted on September 23, 2021; failed to notify the Regional Office prior to startup of the ACI on each calendar day the unit was in operation during the week of August 1 through August 5, 2022; and failed to submit a timely semiannual report.

Action: The Individual/Entity is required to: comply with any Department-issued construction and/or operating permits, including but not limited to, all operating, testing, monitoring, record keeping, reporting, and notification requirements; and comply with all Subpart CCCC and Standard 3 requirements. The Department has assessed a total civil penalty in the amount of twenty thousand, five hundred dollars (\$20,500.00). The Individual/Entity shall pay a penalty in the amount twenty thousand, five hundred dollars (\$20,500.00) by June 11, 2023.

Update: None.

44) <u>Order Type and Number</u> :	Consent Order 23-005-A
<u>Order Date</u> :	May 12, 2023
<u>Individual/Entity</u> :	Terry R Lee Contracting Company Inc.
<u>Facility</u> :	Terry R Lee Contracting Company Inc.
<u>Location</u> :	Parcel #041-00-4-022 Jasper County SC
<u>Mailing Address</u> :	8806 Speedway Boulevard Hardeeville SC, 29927
<u>County</u> :	Jasper
<u>Previous Orders</u> :	None
<u>Permit/ID Number</u> :	None
<u>Violations Cited</u> :	S.C. Code Ann. Regs. 61-62.2 (Supp. 2022), <i>Prohibition of Open Burning</i>

Summary: Terry R Lee Contracting (Individual/Entity) operates a contracting company located in Jasper County, South Carolina. On May 6, 2021, a Department inspector conducted an investigation in response to a complaint of open burning with twelve actively burning land clearing debris piles. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: burned more than two 30’x30’ piles of land clearing debris generated on site in a six-acre area simultaneously while prevailing winds were not away from the nearby residential area.

Action: The Individual/Entity is required to cease all open burning except as in accordance with the Regulations. The Department has assessed a total civil penalty in the

amount of nine thousand dollars (\$9,000.00). The Individual/Entity shall pay a civil in the amount of nine thousand dollars (**\$9,000.00**).

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

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

On-Site Wastewater Enforcement

45) Order Type and Number: Administrative Order 23-21-OSWW
Order Date: April 27, 2023
Individual/Entity: **Donovan King, dba King and Son Masonry Construction, Inc.**
Facility: Donovan King, dba King and Son Masonry Construction, Inc.
Location: 262 Olbon Road
Westminster, SC 29693
Mailing Address: Same
County: Oconee
Previous Orders: 22-015-OSWW
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Donovan King, d.b.a. King and Son Masonry Construction, Inc. (Individual/Entity) installed OSWW systems on property located in Oconee County, South Carolina. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to schedule final inspections and failed to submit required documents within the time frame specified.

Action: The Individual/Entity is required to cease and desist installing OSWW systems without scheduling final inspections with the Department. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

Update: On June 30, 2023, the Individual/Entity was referred to OGC for the order to be enforced by the courts.

46) Order Type and Number: Administrative Order 23-039-OSWW
Order Date: April 27, 2023
Individual/Entity: **Rita Panapa**
Facility: Rita Panapa
Location: 593 Dawn Drive
Lexington, SC 29170
Mailing Address: Same
County: Lexington
Previous Orders: None

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

Summary: Rita Panapa (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on March 22, 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.

47) Order Type and Number: Administrative Order 23-040-OSWW
Order Date: April 27, 2023
Individual/Entity: **Tonia Mills**
Facility: Tonia Mills
Location: 15112 Newberry Road
Blair, SC 29015
Mailing Address: Same
County: Fairfield
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Tonia Mills (Individual/Entity) owns property located in Fairfield County, South Carolina. The Department conducted an investigation on March 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: The Individual/Entity has met all requirements of the Order. This Order has been closed.

48) Order Type and Number: Administrative Order 23-042-OSWW
Order Date: April 27, 2023
Individual/Entity: **Bettina Collins and the Anna Collins Estate**
Facility: Bettina Collins and the Anna Collins Estate
Location: 1320 Hemlock Road
Scranton, SC 29591
Mailing Address: Same
County: Florence
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Bettina Collins and the Anna Collins Estate (Individual/Entity) owns property located in Florence County, South Carolina. The Department conducted an investigation on March 27, 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 June 22, 2023, the Department issued a Legal Demand Letter.

49) Order Type and Number: Administrative Order 23-043-OSWW
Order Date: April 27, 2023
Individual/Entity: **Joann Charette Ellis and Albert Barry Nelson**
Facility: Joann Charette Ellis and Albert Barry Nelson
Location: 4136 Indian Mound Road
Laurens, SC 29360
Mailing Address: Same
County: Laurens
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Joann Charette Ellis and Albert Barry Nelson (Individual/Entity) owns property located in Laurens County, South Carolina. The Department conducted an

investigation on March 14, 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.

50)	<u>Order Type and Number:</u>	Administrative Order 23-047-OSWW
	<u>Order Date:</u>	May 5, 2023
	<u>Individual/Entity:</u>	Raymond Smith and Donna Elaine Smith
	<u>Facility:</u>	Raymond Smith and Donna Elaine Smith
	<u>Location:</u>	5 Peyton Lane Simpsonville, SC
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Greenville
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Raymond Smith and Donna Elaine Smith (Individual/Entity) owns property located in Greenville County, South Carolina. The Department conducted an investigation on March 21, 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.

51)	<u>Order Type and Number:</u>	Administrative Order 23-044-OSWW
	<u>Order Date:</u>	May 8, 2023

<u>Individual/Entity:</u>	Lisa A. Hunter and Robert Marc Phillips
<u>Facility:</u>	Lisa A. Hunter and Robert Marc Phillips
<u>Location:</u>	2130 Neil Road Lancaster, SC 29720
<u>Mailing Address:</u>	Same
<u>County:</u>	Lancaster
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Lisa A. Hunter and Robert Marc Phillips (Individual/Entity) owns property located in Lancaster County, South Carolina. The Department conducted an investigation on March 9, 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.

52) <u>Order Type and Number:</u>	Administrative Order 23-048-OSWW
<u>Order Date:</u>	May 8, 2023
<u>Individual/Entity:</u>	Wanda Ann Bessant, et al
<u>Facility:</u>	Wanda Ann Bessant, et al
<u>Location:</u>	5361 Hampton Road Conway, SC 29527
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Wanda Ann Bessant, et al (Individual/Entity) owns property located in Horry County, South Carolina. The Department conducted an investigation on February 22, 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.

53) Order Type and Number: Consent Order 23-030-OSWW
Order Date: May 2, 2023
Individual/Entity: **Braden McNeil**
Facility: Braden McNeil
Location: 169 McNeil Farm Road
Abbeville, SC 29620
Mailing Address: Same
County: Greenwood
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Braden McNeil (Individual/Entity) advertised they would install OSWW systems in Greenwood County, South Carolina without a Department issued Permit to Construct. The Department conducted an investigation on February 8, 2023, and observed the ads on a social media site. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: agreed to install OSWW systems without applying for and receiving a permit to construct or upgrade the OSWW system before installing the OSWW system.

Action: The Individual/Entity is required to cease and desist installing OSWW systems until they have obtained a Department issued Permit to Construct. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

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

54) Order Type and Number: Consent Order 23-038-OSWW
Order Date: May 8, 2023
Individual/Entity: **Theodore Moore, doing business as (dba) C&T Backhoe & Dozer Services, Inc.**
Facility: Theodore Moore, dba C&T Backhoe & Dozer Services, Inc.
Location: 111 Diversified Way
Greenville, SC 29609
Mailing Address: 149 Thrift Avenue
Seneca, SC 29678
County: Greenville
Previous Orders: None

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

Summary: Theodore Moore, dba C&T Backhoe & Dozer Services, Inc. (Individual/Entity) installed an OSWW system on property located in Greenville County, South Carolina. The Department conducted an investigation on February 8, 2023, and observed that the OSWW system was not installed according to the Permit to Construct and the regulation. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that all systems for which the licensee is responsible are constructed, repaired, and cleaned in accordance with S.C. Regulation 61-56 and permits issued by the Department.

Action: The Individual/Entity is required to cease and desist installing OSWW systems that are not in accordance with S.C. Regulation 61-56 and not properly permitted by the Department. The Department has assessed a total civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand five hundred dollars (**\$1,500.00**).

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

BUREAU OF OCEAN & COASTAL RESOURCE MANAGEMENT

55) Order Type and Number: Consent Order AF-0000292
Order Date: December 16, 2022
Individual/Entity: **Mark & Anne Tiberio**
Location: 1247 Debordieu Boulevard
Georgetown, SC 29440
Mailing Address: 512 Hermitage Court
Charlotte, NC 28207
County: Georgetown
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. §48-39-130(A) and (C) and S.C. Code Ann. Regs. 30-2(B); S.C. Code Ann. §48-39-130(D)(1)(a) and S.C. Code Ann. Regs. 30-15(H)(2); S.C. Code Ann. Regs. 30-15(H)(3)(c); and S.C. Code Ann. Regs. 30-15(H)(3)(h).

Summary: Mark and Anne Tiberio (Individual/Entity) are the current owners of certain property abutting the Atlantic Ocean located in Georgetown County, South Carolina. The Department conducted an inspection on September 23, 2020, and a Notice of Alleged Violation/Admission Letter was issued on December 11, 2020. The Individual/Entity has violated the S.C. Coastal Tidelands and Wetlands Act (Act) and Coastal Division Regulations (Regulations) as follows: installed sandbags seaward of the setback line and in the beach/dune system critical area at the Site without authorization from the Department.

Action: The Individual/Entity is required to provide the Department with a financially binding commitment to cover the cost of the removal of the sandbags by January 30, 2023, and adhere to all requirements of the Final Agency Decision regarding

the Coastal Carolina University research study or remove the sandbags from the beach/dune system. The Department has assessed a total civil penalty in the amount of two thousand five hundred dollars (\$2,500.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, five hundred dollars (**\$2,500.00**) by January 15, 2023.

Update: The Individual/Entity has provided the Department with a financially binding commitment in the form of a letter of credit and paid the civil penalty.

56)	<u>Order Type and Number:</u>	Consent Order AF-0000278
	<u>Order Date:</u>	May 4, 2023
	<u>Individual/Entity:</u>	Daniel W. Whitton
	<u>Location:</u>	146 Waters Edge Way Wando, SC 29492
	<u>Mailing Address:</u>	211 Silver Creek Drive Huger, SC 29450
	<u>County:</u>	Berkeley
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	N/A
	<u>Violations Cited:</u>	S.C. Code Ann. §48-39-130(A) and S.C. Code Ann. Regs. 30-2(B)

Summary: Daniel W. Whitton (Individual/Entity) is the current owner of certain property abutting the Wando River located in Berkeley County, South Carolina. The Department conducted an inspection on January 28, 2020, and a Notice of Alleged Violation/Admission Letter was issued on November 30, 2020. The Individual/Entity has violated the S.C. Coastal Tidelands and Wetlands Act (Act) and Coastal Division Regulations (Regulations) as follows: constructed a dock structure in the tidelands and coastal waters critical areas at the Site without a Department permit.

Action: The Individual/Entity is required to ensure that all components of the dock structure, including the alignment and configuration, are compliant within 120 days of issuance of any new permit. If Department authorization is not obtained, the unauthorized dock structure is required to be removed. 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**) if the specific terms of the Order are not met.

Update: None.

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