

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

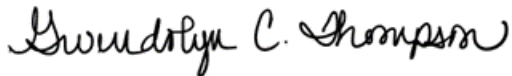
March 9, 2023

- () ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Healthcare Quality Administrative and Consent Orders.
- II. SUBJECT:** Healthcare Quality Administrative Orders and Consent Orders for the period of December 1, 2022, through January 31, 2023.
- III. FACTS:** For the period of December 1, 2022, through January 31, 2023, Healthcare Quality reports 2 Administrative Orders and 2 Consent Orders totaling \$17,250 in assessed monetary penalties.

Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Community Residential Care Facilities (CRCF)	2	2	\$17,250	\$13,500
TOTAL		2	2	\$17,250	\$13,500

Submitted By:



Gwen C. Thompson
Deputy Director
Healthcare Quality

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

March 9, 2023

Bureau of Community Care

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Community Residential Care Facilities (CRCF)	471	22,049

1. Bowles Community Care Home 1 (16 beds) – McClellanville

Investigation and Violations: The Department conducted multiple inspections and investigations at the facility and cited numerous and repeated violations.

The Department found the following violations, of which many were repeated:

- Failing to submit to the Department timely acceptable written plans of correction.
- Failing to provide at least one staff member/direct care volunteer for each 8 residents during all periods of peak hours.
- Failing to have documentation of staff in-service training in management/care of persons with contagious and/or communicable disease.
- Failing to have documentation of staff in-service training in medication management.
- Failing to have documentation of staff in-service training in care of persons specific to the physical/mental condition(s) being cared for in the facility.
- Failing to have documentation of staff in-service training in use of restraint techniques.
- Failing to have documentation of staff in-service training in OSHA standards regarding blood-borne pathogens.
- Failing to have documentation of staff in-service training in confidentiality of resident information and records.
- Failing to have documentation of staff in-service training in the Bill of Rights for Residents of Long-Term Care Facilities.
- Failing to have documentation of staff in-service training in fire response.
- Failing to have documentation of staff in-service training in emergency procedures/disaster preparedness.
- Failing to have documentation of a resident’s individual care plan (ICP), by not reviewing and/or revising residents’ ICPs at least semi-annually, and/or by failing to have a resident, sponsor, or responsible party sign the resident’s ICP.
- Failing to initial the medication administration records (MARs) as medications were administered.
- Failing to ensure that all medications were kept in original containers or packaging.
- Failing to secure the medication cart to prevent access by unauthorized persons.
- Failing to maintain records of control substance in sufficient detail to enable an accurate reconciliation.
- Failing to have documented reviews of the control sheets at shift change.
- Failing to maintain its kitchen in compliance with Regulation 61-25.

- Failing to maintain fire protection and suppression systems in accordance with the codes adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshall.
- Failing to maintain all equipment and building components in good repair and operating condition and by failing to comply with codes officially adopted by the South Carolina State Fire Marshall applicable to community residential care facilities.
- Failing to ensure the facility was clean and free from vermin.
- Failing to ensure each specific interior area of the facility is clean.
- Failing to ensure safe storage of chemicals, cleaning materials, and supplies, which are indicated as harmful on the product label.
- Failing to store soiled linen/clothing in enclosed/covered containers.
- Failing to maintain a temperature of between 72 degrees and 78 degrees Fahrenheit in resident areas.
- Failing to provide liquid soap and/or a sanitary individualized method of drying hands at each lavatory used by more than one resident and by allowing communal use of bar soap.
- Failing to ensure resident room doors are rated and provided with closers and latches as required by the South Carolina Building Codes Council and the South Carolina State Fire Marshall.
- Failing to ensure that supplies/equipment were stored off the floor.

Enforcement Action: In addition to the violations listed above, the conditions at the facility presented significant health, safety, and well-being concerns. The continuous presence of bedbug like insects, and the facility's lack of progress to exterminate these insects, the lack of housekeeping, and the presence of food, sanitation, and maintenance issues led the Department to determine enforcement action as appropriate. The facility had continuous housekeeping and maintenance violations that resulted in living conditions that were less than suitable. Additionally, the facility had a history of noncompliance, including a recent consent order within the last year.

Based upon the foregoing and placing particular emphasis upon the specific conditions at the facility and its impact or potential impact on the health, safety, and well-being of residents, as well as the facility's history on noncompliance, the Department determined it appropriate to revoke the license issued to operate the facility as a community residential care facility.

Remedial Action: The residents in the facility were safely relocated.

Prior Orders: The Department and the facility executed a Consent Order in June 2021. The Department had determined that the facility failed to maintain proper documentation of staff training and medication administration records, failed to maintain a clean and sanitary kitchen, and failed to have an annual tuberculosis risk assessment. The facility also failed to perform reviews of the residents' individual care plans, failed to review administration records, and failed to have a pharmacist conduct an on-site review of the medication program. The total assessed amount of the civil monetary penalty was \$20,300.

2. Bowles Community Care Home 2 (5 beds) – McClellanville

Investigation and Violations: The Department conducted multiple inspections and investigations at the facility and cited numerous and repeated violations.

The Department found the following violations, of which many were repeated:

- Failing to submit to the Department timely acceptable written plans of correction.
- Failing to have at least one staff member in each building during peak hours when residents are present to provide supervision, direct care, and basic services.

- Failing to have documentation of staff in-service training in first aid.
- Failing to have documentation of staff in-services training in management/care of persons with contagious and/or communicable disease.
- Failing to have documentation of staff in-service training in medication management.
- Failing to have documentation of staff in-service training in care of persons specific to the physical/mental conditions being cared for in the facility.
- Failing to have documentation of staff in-service training in use of restraint techniques.
- Failing to have documentation of staff in-service training in OSHA standards regarding blood-borne pathogens.
- Failing to have documentation of staff in-service training in confidentiality of resident information and records.
- Failing to have documentation of staff in-service training in the Bill of Rights for Residents of Long-Term Care Facilities, S.C. Code Ann. §§44- 81-10, et. seq.
- Failing to have documentation of staff in-service training in fire response.
- Failing to have documentation of staff in-service training in emergency procedures/disaster preparedness.
- Failing to post a current activity calendar for residents to be aware of activities offered.
- Failing to initial the medication administration records (MARs) as medications were administered.
- Failing to maintain records of control substance in sufficient detail to enable an accurate reconciliation.
- Failing to post menus in one or more conspicuous places in a public area.
- Failing to maintain all equipment and building components in good repair and operating condition.
- Failing to ensure the facility was clean and free from vermin.
- Failing to ensure each specific interior area of the facility is clean.
- Failing to ensure safe storage of chemicals, cleaning materials, and supplies, which are indicated as harmful on the product label.
- Failing to store soiled linen/clothing in enclosed/covered containers.
- Failing to ensure hot water accessible to residents is at least 100 degrees Fahrenheit and not exceed 120 degrees Fahrenheit.
- Failing to ensure liquid soap and an individualize method to dry hands are available in each lavatory.
- Failing to ensure that supplies/equipment were stored off the floor.

Enforcement Action: In addition to the violations listed above, the conditions at the facility presented significant health, safety, and well-being concerns. The continuous presence of bedbug like insects, and the facility's lack of progress to exterminate these insects, the lack of housekeeping, and the presence of food, sanitation, and maintenance issues led the Department to determine enforcement action as appropriate. The facility had continuous housekeeping and maintenance violations that resulted in living conditions that were less than suitable. Additionally, the facility had a history of noncompliance, including a recent consent order within the last year.

Based upon the foregoing and placing particular emphasis upon the specific conditions at the facility and its impact or potential impact on the health, safety, and well-being of residents, as well as the facility's history on noncompliance, the Department determined it appropriate to revoke the license issued to operate the facility as a community residential care facility.

Remedial Action: The residents in the facility were safely relocated.

Prior Orders: The Department and the facility executed a Consent Order in June 2021. The Department had determined that the facility failed to conduct criminal background checks, failed to maintain accurate and current staff documentation, failed to have written documentation of staff members' job duties and responsibilities, and properly document in-service staff training. The facility also failed to maintain health documentation, physicians' orders, monthly resident notes or quarterly financial reports. The facility failed to perform semi-annual individual care plan reviews. The facility also failed to promote conditions that prevent the spread of communicable diseases and maintain the building and equipment. The total assessed amount of the civil monetary penalty was \$21,300.

3. Rosewood Assisted Living (75 beds) – Pauline

Investigation and Violations: The Department visited the on facility multiple times during 2022 to conduct routine general inspections, kitchen and sanitation inspections, fire and life safety inspections, follow-up inspections and investigations. During these visits, the Department cited numerous violations.

The Department cited the facility for the following violations, of which many were repeated:

- Failing to submit written plans of correction when there is noncompliance with licensing standards.
- Failing to maintain sufficient staff members/direct care volunteers during peak hours when residents are present to provide supervision, direct care, and basic services.
- Failing to render care in accordance with physician's orders for administering medications.
- Failing to initial the medication administration records (MARs) as medications were administered.
- Failing to have documented reviews of the MARs at each shift change.
- Storing expired and/or discontinued medication with current medications.
- Failing to maintain records of receipt, administration, and disposition of all controlled substances in sufficient detail to enable an accurate reconciliation.
- Failing to ensure the facility was free of vermin and/or offensive odors.
- Failing to ensure each specific interior area of the facility was cleaned.
- Failing to ensure the facility was free of vermin and/or offensive odors.
- Failing to ensure that each specific interior area of the facility was cleaned.

Enforcement Action: The parties met for an enforcement conference and agreed to resolve the matter with a Consent Order. The facility agreed to an assessed monetary penalty of \$13,750. The facility was required pay \$10,000 to the Department within 30 days of executing the Consent Order with the remaining \$3,750 stayed upon a six-month period of substantial compliance with regulatory requirements and the Consent Order.

Remedial Action: The facility paid the Department the required \$10,000. The facility agreed to initiate action to correct the violations that led to this enforcement action and to ensure regulatory violations are not repeated. The facility also agreed to schedule a compliance assistance meeting with the Department by March 16, 2023.

Prior Orders: In July 2020, the Department and the facility executed a Consent Order totaling \$1,500 in assessed civil monetary penalties. This enforcement action resulted from the Department determining the facility failed to file a timely license renewal application.

4. Rapha Residential Care (92 beds) - Gaston

Investigation and Violations: The Department conducted a complaint investigation at the facility and cited the following violations:

- Failing to submit a written report of its investigation to the Department within 5 days of the serious accident and/or incident.
- Failing to ensure a resident was free from physical abuse in accordance with the Bill of Rights for Residents of Long-Term Care Facilities, S.C. Code Ann. §44-81-40(G).

Enforcement Action: The parties met for an enforcement conference and agreed to resolve the matter with a Consent Order. The facility agreed to an assessed monetary penalty of \$3,500, with payment due within 30 days of executing the Consent Order.

Remedial Action: The facility was required to pay the Department \$3,500 by March 1, 2023. The facility also agreed to initiate action to correct the violations that initiated this enforcement action and to ensure that regulatory violations are not repeated.

Prior Orders: None in the past 5 years.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
March 9, 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 December 1, 2022, through January 31, 2023.#
3. **FACTS:** For the reporting period of December 1, 2022, through January 31, 2023, the Office of Environmental Affairs issued one hundred eight (108) Consent Orders with total assessed civil penalties in the amount of one hundred ninety-six thousand, three hundred sixty-five dollars (\$196,365.00). Also, ten (10) Administrative Orders with total assessed civil penalties in the amount of one hundred thirty-six thousand, eighty dollars (\$136,080.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	5	\$131,480.00	6	\$26,600.00
Aboveground Tanks	0	0	0	0
Solid Waste	0	0	1	\$600.00
Hazardous Waste	0	0	2	\$31,000.00
Infectious Waste	0	0	0	0
Mining	0	0	0	0
SUBTOTAL	5	\$131,480.00	9	\$58,200.00
Water				
Recreational Water	1	\$1,000.00	10	\$8,840.00
Drinking Water	0	0	4	\$5,400.00
Water Pollution	0	0	7	\$36,575.00
Dam Safety	0	0	0	0
SUBTOTAL	1	\$1,000.00	21	\$50,815.000
Air Quality				
SUBTOTAL	0	0	4	\$9,800.00
Environmental Health Services				
Food Safety	1	\$3,600.00	70	\$73,050.00
Onsite Wastewater	3	0	4	\$5,000.00
SUBTOTAL	4	\$3,600.00	74	\$78,050.00
OCRM				
SUBTOTAL	0	0	0	0
TOTAL	10	\$136,080.00	108	\$196,365.00

Submitted by:



Myra C. Reece
Director of Environmental Affairs

ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
February 9, 2023

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 22-0235-UST
 Order Date: October 14, 2022
 Individual/Entity: **Esam Abdo Saleh**
 Facility: Precision Automotive Repair
 Location: 529 South Main Street
 Marion, SC 29571
 Mailing Address: 1015 Godbold Street
 Marion, SC 29571
 County: Marion
 Previous Orders: None
 Permit/ID Number: 06284
 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, 280.93(a), 280.110(c),
 and 280.243(b) (2012 & Supp 2020).

Summary: Esam Abdo Saleh (Individual/Entity) owns and operates underground storage tanks (USTs) in Marion County, South Carolina. Based on a file review, the Department issued a Notice of Alleged Violation on May 2, 2022. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; failed to have a Class A/B operator trained and designated for the Facility; and failed to pay annual underground storage tank 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 Certificate of Financial Responsibility form and evidence of financial assurance; and payment of annual tank registration fees and associated late fees for fiscal years 2014 through 2022 in the amount of eight thousand, two hundred twenty-eight dollars (\$8,228.00) by January 9, 2023. The Department has assessed a civil penalty in the amount of thirty-four thousand, six hundred dollars (\$34,600.00). The Individual/Entity shall pay a civil penalty in the amount of thirty-four thousand, six hundred dollars (**\$34,600.00**) by January 9, 2023.

Update: The Individual/Entity has completed Class A/B operator training, submitted a completed Certificate of Financial Responsibility and evidence of financial assurance, and is making payments for the annual tank registration fees and associated late fees for fiscal years 2014 through 2022 in accordance with a promissory note.

- 2) Order Type and Number: Administrative Order 22-0155-UST
 Order Date: November 18, 2022

Individual/Entity: **North Main C Store, LLC**
Facility: Sav-A-Ton
Location: 7421 Wilson Boulevard
Columbia, SC 29203
Mailing Address: 278 Canterwood Road
Irmo, SC 29063
County: Richland
Previous Orders: None
Permit/ID Number: 19141
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, 280.40(a)(2), 280.40(a)(3) and 280.43(d) (2012 and Supp. 2022).

Summary: North Main C Store, LLC (Individual/Entity) owns underground storage tanks (USTs) in Richland County, South Carolina. On April 13, 2022, the Department conducted a compliance inspection of the Facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to properly maintain release detection equipment; failed to test tank release detection equipment annually; and failed to conduct proper release detection using an automatic tank gauge.

Action: The Individual/Entity is required to submit: passing line tightness test results for the 20,000-gallon diesel underground storage tank (UST); passing line leak detector function check test results for the 20,000-gallon diesel UST; passing release detection operability test results for the 20,000-gallon diesel UST by January 23, 2023. The Department has assessed a total civil penalty in the amount of four thousand, three hundred fifty-five dollars (\$4,355.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, three hundred fifty-five dollars (**\$4,355.00**) by January 23, 2023.

Update: The Individual/Entity did not file a Request for Review; therefore, the effective date of the Order is December 8, 2022. The Individual/Entity has been referred to Office of General Counsel for further action.

3) Order Type and Number: Administrative Order 22-0203-UST
Order Date: November 18, 2022
Individual/Entity: **JP West Union, LLC**
Facility: JP West Union
Location: 2289 Pickens Highway
West Union, SC 29696
Mailing Address: Same
County: Oconee
Previous Orders: None
Permit/ID Number: 17603
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. Code Ann. §§ 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.93(a), and 280.110(c) (2012 and Supp. 2022).

Summary: JP West Union, LLC (Individual/Entity) owns an underground storage tank (UST) in Oconee County, South Carolina. On March 2, 2022, the Department conducted a file review of the Facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to demonstrate financial responsibility for an underground storage tank system and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to submit a completed Certificate of Financial Responsibility and evidence of financial assurance by January 23, 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 January 23, 2023.

Update: The Individual/Entity did not file a Request for Review; therefore, the effective date of the Order is December 8, 2022. The Individual/Entity has been referred to Office of General Counsel for further action.

4) Order Type and Number: Administrative Order 22-0312-UST
Order Date: November 18, 2022
Individual/Entity: **HWY 17 One, LLC**
Facility: Stuckey's
Location: 9657 Coosaw Scenic Drive
Coosawhatchie, SC 29936
Mailing Address: 6309 West Frontage Road
Ridgeland, SC 29936
County: Jasper
Previous Orders: None
Permit/ID Number: 11160
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, 280.21(a), 280.31(a), 280.70(c), 280.93(a), 280.110(c), 280.243(b) (2012 & Supp 2022), and § 44-2-60(A) (2018).

Summary: HWY 17 One, LLC (Individual/Entity) owns underground storage tanks (USTs) in Jasper County, South Carolina. Based on a routine compliance inspection, the Department issued a Notice of Alleged Violation on January 28, 2022. 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 in Section 280.21, or closure and corrective action requirements found in Subparts G and F; failed to maintain and operate a cathodic protection system; failed to properly abandon a temporarily closed UST system after twelve (12) months; 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 Class A/B operator trained in facility specific operation and maintenance and/or emergency response actions; and failed to pay annual tank registration fees and associated late 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 Certificate of

Financial Responsibility form and evidence of financial assurance; and payment of annual tank registration fees and associated late fees for fiscal years 2011 through 2023 in the amount of thirteen thousand, nine hundred ninety-two dollars (\$13,992.00); and a completed UST Tank and Sludge Disposal Form for the permanent closure of all USTs at the Facility by January 23, 2023. Within forty-five (45) days of the Department's approval of the UST Tank and Sludge Disposal Form, permanently close the USTs, and within sixty (60) days of the permanent closure of the USTs submit an UST Closure and Assessment Report. The Department has assessed a total civil penalty in the amount of sixty-three thousand, nine hundred twenty-five dollars (\$63,925.00). The Individual/Entity shall pay a civil penalty in the amount of sixty-three thousand, nine hundred twenty-five dollars (**\$63,925.00**) by January 23, 2023.

Update: The Individual/Entity did not file a Request for Review. The effective date of the Order is December 8, 2022.

5) Order Type and Number: Administrative Order 22-0136-UST
 Order Date: December 8, 2022
 Individual/Entity: **Bettis C. Rainsford**
 Facility: Main Street Warehouse
 Location: 607 Main Street
 Edgefield, SC 29824
 Mailing Address: P.O. Box 388
 Edgefield, SC 29824
 County: Edgefield
 Previous Orders: None
 Permit/ID Number: 17887
 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, 280.65 (2012 and Supp. 2022).

Summary: Bettis C. Rainsford (Individual/Entity) owned underground storage tanks (USTs) in Edgefield County, South Carolina. On March 25, 2022, the Department issued a Notice of Alleged Violation based on a file review. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to determine the full extent of a release in accordance with a schedule established by the Department.

Action: The Individual/Entity is required to submit a Site-Specific Work Plan for a Groundwater Sampling event to the Department by January 23, 2023. The Department has assessed a total civil penalty in the amount of five thousand, one hundred twenty-three dollars (\$5,123.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand, one hundred twenty-three dollars (**\$5,123.00**) should any requirement of the Order not be met.

Update: The Individual/Entity did not file a Request for Review; therefore, the effective date of the Order is December 23, 2022. The Individual/Entity submitted a Site-Specific Work Plan, which has been approved. The Order is closed.

6) Order Type and Number: Consent Order 22-0147-UST
 Order Date: December 8, 2022

Individual/Entity: **Ketan Patel**
Facility: Three Way Food Store #4
Location: 385 Lee Street
Johnston, SC 2929832
Mailing Address: 751 Silver Bluff Road
Aiken, SC 29801
County: Edgefield
Previous Orders: None
Permit/ID Number: 18513
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, 280.34(c), 280.35(a)(1), 280.35(a)(2), 280.36(a)(1)(ii), 280.40(a), 280.40(a)(3), 280.41(b)(1)(i)(B), 280.43(d), 280.44(a), 280.50, 280.52, 280.242(b)(3), 280.242(b)(4) (2012 &2022).

Summary: Ketan Patel (Individual/Entity) owns underground storage tanks (USTs) in Edgefield County, South Carolina. On March 28, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide records to the Department upon request; failed to prevent releases from spill buckets and/or containment sumps used for interstitial monitoring of piping by meeting required criteria; failed to inspect overfill prevention at least once every 3 years, ensure operating properly, and conducted in accordance with criteria; failed to conduct annual walk-through inspection; failed to provide adequate release detection method for an UST system; failed to test tank release detection equipment annually; failed to conduct annual test or have monthly monitoring of pressurized piping; failed to conduct proper release detection using automatic tank gauge; failed to conduct annual test of automatic line leak detectors and/or sump sensors; failed to report a suspected release; failed investigate and confirm a suspected release within a reasonable time; failed to validate that monthly requirements have been performed; failed to physically visit each assigned facility once a quarter.

Action: The Individual/Entity corrected all violations prior to the issuance of the Order. The Department has assessed a total penalty in the amount of twelve thousand, four hundred sixty-five dollars (\$12,465.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand, four hundred fifty dollars (**\$6,450.00**) by January 12, 2023, and pay a suspended penalty in the amount of six thousand, fifteen dollars (\$6,015.00) should any requirement of the Order not be met.

Update: All compliance documentation has been received. The civil penalty has been paid. The Order is closed.

7) Order Type and Number: Consent Order 22-0364-UST
Order Date: December 20, 2022
Individual/Entity: **Refuel Operating Company, LLC**
Facility: Refuel 54
Location: 7879 Highway 544
Myrtle Beach, SC 29588
Mailing Address: P.O. Box 20782
Charleston, SC 29413

County: Horry
Previous Orders: None
Permit/ID Number: 20026
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: Refuel Operating Company, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) in Horry County, South Carolina. On November 2, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment of an UST.

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

Update: The Department received the civil penalty payment on December 6, 2022. The Order is closed.

8) Order Type and Number: Consent Order 22-0110-UST
Order Date: January 5, 2023
Individual/Entity: **Juan A. Rosales**
Facility: York Kwik Mart
Location: 310 West Liberty Street
York, SC 29745
Mailing Address: 11723 Withers Mill Drive
Charlotte, NC 28278
County: York
Previous Orders: None
Permit/ID Number: 09350
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, 280.9 (a) and 280.110(c) (2012 & Supp 2022).

Summary: Juan A. Rosales (Individual/Entity) owns underground storage tanks (USTs) in York County, South Carolina. On February 15, 2022, the Department conducted a routine file review and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to demonstrate financial responsibility for an UST system and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to submit a completed Certificate of Financial Responsibility form and evidence of financial assurance by February 20, 2023. The Department has assessed a total civil penalty in the amount of twenty-six thousand, two hundred dollars (\$26,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**) by February 20, 2023 and pay a

suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: The Individual/Entity has paid the civil penalty. The Individual/Entity requested and was granted an extension to submit the financial assurance.

- 9) Order Type and Number: Consent Order 22-0148-UST
Order Date: January 18, 2023
Individual/Entity: **Sreeji 2, LLC**
Facility: **Sreeji 2, LLC DBA Caper House #4**
Location: 215 South Pine Street
Batesburg, SC 29006
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 18152
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, 280.40(a)(2), and 280.40(a)(3)(2012 and Supp. 2022).

Summary: Sreeji 2, LLC (Individual/Entity) owns an underground storage tank (UST) in Lexington County, South Carolina. On March 28, 2022, the Department conducted a routine inspection at the facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to properly maintain release detection equipment; and failed to test tank release detection equipment annually.

Action: The Individual/Entity is required to repair and/or replace and retest the release detection equipment for the premium compartment; submit passing release detection equipment operability test results; and submit a current passing automatic tank gauge (ATG) record for the premium compartment. The Department has assessed a total civil penalty in the amount of two thousand, eight hundred thirty dollars (\$2,830.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, eight hundred thirty dollars (**\$2,830.00**) by March 4, 2023.

Update: The Department received a passing ATG record for the premium compartment on January 11, 2023. The Department received proof the release detection equipment for the premium compartment had been repaired and/or replaced and a passing release detection equipment operability test result for the premium compartment on January 12, 2023.

- 10) Order Type and Number: Consent Order 22-0387-UST
Order Date: January 18, 2023
Individual/Entity: **Spinx Company, LLC**
Facility: **Spinx 356**
Location: 9636 Highway 78
Ladson, SC 29456
Mailing Address: P.O. Box 8624
Greenville, SC 29604

County: Berkeley
Previous Orders: None
Permit/ID Number: 19720
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. Code Ann. §§ 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.20(c)(1)(ii) (2012 and Supp. 2022).

Summary: Spinx Company, LLC (Individual/Entity) owns underground storage tanks (USTs) in Berkeley County, South Carolina. On November 17, 2022, the Department conducted a routine inspection of the facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment of an underground storage tank system.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total 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 March 2, 2023.

Update: The Department received the civil penalty payment on January 13, 2023. The Order has been closed.

11) Order Type and Number: Consent Order 22-0404-UST
Order Date: January 20, 2023
Individual/Entity: **Digvijay Singh**
Facility: Godwin Brothers Grocery
Location: 105 E. Myrtle Beach Highway
Lake City, SC 29560
Mailing Address: 287 Traditions Circle
Columbia, SC 29229
County: Florence
Previous Orders: 21-0628-UST (\$10,950.00)
Permit/ID Number: 11700
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, 280.35(a)(1), 280.35(a)2, 280.36(a)(1)(ii), 380.40(a), 280.40(a)(2), 280.41(b)(1)(i)(B), 280.44(a), 280.45(b)(1), 280.70(a) and 280.242(b)(3) (2012 and Supp. 2022).

Summary: Digvijay Singh (Individual/Entity) owns and operates underground storage tanks (USTs) in Florence County, South Carolina. On October 18, 2022, the Department conducted an inspection of the Facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to prevent releases from spill buckets and/or containment sumps; failed to inspect overfill prevention at least every (3) three years to ensure operability; failed to conduct annual walk-through inspections; failed to provide an adequate release detection method, failed to properly maintain release detection equipment; failed to conduct annual tightness test or have monthly monitoring of pressurized piping; failed to conduct annual test of automatic line leak detectors and/or

sumps sensors; failed to maintain records for at least (1) one year; failed to maintain corrosion protection or appropriate release detection on a temporarily closed UST; and failed to validate that monthly requirements have been performed.

Action: The Individual/Entity is required to: submit: proof that Tank #3 contains less than (1) one inch of residue; proof that a UST system gauge stick has been purchased; passing spill bucket integrity test results for all spill buckets associated with the USTs at the facility; passing overflow equipment prevention operability test results for all USTs; passing line tightness test results for all USTs; passing line leak detector function check for USTs; and proof that a Class A/B Operator Walk-through Inspection log has been initiated and is being properly maintained by March 6, 2023. 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/or system components, re-test, and submit passing follow-up test results within thirty (30) days of the failed test results. The Department has assessed a total civil penalty in the amount of eight thousand, nine hundred twenty dollars (\$8,920.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand, nine hundred twenty dollars (**\$8,920.00**) by March 6, 2023.

Update: The Department received: proof Tank #3 contained less than (1) one inch of residue; proof the facility had installed an automatic tank gauge; passing overflow equipment prevention operability test results for all USTs; proof that a Class A/B Operator Walk-through Inspection log had been initiated and was being properly maintained; and passing spill bucket integrity test results for all spill buckets associated with the USTs at the facility.

Solid Waste Enforcement

12) <u>Order Type and Number:</u>	Consent Order 22-20-SW
<u>Order Date:</u>	December 20, 2022
<u>Individual/Entity:</u>	Haig Point, Inc.
<u>Facility:</u>	Haig Point Class 3 Transfer Station
<u>Location:</u>	999 Haig Point Road Daufuskie Island, SC 29915
<u>Mailing Address:</u>	10 Haig Point Circle Hilton Head Island, SC 29926
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	072496-6001
<u>Violations Cited:</u>	South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 <u>et seq.</u> (2002 & Supp. 2018); Solid Waste Management: Transfer of Solid Waste Regulation, Part G.2. (2012), and Permit 072496-6001, General Permit Condition B.6.

Summary: Haig Point, Inc. (Individual/Entity), operates a Class 3 Transfer Station located in Beaufort County, South Carolina. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act as follows: failed to submit the annual report for fiscal year 2022.

Action: The Individual/Entity is required to submit the annual report for fiscal year 2022 by December 22, 2022. The Department has assessed a total civil penalty in the

amount of six hundred dollars (\$600.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred dollars (**\$600.00**) by January 19, 2023.

Update: The civil penalty payment was received on December 7, 2022. The annual report has been closed.

Hazardous Waste Enforcement

13) Order Type and Number: Consent Order 22-22-HW
Order Date: December 8, 2022
Individual/Entity: **Healthcare SC, LLC**
Facility: Healthcare SC, LLC
Location: 1 Mlily Way
Winnsboro, SC 29180
Mailing Address: Same
County: Fairfield
Previous Orders: None
Permit/ID Number: SCR 000 787 044
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2021), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021).

Summary: Healthcare SC, LLC (Individual/Entity), specializes in the production and distribution of mattresses at its facility located in Fairfield County, South Carolina. The Department conducted an inspection on April 6, 2022. The Individual/Entity violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to have containers holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste; failed to have the date accumulation begins clearly visible for inspection on each container; failed to make an accurate determination; failed to clean up any hazardous waste discharge that occurred during generation or processing or storage; failed to ensure training records on current personnel be kept until closure of the facility; failed to ensure facility personnel successfully complete a program of classroom instruction, online training, or on-the-job training; failed to maintain a written job description for each position, a written description of the type and amount of both introductory and continuing training given to each person, and records that document the training or job experience given to each person; failed to list in the Contingency Plan, the names and emergency telephone numbers of all persons qualified to act as emergency coordinator and ensure the list was kept up to date; failed to submit a copy of the contingency plan and all revisions to all local emergency responders; failed to immediately amend the list of emergency coordinators in the contingency plan whenever it became out of date; and failed to ensure containers used to store used oil are labeled with the words "Used Oil."

Action: The Individual/Entity corrected the violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of fifteen thousand dollars (\$15,000.00). The Individual/Entity shall pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**) by January 11, 2023.

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

- 14) Order Date: January 20, 2023
Individual/Entity: **Maclean Power Systems**
Facility: Maclean Power Systems
Location: 101 Park Avenue
Newberry, SC 29108
Mailing Address: Same
County: Newberry
Previous Orders: None
Permit/ID Number: SCD 018 668 392
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: Maclean Power Systems (Individual/Entity) is a manufacturer of electric power utility poles and arms using fiberglass, resins, and catalysts at its facility located in Newberry County, South Carolina. The Department conducted an inspection at the facility on August 22, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to keep containers closed; failed to label containers with the words “Hazardous Waste,” an indication of the hazards, and accumulation start dates; failed to transfer hazardous waste from containers in poor condition to containers in good condition; failed to record weekly hazardous waste inspections in an inspection log; failed to clean up a hazardous waste spillage that occurred during processing; and failed to maintain written job descriptions and job titles for each position related to hazardous waste management and the name of the employee filling that position along with the type and amount of both introductory and continuing training given to each person filling that position.

Action: The Individual/Entity is required to: submit position descriptions with the job titles, skills, education and training by February 21, 2023, and submit a Waste Management Plan by March 21, 2023. The Department has assessed a total civil penalty in the amount of sixteen thousand dollars (\$16,000.00). The Individual/Entity is required to pay a civil penalty in the amount of sixteen thousand dollars (**\$16,000.00**) by February 21, 2023.

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

BUREAU OF WATER

Recreational Waters Enforcement

- 15) Order Type and Number: Administrative Order 23-004-RW
Order Date: January 11, 2023
Individual/Entity: **Audrey Statham, Individually and d.b.a. Villa Motor Inn**
Facility: Villa Motor Inn
Location: 13850 Church Street

	Williston, SC 29853
<u>Mailing Address:</u>	Same
<u>County:</u>	Barnwell
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	06-007-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Audrey Statham, Individually and d.b.a. Villa Motor Inn (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Barnwell County, South Carolina. The Department conducted inspections on July 7, 2022, and August 2, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: frost proof tiles were missing on the pool wall; the gate did not self-close and latch; the life ring was deteriorated; the shepherd's crook handle was not the approved length and was missing a bolt; the letters on the "Shallow Water – No Diving Allowed" signs posted were not the correct size or the correct wording; the letters on the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted were not the correct size; the facility address was not posted at the emergency notification device; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record; and the cyanuric acid level was not recorded weekly in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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 February 10, 2023.

Update: None.

16)	<u>Order Type and Number:</u>	Consent Order 22-219-RW
	<u>Order Date:</u>	December 1, 2022
	<u>Individual/Entity:</u>	Carolina Village Homeowner's Association
	<u>Facility:</u>	Carolina Village
	<u>Location:</u>	615 Carter Lane Conway, SC 29526
	<u>Mailing Address:</u>	P.O. Box 14753 Surfside Beach, SC 29587
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	26-1386B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Carolina Village Homeowner's Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 29, 2022, and August 29, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the waterline tiles were dirty; the plaster on the pool floor was deteriorated; the deck was uneven with sharp edges; there was debris in the skimmer baskets; the fill spout was not stainless steel or equivalent; the chlorine level was not within

the acceptable range of water quality standards; the life ring was deteriorated; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 20, 2022.

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

17) Order Type and Number: Consent Order 22-220-RW
Order Date: December 5, 2022
Individual/Entity: **Royal Garden Resort Regime Homeowners Association, Inc.**
Facility: Royal Garden Resort
Location: 1210 N. Waccamaw Drive
Murrells Inlet, SC 29576
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-E62-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Royal Garden Resort Regime Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections August 2, 2022, and November 17, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the cyanuric acid level was above the water quality standards acceptable limit; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 21, 2022.

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

18) Order Type and Number: Consent Order 22-221-RW
Order Date: December 9, 2022
Individual/Entity: **Litchfield Inn Council of Co-Owners, Inc.**
Facility: Litchfield Inn
Location: 1 Norris Drive
Pawleys Island, SC 29585
Mailing Address: Same
County: Georgetown
Previous Orders: None
Permit/ID Number: 22-066-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Litchfield Inn Council of Co-Owners, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Georgetown County, South Carolina. The Department conducted inspections on June 29, 2022, and September 8, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 22, 2022.

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

19) Order Type and Number: Consent Order 22-222-RW
Order Date: December 9, 2022
Individual/Entity: **Raldex IV, Inc.**
Facility: Hampton Inn & Suites
Location: 1735 Stokes Road
Florence, SC 29501
Mailing Address: 780 Woody Jones Boulevard
Florence, SC 29501
County: Florence
Previous Orders: None
Permit/ID Number: 21-1018D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Raldex IV, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Florence County, South Carolina. The Department conducted inspections on August 1, 2022, and November 9, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: skimmer baskets were floating; the chlorine and pH levels were not within the acceptable range of water quality standards; the spa thermometer was not working properly; the spa temperature was not monitored; and the disinfection equipment was not operating properly.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 29, 2022.

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

20) Order Type and Number: Consent Order 22-223-RW
Order Date: December 15, 2022
Individual/Entity: **Catawba Village Homeowners Association, Inc.**
Facility: Catawba Village
Location: 421 Hunters Dance Road
Fort Mill, SC 29708

Mailing Address: P.O. Box 11906
Charlotte, NC 28220
County: York
Previous Orders: None
Permit/ID Number: 46-1079B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Catawba Village Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on June 29, 2022, and August 9, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the water level was too low; the drinking water fountain was not operating properly; the foot rinse shower was not operating properly; there were bird feathers in the pool; the chlorine level was not within the acceptable range of water quality standards, and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 30, 2022.

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

21) Order Type and Number: Consent Order 22-224-RW
Order Date: December 15, 2022
Individual/Entity: **Paramount Hotels, LLC**
Facility: Hampton Inn Newberry
Location: 1201 Nance Street
Newberry, SC 29108
Mailing Address: 5921 Tindall Park Drive
Charlotte, NC 28210
County: Newberry
Previous Orders: None
Permit/ID Number: 36-1001B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Paramount Hotels, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Newberry County, South Carolina. The Department conducted inspections on July 7, 2022, and August 8, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were broken depth marker tiles on the pool deck; the pool floor was dirty; the pool furniture was not at least four feet from the edge of the pool; there was debris in the skimmer baskets; skimmer baskets were floating; the pool equipment room was not locked; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operating; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted; the cyanuric acid level was not recorded weekly in the bound and numbered log book; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by January 2, 2023.

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

22) Order Type and Number: Consent Order 22-225-RW
Order Date: December 30, 2022
Individual/Entity: **Riverhill Association, Inc.**
Facility: Riverhill
Location: Riverhill Circle
Columbia, SC 29210
Mailing Address: 1905 Sunset Boulevard, Suite E
West Columbia, SC 29169
County: Richland
Previous Orders: None
Permit/ID Number: 40-057-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Riverhill Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 7, 2022, and July 29, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the waterline tiles were dirty; a ladder was missing bumpers; there was a hose on the deck; the water level was too high; skimmers were missing weirs; the pool equipment room was not accessible; the chemical storage room was not accessible; the gate did not self-close and latch; the shepherd's crook was obstructed; the bound and numbered log book was not available for review; and the recirculation and filtration system was not operating and was leaking.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by January 12, 2023.

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

23) Order Type and Number: Consent Order 23-001-RW
Order Date: January 6, 2023
Individual/Entity: **Creek Side Farm Homeowner's Association, Inc.**
Facility: Creekside Farms
Location: 410 Hayfield Lane
Lexington, SC 29072
Mailing Address: 1320 Main Street, Suite 300
Columbia, SC 29201
County: Lexington
Previous Orders: None

Permit/ID Number: 32-175-1 & 32-176-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Creek Side Farm Homeowner's Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Lexington County, South Carolina. The Department conducted inspections on June 1, 2022, and July 13, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were broken depth marker tiles on the deck; the plaster on the pool floor was deteriorated; the water level was too low; skimmers were missing weirs; the step edge stripe was not within one inch of the edge of the step; a section of the perimeter fencing was broken; the pH level was not within the acceptable range of water quality standards; and the emergency notification device was not operating.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand three hundred sixty dollars (**\$1,360.00**) by January 13, 2023.

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

24) Order Type and Number: Consent Order 23-002-RW
Order Date: January 6, 2023
Individual/Entity: **Carolinas Holding Company, LLC**
Facility: Sea Mist Oceanfront Resort
Location: 1200 S Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-D69-1 & 26-658-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Carolinas Holding Company, 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. The Department conducted inspections on May 26, 2022, July 18, 2022, and September 26, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a skimmer basket was missing; the bound and numbered log book was not maintained on a daily basis; the chlorine and pH levels were not within the acceptable range of water quality standards; a handrail was not tight and secure; a skimmer was missing a weir; there was no drinking water fountain; there was no foot rinse shower; there was no life ring; there was no shepherd's crook; the facility address was not posted at the emergency notification device; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the disinfection equipment was not operating properly; the spa floor was dirty; the water level was too high; and the pool entry door did not self-close and latch.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand seven hundred twenty dollars (\$2,720.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand seven hundred twenty dollars (**\$2,720.00**) by January 26, 2023.

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

25) Order Type and Number: Consent Order 23-003-RW
Order Date: January 11, 2023
Individual/Entity: **DBC Woodland Village Limited Partnership**
Facility: Woodland Village Apartments
Location: 2221 Bush River Road
Columbia, SC 29210
Mailing Address: 51 Pennwood Place
Warrendale, PA 15086
County: Lexington
Previous Orders: None
Permit/ID Number: 32-036-1 & 32-049-1
Violations Cited: S.C. Code Ann. Regs. 61-51.J.22

Summary: DBC Woodland Village Limited Partnership (Individual/Entity) owns and is responsible for the proper operation and maintenance of two pools located in Lexington County, South Carolina. The Department issued a Notice of Alleged Violation/Notice of Enforcement Conference on November 16, 2022, as a result of a review of inspection records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pools have been closed for six months or longer and have not been appropriately covered with a commercially manufactured pool cover or drained of stagnant water, cleaned, and secured with a fence to prevent access.

Action: The Individual/Entity is required to: properly fill in or remove pool Permit No. 32-049-1 in accordance with a Department approved plan by March 24, 2023; bring pool Permit No. 32-036-1 into compliance with Regulation 61-51; and contact the Department to schedule an inspection to verify the completed work by May 9, 2023. The Individual/Entity will be required to properly fill in or remove pool Permit No. 32-036-1 by July 10, 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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight hundred dollars (**\$800.00**) should any requirement of the Order not be met.

Update: The Individual/Entity submitted a plan to fill in pool Permit No. 32-049-1, and the plan was approved by the Department. Department staff conducted a technical assistance inspection of pool Permit No. 32-036-1 and provided a checklist of the deficiencies and required upgrades to the Individual/Entity.

Drinking Water Enforcement

26) Order Type and Number: Consent Order 22-027-DW
Order Date: December 7, 2022
Individual/Entity: **Peter Wright and Lashondia Wright, Individually and d.b.a. Wright Way Child Development Center**

<u>Facility:</u>	Wright Way Child Development Center
<u>Location:</u>	639 Torrington Road Eutawville, SC 29048
<u>Mailing Address:</u>	Same
<u>County:</u>	Orangeburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	3870116
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.17.E(2), 61-58.16.E(1)(b), 61-58.17.E(10), &61-58.17.K(2)(a)

Summary: Peter Wright and Lashondia Wright, Individually and d.b.a. Wright Way Child Development Center (Individual/Entity) own and are responsible for the proper operation and maintenance of a public water system (PWS) located in Orangeburg County, South Carolina. On October 13, 2022, a Notice of Alleged Violation/Notice of Enforcement Conference was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: failed to conduct routine monitoring for bacteriological contaminants during the April – June 2022 calendar quarter; and failed to conduct source water monitoring, an Assessment of the PWS, and additional routine monitoring for bacteriological contaminants following a total coliform positive sample.

Action: The Individual/Entity is required to: conduct an Assessment of the PWS and submit the results by December 8, 2022; and submit to the Department a plan for ensuring that all bacteriological monitoring and reporting requirements are met in accordance with S.C. Code Ann. Regs. 61-58 by January 15, 2023. The Department has assessed a total civil penalty in the amount of seven thousand six hundred fifty dollars (\$7,650.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand four hundred dollars (**\$3,400.00**) and pay a stipulated penalty in the amount of four thousand two hundred fifty dollars (\$4,250.00) should any requirement of the Order not be met.

Update: The Individual/Entity submitted the Assessment and the monitoring and reporting plan that were reviewed and approved by the Department. The civil penalty is and second installments have been paid. The remaining installment payments are due May 15, 2023, and July 15, 2023.

27)	<u>Order Type and Number:</u>	Consent Order 22-028-DW
	<u>Order Date:</u>	December 15, 2022
	<u>Individual/Entity:</u>	Town of Eastover
	<u>Facility:</u>	Town of Eastover
	<u>Location:</u>	624 Main Street Eastover, SC 29044
	<u>Mailing Address:</u>	P.O. Box 58 Eastover, SC 29044
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	4010002
	<u>Violations Cited:</u>	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 August 5, 2022, and

the PWS was rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the wellhead piping at Well 1 and Well 2 was in disrepair; an electrical outlet at Well 2 was broken; there was a hole in the electrical box at Well 2; the electrical conduit at Well 2 was cracked; Well 2 was currently off-line and Well 1 was pumping more than 16 hours per day; paint and miscellaneous items were stored with the water treatment chemicals; the monthly water audit calculations indicated water loss; fire flow and valve exercising records were not available for review; the outside of the storage tanks were showing signs of rusting; there was a wasp nest on the exterior of the Plant 1 building; and an updated emergency plan and procedures manual was not provided for review.

Action: The Individual/Entity is required to: correct the deficiencies and submit an updated procedures manual and emergency plan to the Department by February 1, 2023; sand and paint the storage tanks; flow test the fire hydrants and locate and exercise the valves and submit a report and system map to the Department February 1, 2023; and within one hundred eighty days of the Department's written approval of the report and system map, repair or replace all fire hydrants documented as inadequate or inoperable and exercise all of the valves located. The Department has assessed a total civil penalty in the amount of seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of seven thousand dollars (**\$7,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has hired an engineering firm to assist them with addressing the deficiencies, and they have applied for funding to refurbish the storage tanks, repair Well 1 and Well 2, and replace the existing water meters to allow for more accurate readings.

28) <u>Order Type and Number:</u>	Consent Order 23-001-DW
<u>Order Date:</u>	January 10, 2023
<u>Individual/Entity:</u>	Paula Smith and Theresa Redding, Individually and d.b.a. 1221 Main Street
<u>Facility:</u>	1221 Main Street
<u>Location:</u>	1221 Main Street West Columbia, SC 29170
<u>Mailing Address:</u>	707 Lakeside Drive Moncks Corner, SC 29461
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	3279031
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.7

Summary: Paula Smith and Theresa Redding, Individually and d.b.a. 1221 Main Street (Individual/Entity) own and are responsible for the proper operation and maintenance of a public water system (PWS) located in Lexington County, South Carolina. The Department conducted an inspection on October 12, 2022, 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 sanitary seal was rusted; the well pad was dirty; there was insect activity around the well appurtenances; the insulation was in disrepair; the well did not have a vent, lock to prevent unauthorized access, check valve, sample tap, or blow-off; there was exposed electrical wiring from the sanitary seal to the pressure switch box; the well casing and wellhead piping were too low

to the ground; there was overgrown vegetation surrounding the storage tank and wellhead piping; and the well serving the system was permitted as a residential well.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to resolve the deficiencies by April 21, 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 connect to Joint Municipal Water and Sewer Commission.

29) <u>Order Type and Number:</u>	Consent Order 23-002-DW
<u>Order Date:</u>	January 24, 2023
<u>Individual/Entity:</u>	Saluda Commission of Public Works
<u>Facility:</u>	Saluda Commission of Public Works
<u>Location:</u>	203 Greenwood Highway Saluda, SC 29138
<u>Mailing Address:</u>	P.O. Box 686 Saluda, SC 29138
<u>County:</u>	Saluda
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	4110001
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.7

Summary: Saluda Commission of Public Works (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Saluda County, South Carolina. The Department conducted an inspection on October 27, 2022, 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 chlorine residual was low in some of the dead-end areas of the distribution system; the cross connection control program was not current; all of the fire hydrants had not been flow tested in the last three years; all of the system valves had not been identified and exercised in 2022; and hydrant maintenance records and flushing records were not provided for Department review.

Action: The Individual/Entity is required to: submit a corrective action plan with a schedule to address the low chlorine residuals in the dead-end areas of the distribution system by May 1, 2023; submit an updated cross connection control program, flushing program, and fire hydrant maintenance program by May 1, 2023; identify and exercise all of the valves located within the Individual/Entity's service area and submit a written valve maintenance program by December 31, 2023; flow test all of the fire hydrants located within the Individual/Entity's service area and submit the test reports by December 31, 2023; repair or replace all inoperable valves and fire hydrants, within one hundred twenty (120) days of the date of the Department's written approval that the valves program and hydrant testing is complete; and identify all of the locations where backflow prevention devices are required, install them, test them, and submit the report by February 1, 2025. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) by May 1, 2023, and pay a stipulated penalty in the amount of two thousand dollars (\$2,000.00) should any requirement of the Order not be met.

Update: None

Water Pollution Enforcement

- 30) Order Type and Number: Consent Order 22-071-W
Order Date: December 8, 2022
Individual/Entity: **Orangeburg County**
Facility: Goodbys Creek WWTF
Location: 1 mile south of U.S. Hwy 301 and U.S. Highway 176 in Santee, SC
Mailing Address: P.O. Box 9000
Orangeburg, SC 29116
County: Orangeburg
Previous Orders: 21-013-W (\$6,000.00)
Permit/ID Number: ND0086461
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a).

Summary: Orangeburg County (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Orangeburg County, South Carolina. On May 17, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Total Suspended Solids (TSS) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for TSS.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by January 8, 2023; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) by January 8, 2023.

Update: The Individual/Entity has submitted notification of the completion date for corrective actions and has paid the assessed civil penalty.

- 31) Order Type and Number: Consent Order 22-072-W
Order Date: December 15, 2022
Individual/Entity: **Lowcountry Regional Water System**
Facility: Town of Yemassee WWTF
Location: east side of Town at the end of Railroad Ave
Hampton, SC 29924
Mailing Address: P.O. Box 647
Hampton, SC 29924-3516

County: Hampton County
Previous Orders: 22-030-W (\$2,800.00)
Permit/ID Number: SC0025950
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a)

Summary: Lowcountry Regional Water System (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Hampton County, South Carolina. On June 30, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for carbonaceous biochemical oxygen demand (CBOD5) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for CBOD5.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by January 15, 2023; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of one thousand four hundred dollars (\$1,400.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand four hundred dollars (**\$1,400.00**) by January 15, 2023.

Update: None

32) Order Type and Number: Consent Order 22-073-W
Order Date: December 15, 2022
Individual/Entity: **Lowcountry Regional Water System**
Facility: Town of Brunson WWTF
Location: Secondary Rd #69 at Coosawhatchie River
Brunson, SC 29911
Mailing Address: P.O. Box 647
Hampton, SC 29924-3516
County: Hampton
Previous Orders: 22-037-W (\$2,800.00)
Permit/ID Number: SC0023141
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a).

Summary: Lowcountry Regional Water System (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Hampton County, South Carolina. On September 28, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for total suspended solids percent removal (TSS%) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for TSS%.

Action: The Individual/Entity is required to: begin construction of the WWTF upgrade by June 1, 2023; submit an interim report of progress toward the completion of

construction by March 1, 2024; complete construction of the WWTF upgrade and request Final Approval to place in operation by November 1, 2024; and return to compliance with the effluent limitations contained in NPDES Permit SC0042382 by January 1, 2025. The Department has assessed a total civil penalty in the amount of twelve thousand, six hundred dollars (\$12,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, four hundred dollars (**\$1,400.00**) by January 15, 2023, and pay a stipulated penalty in the amount of eleven thousand, two hundred (\$11,200.00) should any requirement of the Order not be met.

Update: None.

33) Order Type and Number: Consent Order 23-001-W
Order Date: January 5, 2023
Individual/Entity: **Chester Sewer District**
Facility: Lando-Manetta Plant
Location: 3892 Edgeland Road
Richburg, SC 29729
Mailing Address: 3261 Lancaster Highway
Richburg, SC 29729
County: Chester
Previous Orders: None
Permit/ID Number: SC0001741
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a), and NPDES Permit SC0001741.

Summary: Chester Sewer District (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Chester County, South Carolina. On April 7, 2022, a Notice of Violation (NOV) was issued as a result of acute toxicity (ATOX) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the ATOX effluent limitations of its NPDES Permit SC0001741.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by March 6, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of 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 April 5, 2023.

Update: None.

34) Order Type and Number: Consent Order 23-002-W
Order Date: January 24, 2023
Individual/Entity: **Town of Harleyville**
Facility: Town of Harleyville WWTF
Location: Western end of Range Road off of Highway 89, Harleyville, S.C.

Mailing Address: P.O. Box 35
Harleyville, SC 29448
County: Dorchester
Previous Orders: 19-009-W (\$8,400.00)
Permit/ID Number: NPDES Permit SC0038504
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a).

Summary: The Town of Harleyville (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Dorchester County, South Carolina. On June 29, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Escherichia coli (E.coli) and total suspended solids percent removal (TSS%) as reported on discharge monitoring reports submitted to the Department. On September 21, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for total suspended solids (TSS) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for E. coli, TSS, and TSS%.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by February 24, 2023; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of thirteen thousand dollars (\$13,000.00). The Individual/Entity shall pay a civil penalty in the amount of thirteen thousand dollars (\$13,000.00) by February 24, 2023.

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

35) Order Type and Number: Consent Order 23-003-W
Order Date: January 24, 2023
Individual/Entity: **Beaufort Jasper Water & Sewer Authority**
Facility: Cherry Point WWTP
Location: Jasper, SC 29909
Mailing Address: 6 Snake Road
Okatie, SC 29909
County: Beaufort
Previous Orders: None
Permit/ID Number: SC0047279
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 SC0047279

Summary: Beaufort Jasper Water & Sewer Authority (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment facility in Beaufort County, South Carolina. On November 10, 2022, a Notice of Alleged Violation (NOAV) was issued as a result of Ammonia-Nitrogen (Ammonia) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has

violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with limitations of NPDES Permit SC0047279 for Ammonia.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by February 24, 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 two thousand, nine hundred seventy-five dollars (\$2,975.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, nine hundred seventy-five dollars (**\$2,975.00**) by February 24, 2023.

Update: None.

36) Order Type and Number: Consent Order 23-004-W
Order Date: January 24, 2023
Individual/Entity: **City of Sumter**
Facility: Sumter Pocotaligo River Plant
Location: Sumter, SC 29151
Mailing Address: 303 East Liberty Street
Sumter SC 29151
County: Sumter
Previous Orders: 20-036-W
Permit/ID Number: SC0027707
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 SC0027707

Summary: The City of Sumter (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment plant in Sumter County, South Carolina. On May 27, 2022, a Notice of Alleged Violation (NOAV) was issued as a result of Ammonia-Nitrogen (Ammonia) and chronic toxicity (CTOX) 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 SC0027707 for Ammonia and CTOX.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by February 24, 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 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 February 24, 2023.

Update: None.

BUREAU OF AIR QUALITY

37) Order Type and Number: Consent Order 22-021-A
Order Date: December 20, 2022
Individual/Entity: **Blue Frog Reclamation LLC d.b.a. Environmental Laboratories, Inc.**
Facility: **Environmental Laboratories, Inc.**
Location: 15 Sulphur Springs Road
Greenville SC, 29617
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 1200-0646
Violations Cited: S.C. Code Ann. Regs. 61-62.5, Standard No. 4; and S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*

Summary: Blue Frog Reclamation LLC d.b.a. Environmental Laboratories, Inc. (Individual/Entity), is a facility that that removes petroleum compounds from water at its facility located in Greenville County, South Carolina. On November 16, 2021, the Department conducted an inspection in response to complaints of heavy smoke emanating from the facility. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to limit opacity from the evaporator to 20%.

Action: The Individual/Entity is required to henceforth limit opacity to 20% for the evaporator. 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 hundred dollars (**\$400.00**) and pay a suspended penalty in the amount of three thousand, six hundred dollars (\$3,600.00) should any requirement of the Order not be met.

Update: The civil penalty has been paid.

38) Order Type and Number: Consent Order 22-022-A
Order Date: December 29, 2022
Individual/Entity: **Ulmer Brothers**
Facility: Ulmer Brothers
Location: 100 Stroup Lane
Bluffton, SC 29910
Mailing Address: P.O. Box 469
Bluffton, SC 29910
County: Beaufort
Previous Orders: None
Permit/ID Number: TV-560-0361
Violations Cited: U.S. EPA 40 CFR 70.5(a)(1)(iii), S.C. Code Ann. Regs 61-62.70.5(a)(1)(iii), and S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*

Summary: Ulmer Brothers (Individual/Entity) operate an air curtain incinerator (“ACI”) located in Beaufort County, South Carolina. The Department issued a Notice of Alleged Violation on November 30, 2022, for failure to submit the Title V Permit Renewal Application prior to expiration. The Individual/Entity has violated U.S. EPA Regulations

and the S.C. Air Pollution Control Regulations, as follows: failed to submit a timely Part 70 (Title V) Permit renewal application within six months prior to permit expiration.

Action: The Individual/Entity is required to: comply with all terms and conditions of the current TV Permit, until a new TV Permit can be issued. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) by January 28, 2023.

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

39) Order Type and Number: Consent Order 23-001-A
Order Date: January 5, 2023
Individual/Entity: **Cardin Foods, Inc**
Facility: **Cardin Foods, Inc**
Location: 4250 Orchard Park Boulevard
Spartanburg SC, 29303
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: General File (Upstate Region)
Violations Cited: S.C. Code Ann. Regs. 61-62.1, Sections II.A.1.a.

Summary: Cardin Foods, Inc (Individual/Entity), is a facility that fries, packages, and distributes potato chips, located in Spartanburg County, South Carolina. On July 23, 2021, the Department conducted an inspection in response to a complaint concerning potential air quality issues. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to apply for and obtain a construction permit prior to installing and operating a source of air contaminants.

Action: The Individual/Entity is required to: apply for an Air Quality Construction Permit by March 7, 2023. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (**\$400.00**) and pay a suspended penalty in the amount to three thousand, six hundred dollars (\$3,600.00) should any requirement of the Order not be met.

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

40) Order Type and Number: Consent Order 23-002-A
Order Date: January 18, 2023
Individual/Entity: **Sanders Brothers Construction Co., Inc.**
Facility: Sanders Brothers Construction Co., Inc.
Location: 181 Harley Street
North Charleston, SC 29419
Mailing Address: P.O. Box 60969
North Charleston, SC 29419
County: Charleston
Previous Orders: None
Permit/ID Number: 9900-0234

Violations Cited: U.S. EPA 40 CFR 60.92(a)(1), S.C. Code Ann. Regs. 61-62.60.92(a)(1), and S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*

Summary: Sanders Brothers (Individual/Entity) operates an asphalt plant located in Charleston County, South Carolina. The Department issued a Notice of Alleged Violation/Notice of Enforcement Conference on October 6, 2022, for exceedances of particulate matter (PM) emissions during Department approved performance tests conducted on June 20, 2022, July 20, 2022, and July 22, 2022. The Individual/Entity has violated the US EPA Regulations and the South Carolina Air Pollution Control Regulations, as follows: failed to limit PM emissions to 0.04 gr/dscf as required by their Permit.

Action: The Individual/Entity is required to henceforth limit PM emissions to 0.04 gr/dscf. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

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

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

Food Safety Enforcement

41) Order Type and Number: Administrative Order 22-172-FOOD
Order Date: January 5, 2023
Individual/Entity: **Marcos Abel Guadarrama Vergara**
Facility: El Bolillo Bakery
Location: 3223 West Blue Ridge Drive
Greenville, SC 29611
Mailing Address: 812 South Grove Street
Hendersonville, NC 28792
County: Greenville
Previous Orders: None
Permit Number: 23-206-11840
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Bolillo Bakery (Individual/Entity) operates a retail food establishment located in Greenville County, South Carolina. The Department conducted inspections on July 6, 2022, July 15, 2022, July 27, 2022, August 8, 2022, August 17, 2022, August 26, 2022, September 1, 2022, and September 13, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to maintain the sensor of a temperature measuring device in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of three thousand six hundred dollars (\$3,600.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand six hundred dollars (**\$3,600.00**).

Update: If payment is not received by 2/27/2023, the Department will issue a Notice of Intent to Suspend the retail food service permit due to failure to pay the assessed civil penalty.

42) Order Type and Number: Consent Order 22-223-FOOD
Order Date: December 1, 2022
Individual/Entity: **Waffle House Unit 1988**
Facility: Waffle House Unit 1988
Location: 1528 Highway 544
Conway, SC 29526
Mailing Address: P.O. Box 6450
Norcross, GA 30091
County: Horry
Previous Orders: None
Permit Number: 26-206-12425
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Waffle House Unit 1988 (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on September 6, 2022, September 12, 2022, and September 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

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

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

43) Order Type and Number: Consent Order 22-240-FOOD
Order Date: December 1, 2022
Individual/Entity: **Diane Hardee**
Facility: Ocean Fish Market
Location: 302 Kingston Street
Conway, SC 29527
Mailing Address: Same
County: Horry
Previous Orders: None

Permit Number: 26-206-07715
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ocean Fish Market (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on February 11, 2022, September 1, 2022, September 9, 2022, and September 15, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair; failed to clean the physical facilities as often as necessary to keep them clean; failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

Update: The Individual/Entity is registered to take the required certification class on February 28, 2023, to come into compliance with the Consent Order and regulation.

44) Order Type and Number: Consent Order 22-258-FOOD
Order Date: December 1, 2022
Individual/Entity: **Lizard's Thicket #05**
Facility: Lizard's Thicket #05
Location: 7569 St. Andrews Road
Irmo, SC 29063
Mailing Address: 1036 Market Street
Columbia, SC 29201
County: Lexington
Previous Orders: None
Permit Number: 32-206-00606
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lizard's Thicket #05 (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on November 23, 2021, May 3, 2022, and October 20, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

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

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

45) Order Type and Number: Consent Order 22-263-FOOD
Order Date: December 1, 2022
Individual/Entity: **Popeye's Louisiana Kitchen**
Facility: Popeye's Louisiana Kitchen
Location: 2115 West Evans Street
Florence, SC 29501
Mailing Address: 200 North Washington Street #320760
Alexandria, VA 22320
County: Florence
Previous Orders: None
Permit Number: 21-206-03018
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Popeye's Louisiana Kitchen (Individual/Entity) operates a retail food establishment located in Florence County, South Carolina. The Department conducted inspections on September 12, 2022, September 22, 2022, and September 29, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch.

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

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

46) Order Type and Number: Consent Order 22-265-FOOD
Order Date: December 1, 2022
Individual/Entity: **Academy of Hope**
Facility: Academy of Hope
Location: 3521 Juniper Bay Road
Conway, SC 29527
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-208-12148
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Academy of Hope (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 29, 2021, May 17, 2022, and September 20, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety

foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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

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

47) <u>Order Type and Number:</u>	Consent Order 22-269-FOOD
<u>Order Date:</u>	December 1, 2022
<u>Individual/Entity:</u>	Red's Ice House
<u>Facility:</u>	Red's Ice House
<u>Location:</u>	98 Church Street Mount Pleasant, SC 29464
<u>Mailing Address:</u>	100 Church Street Mt. Pleasant, SC 29464
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	10-206-05143
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Red's Ice House (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on April 20, 2022, April 29, 2022, May 6, 2022, and October 11, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to maintain the premises free of insects, rodents, and other pests; and failed to use effective methods to cool cooked time/temperature control for safety foods.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand four hundred dollars (\$1,400.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand four hundred dollars (**\$1,400.00**).

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

48) <u>Order Type and Number:</u>	Consent Order 22-238-FOOD
<u>Order Date:</u>	December 6, 2022
<u>Individual/Entity:</u>	Tacos Locos & Grill
<u>Facility:</u>	Tacos Locos & Grill
<u>Location:</u>	103 N. 12 th Street, Suite D West Columbia, SC 29169
<u>Mailing Address:</u>	Same
<u>County:</u>	Lexington

Previous Orders: 2019-206-03-111 (\$4,800.00);
2020-206-03-005 (\$2,000.00);
22-114-FOOD (\$500.00); and
22-205-FOOD (\$1,250.00)
Permit Number: 32-206-06745
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Tacos Locos & Grill (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on August 25, 2022, October 6, 2022, and October 13, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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

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

49) Order Type and Number: Consent Order 22-262-FOOD
Order Date: December 6, 2022
Individual/Entity: **Folly Beach Crab Shack**
Facility: Folly Beach Crab Shack
Location: 26 Center Street
Folly Beach, SC 29439
Mailing Address: P.O. Box 429
Folly Beach, SC 29439
County: Charleston
Previous Orders: None
Permit Number: 10-206-03318
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Folly Beach Crab Shack (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on August 10, 2022, August 16, 2022, and October 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep shellstock tags or labels attached to the container in which the shellstock are received, until the container is empty.

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

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

50) Order Type and Number: Consent Order 22-218-FOOD
Order Date: December 7, 2022
Individual/Entity: **Los Rosales Mexican Grocery Store**
Facility: Los Rosales Mexican Grocery Store
Location: 112 S. Catherine Street
Walhalla, SC 29691
Mailing Address: P.O. Box 853
County: Oconee
Previous Orders: None
Permit Number: 37-211-04159
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Los Rosales Mexican Grocery Store (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted inspections on September 8, 2022, September 16, 2022, and September 22, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

51) Order Type and Number: Consent Order 22-239-FOOD
Order Date: December 7, 2022
Individual/Entity: **Mercado Acapulco Market**
Facility: Mercado Acapulco Market
Location: 103 N. 12th Street
West Columbia, SC 29169
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: 32-206-06329
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mercado Acapulco Market (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on August 9, 2022, August 19, 2022, October 6, 2022, and October 13, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store foods in a manner to prevent cross contamination; failed to keep equipment food contact surfaces and utensils clean to sight and touch; failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to maintain the premises free of insects, rodents, and other pests; and

failed to ensure that surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand dollars (\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**).

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

52) <u>Order Type and Number:</u>	Consent Order 22-170-FOOD
<u>Order Date:</u>	December 12, 2022
<u>Individual/Entity:</u>	La Tejana
<u>Facility:</u>	La Tejana
<u>Location:</u>	1540 S. Murray Avenue Anderson, SC 29624
<u>Mailing Address:</u>	859 Main Street Central, SC 29630
<u>County:</u>	Anderson
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	04-206-04799
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: La Tejana (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on July 18, 2022, July 27, 2022, and August 2, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to use effective methods to cool cooked time/temperature control for safety foods.

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

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

53) <u>Order Type and Number:</u>	Consent Order 22-227-FOOD
<u>Order Date:</u>	December 12, 2022
<u>Individual/Entity:</u>	Tavern in the Forest
<u>Facility:</u>	Tavern in the Forest
<u>Location:</u>	4999 Carolina Forest Boulevard Myrtle Beach, SC 29579
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	22-58-FOOD (\$500.00)
<u>Permit Number:</u>	26-206-14064

Violations Cited:

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

Summary: Tavern in the Forest (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on April 4, 2022, August 31, 2022, and September 9, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

54)	<u>Order Type and Number:</u>	Consent Order 22-256-FOOD
	<u>Order Date:</u>	December 12, 2022
	<u>Individual/Entity:</u>	Anthony's Pizza and Pan Pasta
	<u>Facility:</u>	Anthony's Pizza and Pan Pasta
	<u>Location:</u>	2298 Glens Bay Road Surfside Beach, SC 29575
	<u>Mailing Address:</u>	1491 Medinah Lane Murrells Inlet, SC 29576
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	26-206-13191
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Anthony's Pizza and Pan Pasta (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 13, 2021, September 21, 2022, and September 28, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Update: The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

55)	<u>Order Type and Number:</u>	Consent Order 22-288-FOOD
	<u>Order Date:</u>	December 12, 2022
	<u>Individual/Entity:</u>	Los Paisanos Market
	<u>Facility:</u>	Los Paisanos Market

Location: 1505 Bachelor Street
West Columbia, SC 29169
Mailing Address: Same
County: Lexington
Previous Orders: 2019-206-03-110 (\$1,000.00); and
21-30-FOOD (\$1,000.00)
Permit Number: 32-206-05855
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Los Paisanos Market (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on November 1, 2021, November 10, 2021, October 26, 2022, and November 3, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the handwashing sinks were accessible at all times; failed to ensure that each handwashing sink or group of two (2) adjacent handwashing sinks was provided with a supply of hand cleaning, liquid, powder, or bar soap; and failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks.

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

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

56) Order Type and Number: Consent Order 22-290-FOOD
Order Date: December 12, 2022
Individual/Entity: **Flaming Grill Supreme Buffet**
Facility: Flaming Grill Supreme Buffet
Location: 115 Afton Court
Columbia, SC 29212
Mailing Address: Same
County: Lexington
Previous Orders: 21-12-FOOD (\$1,000.00);
21-28-FOOD (\$2,750.00); and
22-07-FOOD (\$1,250.00)
Permit Number: 32-206-06518
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Flaming Grill Supreme Buffet (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on September 12, 2022, September 16, 2022, and November 3, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

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

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

57) Order Type and Number: Consent Order 22-257-FOOD
Order Date: December 13, 2022
Individual/Entity: **Uma Halal Meat and Groceries**
Facility: Uma Halal Meat and Groceries
Location: 1599 Broad River Road
Columbia, SC 29210
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-09087
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Uma Halal Meat and Groceries (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on August 5, 2022, August 11, 2022, August 16, 2022, and September 28, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

58) Order Type and Number: Consent Order 22-267-FOOD
Order Date: December 13, 2022
Individual/Entity: **Hurricane Jules**
Facility: Hurricane Jules
Location: 4499 Mineola Avenue
Little River, SC 29566
Mailing Address: 1115 Golfview Drive
North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-14688
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hurricane Jules (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 11, 2022, October 18, 2022, and October 25, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

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

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

59)	<u>Order Type and Number:</u>	Consent Order 22-275-FOOD
	<u>Order Date:</u>	December 13, 2022
	<u>Individual/Entity:</u>	Gillie's Soul Food
	<u>Facility:</u>	Gillie's Soul Food
	<u>Location:</u>	805 Folly Road Charleston, SC 29412
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	10-206-10873
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Gillie's Soul Food (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on July 26, 2022, September 28, 2022, October 7, 2022, and October 11, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times; and obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand three hundred dollars (\$1,300.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand three hundred dollars (**\$1,300.00**).

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

60)	<u>Order Type and Number:</u>	Consent Order 22-94-FOOD
	<u>Order Date:</u>	December 14, 2022
	<u>Individual/Entity:</u>	Bodega Todo

Facility: Bodega Todo
Location: 218 President Street
Charleston, SC 29403
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit Number: 10-206-11453
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bodega Todo (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on April 4, 2022, April 11, 2022, and June 14, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

61) Order Type and Number: Consent Order 22-253-FOOD
Order Date: December 14, 2022
Individual/Entity: **Spice Palette Indian Cuisine**
Facility: Spice Palette Indian Cuisine
Location: 1220 Ben Sawyer Boulevard, Suite 1
Mt. Pleasant, SC 29464
Mailing Address: 4 Darrens Way
Albany, NY 12205
County: Charleston
Previous Orders: 22-150-FOOD (\$800.00)
Permit Number: 10-206-13506
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Spice Palette Indian Cuisine (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted an inspection on September 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

62)	<u>Order Type and Number:</u>	Consent Order 22-307-FOOD
	<u>Order Date:</u>	December 15, 2022
	<u>Individual/Entity:</u>	Charleston Sports Pub
	<u>Facility:</u>	Charleston Sports Pub
	<u>Location:</u>	359 College Avenue Clemson, SC 29631
	<u>Mailing Address:</u>	1227 Yeamans Hall Road Hanahan, SC 29410
	<u>County:</u>	Pickens
	<u>Previous Orders:</u>	2019-206-02-054 (\$600.00); 2019-206-02-069 (\$500.00); 22-96-FOOD (\$1,000.00); and 22-202-FOOD (\$2,500.00)
	<u>Permit Number:</u>	39-206-02077
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Charleston Sports Pub (Individual/Entity) operates a retail food establishment located in Pickens County, South Carolina. The Department conducted inspections on November 2, 2022, November 3, 2022, November 4, 2022, and November 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; failed to clean non-food contact surfaces at a frequency to preclude accumulation of soil residues; failed to clean the physical facilities as often as necessary to keep them clean; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**).

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

63)	<u>Order Type and Number:</u>	Consent Order 22-111-FOOD
	<u>Order Date:</u>	January 3, 2023
	<u>Individual/Entity:</u>	IHOP #3141
	<u>Facility:</u>	IHOP #3141
	<u>Location:</u>	4936 Centre Point Drive North Charleston, SC 29418
	<u>Mailing Address:</u>	809 2 nd Loop Road Florence, SC 29505
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	10-206-05892
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: IHOP #3141 (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on May 2, 2022, June 1, 2022, June 10, 2022, and June 20, 2022. The Individual/Entity has

violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**).

Update: On February 24, 2023, the Department Issued a Payment Demand letter regarding the unpaid civil penalty.

64) <u>Order Type and Number:</u>	Consent Order 22-134-FOOD
<u>Order Date:</u>	January 3, 2023
<u>Individual/Entity:</u>	El Rinconcito Salvadoreno
<u>Facility:</u>	El Rinconcito Salvadoreno
<u>Location:</u>	4019 Highway 17 South North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	2019-206-06-157 (\$3,000.00)
<u>Permit Number:</u>	26-206-12760
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: El Rinconcito Salvadoreno (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on January 10, 2022, June 20, 2022, June 30, 2022, July 8, 2022, July 18, 2022, and July 28, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; failed to use effective methods to cool cooked time/temperature control for safety foods; and failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**).

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

65) <u>Order Type and Number:</u>	Consent Order 22-163-FOOD
<u>Order Date:</u>	January 3, 2023
<u>Individual/Entity:</u>	Dunkin Donuts
<u>Facility:</u>	Dunkin Donuts
<u>Location:</u>	593 Highway 90 Little River, SC 29566

Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-11032
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Dunkin Donuts (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted a site visit on August 18, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

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

Update: On February 24, 2023, the Department Issued a Payment Demand letter regarding the unpaid civil penalty.

66) Order Type and Number: Consent Order 22-189-FOOD
Order Date: January 3, 2023
Individual/Entity: **Flip Flops Bar & Grill**
Facility: Flip Flops Bar & Grill
Location: 9619 Shore Drive
Myrtle Beach, SC 29572
Mailing Address: 1001 Post Oak Street
Myrtle Beach, SC 29579
County: Horry
Previous Orders: None
Permit Number: 26-206-14045
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Flip Flops Bar & Grill (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on January 6, 2022, February 1, 2022, July 12, 2022, and August 16, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**).

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

67)	<u>Order Type and Number:</u> <u>Order Date:</u> <u>Individual/Entity:</u> <u>Facility:</u> <u>Location:</u> <u>Mailing Address:</u> <u>County:</u> <u>Previous Orders:</u> <u>Permit Number:</u> <u>Violations Cited:</u>	Consent Order 22-224-FOOD January 3, 2023 China Buffet China Buffet 1015 Church Street Conway, SC 29526 Same Horry 2019-206-06-142 (\$800.00); 22-52-FOOD (\$3,250.00); and 22-130-FOOD (\$1,000.00) 26-206-11146 S.C. Code Ann. Regs. 61-25
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Summary: China Buffet (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted an inspection on September 7, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

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

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

68)	<u>Order Type and Number:</u> <u>Order Date:</u> <u>Individual/Entity:</u> <u>Facility:</u> <u>Location:</u> <u>Mailing Address:</u> <u>County:</u> <u>Previous Orders:</u> <u>Permit Number:</u> <u>Violations Cited:</u>	Consent Order 22-230-FOOD January 3, 2023 Fatz Fatz 1302 Montague Avenue Greenwood, SC 29649 1361 W. Wade Hampton Blvd., Suite F, #6 Greer, SC 29650 Greenwood 22-09-FOOD (\$800.00) 24-206-03159 S.C. Code Ann. Regs. 61-25
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Summary: Fatz (Individual/Entity) operates a retail food establishment located in Greenwood County, South Carolina. The Department conducted inspections on January 11, 2022, February 16, 2022, April 26, 2022, May 3, 2022, and August 23, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch; and failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

Update: The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

69) Order Type and Number: Consent Order 22-231-FOOD
Order Date: January 3, 2023
Individual/Entity: **Putters Pub**
Facility: Putters Pub
Location: 5183 Barefoot Bridge Road
North Myrtle Beach, SC 29582
Mailing Address: 2180 Waterview Drive, Unit 1011
North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-14452
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Putters Pub (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on July 19, 2022, September 15, 2022, and September 23, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch.

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

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

70) Order Type and Number: Consent Order 22-246-FOOD
Order Date: January 3, 2023
Individual/Entity: **Sushi and Hibachi to Go**
Facility: Sushi and Hibachi to Go
Location: 1100-B Elmwood Avenue
Columbia, SC 29201
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-06623
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Sushi and Hibachi to Go (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted

inspections on July 27, 2022, September 27, 2022, and October 3, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

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

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

71)	<u>Order Type and Number:</u>	Consent Order 22-247-FOOD
	<u>Order Date:</u>	January 3, 2023
	<u>Individual/Entity:</u>	Savemore
	<u>Facility:</u>	Savemore
	<u>Location:</u>	671 Bypass 123 Seneca, SC 29678
	<u>Mailing Address:</u>	300 Abbey Court Alpharetta, GA 30004
	<u>County:</u>	Oconee
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	37-206-01020
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Savemore (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted inspections on September 14, 2022, September 22, 2022, September 29, 2022, and October 7, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

72)	<u>Order Type and Number:</u>	Consent Order 22-260-FOOD
	<u>Order Date:</u>	January 3, 2023
	<u>Individual/Entity:</u>	Saltaire Coastal Kitchen & Bar
	<u>Facility:</u>	Saltaire Coastal Kitchen & Bar
	<u>Location:</u>	1601 North Ocean Boulevard Surfside Beach, SC 29575
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None

Permit Number: 26-206-14506
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Saltaire Coastal Kitchen & Bar (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on January 10, 2022, September 26, 2022, and October 6, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

73) Order Type and Number: Consent Order 22-266-FOOD
Order Date: January 3, 2023
Individual/Entity: **Circle K #2723062**
Facility: Circle K #2723062
Location: 1611 Highway 17 South
Surfside Beach, SC 29575
Mailing Address: 1100 Situs Court, Suite 100
Raleigh, NC 27606
County: Horry
Previous Orders: None
Permit Number: 26-206-14088
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Circle K #2723062 (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on July 27, 2022, August 5, 2022, August 15, 2022, and August 25, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

74) Order Type and Number: Consent Order 22-276-FOOD
Order Date: January 3, 2023

<u>Individual/Entity:</u>	Tides
<u>Facility:</u>	Tides
<u>Location:</u>	1 Center Street Folly Beach, SC 29439
<u>Mailing Address:</u>	P. O. Box 68 Folly Beach, SC 29439
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	10-206-06520
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Tides (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on March 16, 2022, July 11, 2022, July 21, 2022, and September 19, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand eight hundred dollars (\$1,800.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand eight hundred dollars (**\$1,800.00**).

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

75) <u>Order Type and Number:</u>	Consent Order 22-280-FOOD
<u>Order Date:</u>	January 3, 2023
<u>Individual/Entity:</u>	El Cerro Mexican Bar & Grill
<u>Facility:</u>	El Cerro Mexican Bar & Grill
<u>Location:</u>	2738 Beaver Run Boulevard Surfside Beach, SC 29575
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-12221
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: El Cerro Mexican Bar & Grill (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on May 19, 2022, October 11, 2022, and October 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-

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

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

76) Order Type and Number: Consent Order 22-300-FOOD
Order Date: January 3, 2023
Individual/Entity: **Stop-A-Minit #13**
Facility: Stop-A-Minit #13
Location: 943 Highway 252
Belton, SC 29627
Mailing Address: 1015 Thornhill Drive
Anderson, SC 29621
County: Anderson
Previous Orders: None
Permit Number: 04-206-03286
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Stop-A-Minit #13 (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on March 28, 2022, October 20, 2022, October 26, 2022, and October 31, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

77) Order Type and Number: Consent Order 22-303-FOOD
Order Date: January 3, 2023
Individual/Entity: **Hibachi Express**
Facility: Hibachi Express
Location: 2313 Beltline Boulevard
Columbia, SC 29204
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-06932
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hibachi Express (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on October 18, 2022, October 28, 2022, and November 3, 2022. The Individual/Entity has

violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide water at a temperature of at least 100°F through a mixing valve or combination faucet at the handwashing sink(s).

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

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

78) Order Type and Number: Consent Order 22-308-FOOD
Order Date: January 3, 2023
Individual/Entity: **Fatz**
Facility: Fatz
Location: 3575 St. Matthews Road
Orangeburg, SC 29687
Mailing Address: 1361 W. Wade Hampton Blvd., Suite F, #6
Greer, SC 29650
County: Orangeburg
Previous Orders: None
Permit Number: 38-206-02763
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fatz (Individual/Entity) operates a retail food establishment located in Orangeburg County, South Carolina. The Department conducted inspections on June 21, 2022, November 16, 2022, November 22, 2022, and December 1, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**).

Update: The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

79) Order Type and Number: Consent Order 22-309-FOOD
Order Date: January 3, 2023
Individual/Entity: **Golden Corral #2521**
Facility: Golden Corral #2521
Location: 3546 Clemson Boulevard
Anderson, SC 29621
Mailing Address: 9541 Julian Clark Avenue, Suite 210
Huntersville, NC 28078

County: Anderson
Previous Orders: None
Permit Number: 04-206-03292
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Golden Corral #2521 (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on September 19, 2022, September 29, 2022, November 7, 2022, November 16, 2022, and November 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand two hundred dollars (\$1,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**).

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

80) Order Type and Number: Consent Order 22-310-FOOD
Order Date: January 3, 2023
Individual/Entity: **Church's Chicken #821**
Facility: Church's Chicken #821
Location: 4000 North Main Street
Columbia, SC 29203
Mailing Address: 980 Hammond Drive, Suite 1100
Atlanta, GA 30328
County: Richland
Previous Orders: 22-215-FOOD (\$400.00)
Permit Number: 40-206-08216
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Church's Chicken #821 (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted an inspection on November 28, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clean non-food contact surfaces at a frequency to preclude accumulation of soil residues; and failed to clean the physical facilities as often as necessary to keep them clean.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two hundred fifty dollars (\$250.00). The Individual/Entity shall pay a civil penalty in the amount of two hundred fifty dollars (**\$250.00**).

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

81) Order Type and Number: Consent Order 22-187-FOOD

<u>Order Date:</u>	January 5, 2023
<u>Individual/Entity:</u>	Robert Abudayya
<u>Facility:</u>	Citi-Mart
<u>Location:</u>	508 West Liberty Street Marion, SC 29571
<u>Mailing Address:</u>	Same
<u>County:</u>	Marion
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	33-206-01322
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Citi-Mart (Individual/Entity) operates a retail food establishment located in Marion County, South Carolina. The Department conducted inspections on March 30, 2022, July 12, 2022, July 22, 2022, August 1, 2022, and August 11, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that all equipment installed in a retail food establishment after the effective date of this regulation shall be certified or classified and listed to National Sanitation Foundation (NSF)/American National Standards Institute (ANSI) Commercial Food Equipment Standards, or Baking Industry Sanitation Standards Committee (BISSC) or other accredited ANSI food equipment sanitation certification recognized by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Individual/Entity is required to within ten (10) days of the execution date of this Consent Order, correct all outstanding violations identified in the "Findings of Fact". The Department has assessed a total civil penalty in the amount of six hundred dollars (\$600.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

Update: On February 24, 2023, the Department Issued a Payment Demand letter regarding the unpaid civil penalty.

82) <u>Order Type and Number:</u>	Consent Order 22-188-FOOD
<u>Order Date:</u>	January 5, 2023
<u>Individual/Entity:</u>	Myrna Family Restaurant
<u>Facility:</u>	IHOP #3317
<u>Location:</u>	100 Legends Drive Myrtle Beach, SC 29579
<u>Mailing Address:</u>	809 2 nd Loop Road Florence, SC 29505
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-11499
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: IHOP #3317 (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March

4, 2022, August 2, 2022, August 11, 2022, and August 19, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that equipment is maintained in a state of repair and condition that meets the regulation requirements.

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

Update: On February 24, 2023, the Department has issued a Legal Demand Letter to the Individual/Entity regarding the non-compliance with the violations identified in the Consent Order as well as failure to pay the assessed civil penalty.

83) <u>Order Type and Number:</u>	Consent Order 22-241-FOOD
<u>Order Date:</u>	January 5, 2023
<u>Individual/Entity:</u>	Nickolas Carpio
<u>Facility:</u>	Jade Hibachi
<u>Location:</u>	201 Graduate Road, Unit 107 Conway, SC 29526
<u>Mailing Address:</u>	104 Jessica Lakes Drive Conway, SC 29526
<u>County:</u>	Horry
<u>Previous Orders:</u>	22-11-FOOD (\$1,750.00)
<u>Permit Number:</u>	26-206-10472
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Jade Hibachi (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on July 12, 2022, July 19, 2022, September 7, 2022, September 14, 2022, September 23, 2022, and October 18, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

Update: On February 24, 2023, the Department has issued a Legal Demand Letter to the Individual/Entity regarding the non-compliance with the violations identified in the Consent Order as well as failure to pay the assessed civil penalty.

84) Order Type and Number: Consent Order 22-242-FOOD
Order Date: January 5, 2023
Individual/Entity: **BGR Fication North Myrtle Beach, LLC**
Facility: Burgerfi of NMB
Location: 801 Main Street
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13629
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Burgerfi of NMB (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on November 18, 2021, June 22, 2022, July 1, 2022, and October 4, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure floors, floor coverings, walls, wall coverings, and ceilings were designed, constructed, and installed so they are smooth and easily cleanable; and failed to ensure that in retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one (1) thirty-second inch (1 mm).

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

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

85) Order Type and Number: Consent Order 22-270-FOOD
Order Date: January 5, 2023
Individual/Entity: **Dhruv Patel**
Facility: Ken's Corner 9
Location: 110 Warren Avenue
Lamar, SC 29069
Mailing Address: 226 Hawthorn Lane
Cheraw, SC 29520
County: Darlington
Previous Orders: None
Permit Number: 16-206-03304
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ken's Corner 9 (Individual/Entity) operates a retail food establishment located in Darlington County, South Carolina. The Department conducted inspections on September 17, 2021, September 12, 2022, September 22, 2022, and October 3, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information

through passing a test that is part of an accredited program; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

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

86) <u>Order Type and Number:</u>	Consent Order 22-271-FOOD
<u>Order Date:</u>	January 5, 2023
<u>Individual/Entity:</u>	Beachwood Golf Corporation
<u>Facility:</u>	Beachwood Golf Corporation
<u>Location:</u>	1520 Highway 17 South North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-13032
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Beachwood Golf Corporation (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on February 2, 2022, September 28, 2022, October 7, 2022, and October 17, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

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

87) <u>Order Type and Number:</u>	Consent Order 22-272-FOOD
<u>Order Date:</u>	January 5, 2023
<u>Individual/Entity:</u>	Ronald Fountain

Facility: Fountain's Grocery
Location: 3438 Bethune Highway
Bishopville, SC 29010
Mailing Address: Same
County: Lee
Previous Orders: None
Permit Number: 31-206-06045
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fountain's Grocery (Individual/Entity) operates a retail food establishment located in Lee County, South Carolina. The Department conducted inspections on May 18, 2022, July 13, 2022, July 21, 2022, and November 1, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

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

88) Order Type and Number: Consent Order 22-285-FOOD
Order Date: January 5, 2023
Individual/Entity: **JBM of NMB Inc.**
Facility: Good Fellas Seafood Hut & Bar
Location: 4505 Highway 17 South
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-11656
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Good Fellas Seafood Hut & Bar (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March 23, 2022, October 12, 2022, October 20, 2022, and October 27, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

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

89) Order Type and Number: Consent Order 22-298-FOOD
Order Date: January 5, 2023
Individual/Entity: **Anderson BP**
Facility: Anderson BP
Location: 4500 Highway 81 North
Anderson, SC 29621
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit Number: 04-206-04089
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Anderson BP (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on October 24, 2022, November 3, 2022, and November 10, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

90) Order Type and Number: Consent Order 22-299-FOOD
Order Date: January 5, 2023
Individual/Entity: **Lowery Food Mart #5**
Facility: Lowery Food Mart #5
Location: 1698 Wells Highway
Seneca, SC 29678
Mailing Address: Same
County: Oconee
Previous Orders: None
Permit Number: 37-206-01058
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lowery Food Mart #5 (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted

inspections on October 7, 2022, October 17, 2022, and October 27, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

91) <u>Order Type and Number:</u>	Consent Order 22-264-FOOD
<u>Order Date:</u>	January 6, 2023
<u>Individual/Entity:</u>	Kings Sushi
<u>Facility:</u>	Kings Sushi
<u>Location:</u>	112 Highway 17 North Surfside Beach, SC 29575
<u>Mailing Address:</u>	224 Haley Lane Conway, SC 29527
<u>County:</u>	Horry
<u>Previous Orders:</u>	2019-206-06-152 (\$800.00)
<u>Permit Number:</u>	26-206-13054
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Kings Sushi (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March 8, 2022, September 26, 2022, and October 6, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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

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

92) <u>Order Type and Number:</u>	Consent Order 22-268-FOOD
<u>Order Date:</u>	January 6, 2023
<u>Individual/Entity:</u>	Ruby Tuesday #4467
<u>Facility:</u>	Ruby Tuesday #4467
<u>Location:</u>	1480 Sniders Highway Walterboro, SC 29488
<u>Mailing Address:</u>	P. O. Box 78199 Wichita, KS 67278

County: Colleton
Previous Orders: 22-92-FOOD (\$1,600.00)
Permit Number: 15-206-00449
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ruby Tuesday #4467 (Individual/Entity) operates a retail food establishment located in Colleton County, South Carolina. The Department conducted an inspection on October 20, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

93) Order Type and Number: Consent Order 22-278-FOOD
Order Date: January 6, 2023
Individual/Entity: **Samantha's Mexican Restaurant**
Facility: Samantha's Mexican Restaurant
Location: 2518-B E North Street
Greenville, SC 29615
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-10624
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Samantha's Mexican Restaurant (Individual/Entity) operates a retail food establishment located in Greenville County, South Carolina. The Department conducted inspections on November 29, 2021, December 6, 2021, October 19, 2022, and October 27, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; failed to use effective methods to cool cooked time/temperature control for safety foods; and failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars **(\$1,600.00)**.

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

94) Order Type and Number: Consent Order 22-295-FOOD
Order Date: January 6, 2023
Individual/Entity: **Food Lion #916 Deli**
Facility: Food Lion #916 Deli
Location: 1903 Highway 544
Conway, SC 29526
Mailing Address: 1149 Harrisburg Pike
Carlisle, PA 17013
County: Horry
Previous Orders: None
Permit Number: 26-206-01874
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Food Lion #916 Deli (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 5, 2022, October 14, 2022, and October 24, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

95) Order Type and Number: Consent Order 22-245-FOOD
Order Date: January 9, 2023
Individual/Entity: **Country Inn & Suites**
Facility: Country Inn & Suites
Location: 414 Piney Grove Road
Columbia, SC 29212
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: 32-206-05716
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Country Inn & Suites (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on September 22, 2022, September 29, 2022, October 7, 2022, October 14, 2022, and October 24, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide a written plan for the restriction, exclusion and re-instatement of food employees when they have symptoms and/or diseases that are transmissible through food; failed to ensure that the retail food establishment had written procedures for employees to follow when responding to vomiting or diarrheal events, that involve the discharge of vomitus or fecal matter onto surfaces in the retail food establishment; failed to ensure that each handwashing sink or group of two (2) adjacent handwashing sinks was provided with a supply of hand cleaning,

liquid, powder or bar soap; failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to provide a temperature measuring device required for the immersion into food; and failed to provide a test kit or other device that accurately measures the concentration of MG/L of sanitizing solutions.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of three thousand four hundred dollars (\$3,400.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand four hundred dollars (**\$3,400.00**).

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

96) <u>Order Type and Number:</u>	Consent Order 22-293-FOOD
<u>Order Date:</u>	January 9, 2023
<u>Individual/Entity:</u>	Hong Kong Chinese
<u>Facility:</u>	Hong Kong Chinese
<u>Location:</u>	2274 Highway 501 East Conway, SC 29526
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	22-122-FOOD (\$800.00)
<u>Permit Number:</u>	26-206-13154
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Hong Kong Chinese (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted an inspection on October 25, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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

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

97) <u>Order Type and Number:</u>	Consent Order 22-281-FOOD
<u>Order Date:</u>	January 10, 2023
<u>Individual/Entity:</u>	Margarita's
<u>Facility:</u>	Margarita's
<u>Location:</u>	490 2 nd Loop Road

	Florence, SC 29505
<u>Mailing Address:</u>	Same
<u>County:</u>	Florence
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	21-206-01645
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Margarita's (Individual/Entity) operates a retail food establishment located in Florence County, South Carolina. The Department conducted inspections on December 1, 2021, March 4, 2022, and October 14, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

98)	<u>Order Type and Number:</u>	Consent Order 22-329-FOOD
	<u>Order Date:</u>	January 17, 2023
	<u>Individual/Entity:</u>	Zaxby's
	<u>Facility:</u>	Zaxby's
	<u>Location:</u>	2819 Paxville Highway Manning, SC 29102
	<u>Mailing Address:</u>	928 Seabrook Court Lexington, SC 29072
	<u>County:</u>	Clarendon
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	14-206-00573
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Zaxby's (Individual/Entity) operates a retail food establishment located in Clarendon County, South Carolina. The Department conducted inspections on December 2, 2022, December 12, 2022, and December 20, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

99) Order Type and Number: Consent Order 22-273-FOOD
Order Date: January 18, 2023
Individual/Entity: **Ryan Miller and Robert Laben**
Facility: Tropical Smoothie Café
Location: 1400 Highway 17 North, Unit 4
North Myrtle Beach, SC 29582
Mailing Address: 30 Cypress Creek Drive
Murrells Inlet, SC 29576
County: Horry
Previous Orders: None
Permit Number: 26-206-13134
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Tropical Smoothie Café (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on January 12, 2022, September 19, 2022, September 29, 2022, and October 7, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

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

100) Order Type and Number: Consent Order 22-306-FOOD
Order Date: January 19, 2023
Individual/Entity: **Logan's Roadhouse**
Facility: Logan's Roadhouse
Location: 3402 Clemson Boulevard
Anderson, SC 29621
Mailing Address: 845 Briarwood Drive
Myrtle Beach, SC 29572
County: Anderson
Previous Orders: None
Permit Number: 04-206-03078
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Logan's Roadhouse (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on April 28, 2022, October 13, 2022, October 14, 2022, October 20, 2022, October 26, 2022, November 4, 2022, November 10, 2022, November 16, 2022, November 23, 2022, December 2, 2022, and December 9, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands; failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times; failed to keep equipment food contact surfaces and utensils clean to sight and touch; and failed to maintain the premises free of insects, rodents, and other pests.

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

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

101) <u>Order Type and Number:</u>	Consent Order 22-250-FOOD
<u>Order Date:</u>	January 20, 2023
<u>Individual/Entity:</u>	T W Boon's
<u>Facility:</u>	T W Boon's
<u>Location:</u>	405 Main Street Greenwood, SC 29646
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenwood
<u>Previous Orders:</u>	22-193-FOOD (\$800.00)
<u>Permit Number:</u>	24-206-01680
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: T W Boon's (Individual/Entity) operates a retail food establishment located in Greenwood County, South Carolina. The Department conducted inspections on July 27, 2022, July 28, 2022, September 27, 2022, and November 9, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands; and failed to ensure that the handwashing sinks were accessible at all times.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand dollars (\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**).

Update: The Department has entered into a payment plan with the Individual/Entity for the civil penalty.

102) Order Type and Number: Consent Order 22-283-FOOD
Order Date: January 20, 2023
Individual/Entity: **NTR Group, LLC**
Facility: Cici's Pizza
Location: 3550 Northgate Road
Myrtle Beach, SC 29577
Mailing Address: 430 Ramsey Street, Suite 106
Fayetteville, NC 28302
County: Horry
Previous Orders: 2020-206-06-001 (\$1,000.00)
Permit Number: 26-206-10030
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Cici's Pizza (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March 2, 2022, October 11, 2022, October 21, 2022, and November 1, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of 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.

103) Order Type and Number: Consent Order 22-301-FOOD
Order Date: January 20, 2023
Individual/Entity: **Bojangles #951**
Facility: Bojangles #951
Location: 656 Highway 28 Bypass
Anderson, SC 29626
Mailing Address: 7750 N. MacArthur Blvd., Suite 120-223
Irving, TX 75063
County: Anderson
Previous Orders: 21-37-FOOD (\$2,400.00)
Permit Number: 04-206-04728
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles #951 (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on July 6, 2022, July 18, 2022, and October 25, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

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

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

104) Order Type and Number: Consent Order 22-304-FOOD
Order Date: January 20, 2023
Individual/Entity: **KJ's Market Deli/Bakery**
Facility: KJ's Market Deli/Bakery
Location: 133 US Highway 321 Bypass S
Winnsboro, SC 29180
Mailing Address: P. O. Box 1629
Lake City, SC 29560
County: Fairfield
Previous Orders: None
Permit Number: 20-206-01681
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: KJ's Market Deli/Bakery (Individual/Entity) operates a retail food establishment located in Fairfield County, South Carolina. The Department conducted inspections on November 14, 2022, November 15, 2022, and November 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

105) Order Type and Number: Consent Order 21-252-FOOD
Order Date: January 23, 2023
Individual/Entity: **Denny's**
Facility: Denny's
Location: 5901 Fairfield Road
Columbia, SC 29203
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-07450
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Denny's (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on November 10, 2021, October 5, 2022, October 14, 2022, October 20, 2022, and October 28, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clean non-food contact surfaces at a frequency to preclude

accumulation of soil residues; and failed to clean the physical facilities as often as necessary to keep them clean.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of six hundred dollars (\$600.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

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

106)	<u>Order Type and Number:</u>	Consent Order 22-294-FOOD
	<u>Order Date:</u>	January 24, 2023
	<u>Individual/Entity:</u>	Dragon Pan
	<u>Facility:</u>	Dragon Pan
	<u>Location:</u>	201 Fresh Drive, Suite B Myrtle Beach, SC 29579
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	22-131-FOOD (\$1,000.00)
	<u>Permit Number:</u>	26-206-12805
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Dragon Pan (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on June 29, 2022, June 30, 2022, and October 25, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

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

Update: If payment is not received by March 1, 2023, the Department will issue a Payment Demand letter to the Individual/Entity.

107)	<u>Order Type and Number:</u>	Consent Order 22-328-FOOD
	<u>Order Date:</u>	January 24, 2023
	<u>Individual/Entity:</u>	Joey Doggs
	<u>Facility:</u>	Joey Doggs
	<u>Location:</u>	1818 Highway 17 North Surfside Beach, SC 29575
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	26-206-14201

Violations Cited:

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

Summary: Joey Doggs (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on September 20, 2021, August 4, 2022, and November 30, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clearly mark the date by which food shall be consumed on the premises, sold, or discarded when held at a temperature of 41degrees F or less for a maximum of seven (7) days. This applies only to refrigerated, ready-to-eat, time/temperature control for safety foods prepared and held in a food establishment for more than twenty-four (24) hours.

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

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

108) <u>Order Type and Number:</u>	Consent Order 22-311-FOOD
<u>Order Date:</u>	January 26, 2023
<u>Individual/Entity:</u>	The Clubhouse
<u>Facility:</u>	The Clubhouse
<u>Location:</u>	77 Highway 17 North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-14584
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: The Clubhouse (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on April 14, 2022, October 25, 2022, and November 4, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

109) <u>Order Type and Number:</u>	Consent Order 22-312-FOOD
<u>Order Date:</u>	January 26, 2023
<u>Individual/Entity:</u>	8th Avenue Tiki Bar and Grille
<u>Facility:</u>	8 th Avenue Tiki Bar and Grille

Location: 708 North Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-12192
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: 8th Avenue Tiki Bar and Grille (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on June 23, 2022, November 15, 2022, and November 23, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

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

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

110) Order Type and Number: Consent Order 22-277-FOOD
Order Date: January 31, 2023
Individual/Entity: **Impact Hospitality Two Notch**
Facility: Fazoli's
Location: 7621 Two Notch Road
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-08809
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fazoli's (Individual/Entity) operates a retail food establishment located in Richland County, South Carolina. The Department conducted inspections on October 3, 2022, October 20, 2022, October 28, 2022, November 7, 2022, November 16, 2022, and November 22, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**).

Update: On February 17, 2023, the Department has issued a Legal Demand Letter to the Individual/Entity regarding the non-compliance with the violations identified in the Consent Order.

111) <u>Order Type and Number:</u>	Consent Order 22-289-FOOD
<u>Order Date:</u>	January 31, 2023
<u>Individual/Entity:</u>	Diane Hardee
<u>Facility:</u>	Shelley's Seafood
<u>Location:</u>	1515 3 rd Avenue Conway, SC 29526
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-12080
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Shelley's Seafood (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on February 18, 2022, September 14, 2022, September 23, 2022, and November 10, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; and failed to ensure that at all times during operation, the person in charge shall be a certified food handler or a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

Update: The Individual/Entity is registered to take the required certification class on February 28, 2023, to come into compliance with the Consent Order and regulation.

On-Site Wastewater Enforcement

112) <u>Order Type and Number:</u>	Administrative Order 22-062-OSWW
<u>Order Date:</u>	November 17, 2022
<u>Individual/Entity:</u>	Jacob Lindsey Price and Meredith C. Price
<u>Facility:</u>	Jacob Lindsey Price and Meredith C. Price
<u>Location:</u>	129 Chad Court Anderson, SC 29621
<u>Mailing Address:</u>	Same
<u>County:</u>	Anderson
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Jacob Lindsey Price and Meredith C. Price (Individual/Entity) own property located in Anderson County, South Carolina. The Department conducted an investigation on July 29, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

Update: On February 14, 2023, Department personnel confirmed with the licensed OSWW contractor that repairs had been made to the OSWW system. Department program personnel have been asked to verify, but have been unable to visit the site due to recent increased rainfall. Department program personnel will monitor the weather and visit the property to confirm repairs as soon as possible.

113) <u>Order Type and Number:</u>	Administrative Order 22-063-OSWW
<u>Order Date:</u>	December 1, 2022
<u>Individual/Entity:</u>	Equity Trust Company Custodian
<u>Facility:</u>	Equity Trust Company Custodian
<u>Location:</u>	11124 Monticello Road Winnsboro, SC 29180
<u>Mailing Address:</u>	618 Riverdale Court Chapin, SC 29036
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Equity Trust Company Custodian (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on October 5, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

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

114) Order Type and Number: Administrative Order 22-065-OSWW
Order Date: January 5, 2023
Individual/Entity: **Eric Whitfield and Alisha Whitfield**
Facility: Eric Whitfield and Alisha Whitfield
Location: 207 Autumn Eve Drive
Mountain Rest, SC 29664
Mailing Address: Same
County: Oconee
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Eric Whitfield and Alisha Whitfield (Individual/Entity) own property located in Oconee County, South Carolina. The Department conducted an investigation on April 15, 2022, and were informed that no approved OSWW system was installed at the site. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no building or dwelling was occupied for more than two hours per day without an approved means of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to apply for a permit to construct an OSWW system within five (5) days of the order and install the permitted OSWW system within ten days of the issuance of a permit to construct; or immediately vacate the residence. 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.

115) Order Type and Number: Consent Order 22-066-OSWW
Order Date: January 5, 2023
Individual/Entity: **Malcolm White, dba Malcolm Baldwin, PE, LLC**
Facility: Malcolm White, dba Malcolm Baldwin, PE, LLC
Location: 7228 Raw Dew Drive
Awendaw, SC 29429
Mailing Address: 224 Oak Street
McClellanville, SC 29458
County: Charleston
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Malcolm White, dba Malcolm Baldwin, PE, LLC (Individual/Entity), was responsible for the installation of an OSWW system on property located in Charleston County, South Carolina. The Department conducted an investigation on September 16,

2022, and determined the installer of the OSWW system was not a Tier 3 installer, and there was not enough linear of drainfield to meet permit requirements. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that the OSWW system for which they were responsible was installed in accordance with the permit to construct and did not ensure the contractor met the requirements to install the OSWW system.

Action: The Individual/Entity is required to cease and desist allowing OSWW systems for which they are responsible to be installed outside the parameters of the permit to construct and allowing contractors that do not hold a Tier 3 license to install engineered OSWW systems. 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.

116) <u>Order Type and Number:</u>	Consent Order 22-068-OSWW
<u>Order Date:</u>	January 5, 2023
<u>Individual/Entity:</u>	Caleb Rodgers, Professional Engineer, d.b.a. CPR Engineering Solutions, LLC
<u>Facility:</u>	Caleb Rodgers, Professional Engineer, dba CPR Engineering Solutions, LLC
<u>Location:</u>	54 Battle Cut Road Ridgeland, SC 29936
<u>Mailing Address:</u>	P.O. Box 67 Pinopolis, SC 29469
<u>County:</u>	Jasper
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Caleb Rodgers, Professional Engineer, d.b.a. CPR Engineering Solutions, LLC (Individual/Entity), was the responsible engineer for an OSWW system installed on property located in Jasper County, South Carolina. The Department conducted an investigation on October 17, 2022, and determined that the contractor who installed the OSWW system was not a Tier 3 licensed installer. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: they did not properly supervise the construction of the OSWW system for which they were responsible.

Action: The Individual/Entity is required to cease and desist allowing any contractor that is not a Tier 3 licensed installer to construct OSWW systems for which they are responsible. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

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

117) <u>Order Type and Number:</u>	Consent Order 22-069-OSWW
<u>Order Date:</u>	January 5, 2023

Individual/Entity: **Greg West, dba JAlan Holdings, LLC**
Facility: Greg West, dba JAlan Holdings, LLC
Location: Terra Plains Drive Lot 36
Greer, SC 29651
Mailing Address: 3808 N. Highway 14
Greer, SC 29551
County: Spartanburg
Previous Orders: 22-032-OSWW
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Greg West, dba JAlan Holdings, LLC (Individual/Entity), installed an OSWW system at property located in Spartanburg County, South Carolina. The Department conducted an investigation on November 10, 2022, and determined that the maximum depth specified on the Permit to Construct had been exceeded. 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 outside the parameters stated in the Permit to Construct. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

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

118) Order Type and Number: Consent Order 22-067-OSWW
Order Date: January 11, 2023
Individual/Entity: **Donald White, d.b.a. D.E.W. Services, Inc.**
Facility: Donald White, d.b.a. D.E.W. Services, Inc.
Location: 7228 Raw Dew Drive
Awendaw, SC 29429
Mailing Address: 131 Rawdew Lane
Cordesville, SC 29434
County: Charleston
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Donald White, d.b.a. D.E.W. Services, Inc. (Individual/Entity), installed an OSWW system at property located in Charleston County, South Carolina. The Department conducted an investigation on September 16, 2022, and determined the installer of the OSWW system was not a Tier 3 installer. Also, there was not enough linear feet of drainfield to meet the permit requirements. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that the OSWW system for which they were responsible was installed in accordance with the permit to construct; and failed to obtain the correct Tier of license for the OSWW system type they were installing.

Action: The Individual/Entity is required to cease and desist installing OSWW systems outside the parameters stated in the Permit to Construct and only install OSWW systems allowed per the Tier of license held. 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 thousand dollars (**\$1,500.00**).

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

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

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

March 9, 2023

(X) ACTION/DECISION

() INFORMATION

I. TITLE: Request for a nine-month Board extension of Certificate of Need (CON) SC-20-25, issued to Medical University Hospital Authority d/b/a MUHA Community Hospital, for the construction of a 128-bed general acute hospital in Berkeley County at a total project cost of \$325,000,000.

II. SUBJECT: MUHA Community Hospital requests Board approval for a third extension of CON SC-20-25.

III. FACTS:

After the South Carolina Administrative Law Court's (ALC) affirmation of the Department's approval of the project, CON SC-20-25 was issued to Medical University Hospital Authority d/b/a MUHA Community Hospital on September 29, 2020, for the construction of a 128-bed general acute hospital in Berkeley County at a total project cost of \$325,000,000. The original CON had an expiration date of September 29, 2021.

MUHA requested a first staff extension of the CON on August 27, 2021, which was more than 30 days prior to expiration. MUHA informed the Department the project was delayed because of the COVID-19 pandemic. MUHA's CON SC-20-25 EXT-1 was valid until June 29, 2022, a period of nine months from original expiration of the CON. On May 3, 2022, the Department received a letter from MUHA requesting a second staff extension of the CON, which was 30 days prior to expiration. MUHA stated the delays were attributed to pandemic conditions and operational impacts making it impossible to meet the implementation deadline. The Department issued a second staff extension, CON SC-20-25-EXT-2 to MUHA and it will expire on March 29, 2023. In accordance with R. 61-15, Section 601, MUHA submitted a third extension request to the Department on December 21, 2022, which is 90 days prior to expiration. MUHA references delays because of the continuation of opposition challenging their CON. According to MUHA, Trident Health has appealed the decision of the South Carolina Administrative Law Court (ALC) to the South Carolina Court of Appeals and the case is still pending.

IV. ANALYSIS:

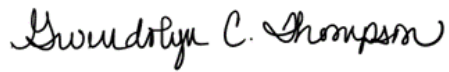
Department staff have reviewed all relevant information concerning this third extension request and finds that circumstances beyond the control of MUHA, specifically the delays experienced due to pending litigation, have contributed to the need for further extension of CON SC-20-25.

MUHA provided in its extension request an updated timeline for the project, which Department staff believe is achievable.

V. RECOMMENDATION:

Department staff recommend the Board finds that MUHA Community Hospital has demonstrated extenuating circumstances beyond its control which have prevented the Project from advancing.

Approved by:

A handwritten signature in black ink that reads "Gwendolyn C. Thompson". The signature is written in a cursive style.

Gwen C. Thompson
Deputy Director
Healthcare Quality

Attachments:

- A) CON SC-20-25
- B) MUHA First Extension Request
- C) MUHA First Extension Issuance of CON
- D) MUHA Second Extension Request
- E) MUHA Second Extension Issuance of CON
- F) MUHA Third Extension Request and Quarterly Report

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-25

FACILITY NAME: MUHA Community Hospital

LOCATION: Berkeley County

LICENSEE: Medical University Hospital Authority

FOR: Construction of a 128-bed general acute hospital in Berkeley County.

TOTAL PROJECT COST: \$325,000,000.

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

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

This Certificate of Need is valid until September 29, 2021 which is a period of twelve (12) months from the date of issuance unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this 29th day of September 2020.

A handwritten signature in black ink, appearing to read "Louis W. Eubank", written over a horizontal dashed line.

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





Sarah Bacik, MHA
Chief Strategy Officer
Medical University of South Carolina
22 Westedge Street, Suite 300,
Charleston, SC 29403
Tel 843 792 9917
www.muschealth.com

August 27, 2021

Ms. Margaret (Maggie) Murdock
SC Department of Health and Environmental Control
2600 Bull Street
Columbia SC 29201

RE: MUHA Community Hospital Certificate of Need 1st Extension Request (SC-20-25)

Dear Ms. Murdock:

This letter on behalf of MUHA, is to provide the first extension request for a nine month period on the MUHA Community Hospital CON (SC-20-25) in accordance with the State “Certification of Need and Health Facility Licensure Act” S.C. Code Ann. 44-7-110 et seq. and Regulation 61-15 “Certification of Need for Health Facilities and Services.”

After a protracted appeal process, the Certificate of Need was ultimately issued on September 30, 2020. MUHA is requesting the first extension, more than 30 calendar days prior to the current expiration on September 30, 2021. The new expiration date for the CON would be June 30, 2022.

Planning is underway for this project. An architect has been secured, but the building design is still in the development phase. Site studies have been conducted. Progress has occurred on the project; however, most activities have been suspended or slowed due to the current COVID-19 pandemic. To date, approximately \$150,000 in A/E fees have been incurred.

The ability to efficiently plan and design the new hospital under current conditions are impossible and beyond the control of MUHA, and therefore requires a CON extension. This delay will make implementation of the project impossible to achieve prior to the September 30, 2020 deadline. Once some “normalcy” is restored to our operations, we will submit a revised project timeline for the project. Currently, we are unable to accurately predict when productive activities in earnest can resume.

We appreciate your attention to this matter. Please contact me at (843) 792-9917 if you have any questions regarding this information.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Bacik".

Sarah Bacik, MHA
Chief Strategy Officer
The Medical University of South Carolina



Article #: 92148969009997901422357328

October 7, 2022

VIA EMAIL AND CERTIFIED MAIL

Patrick J. Cawley, MD
Medical University Hospital Authority
169 Ashley Avenue
Charleston, SC 29425

Re: **CON SC-20-25 EXT-1**

Applicant: Medical University Hospital Authority d/b/a MUHA
Community Hospital

Project: Construction of a 128-bed general acute hospital in Berkeley
County at a total project cost of \$325,000,000.

Application No.: 2520

Dear Dr. Cawley:

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

Based on the material you have provided in support of your request, it is the decision of the Department to **grant you a nine (9) month initial extension** for Certificate No. SC-20-25. The Department's decision is based on the following findings:

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

As required by Regulation No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (September 29, 2020). You must continue to report on, if applicable:

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

The mandated due dates for these reports are as follows:

5th Quarterly Report: **12/29/2021**

6th Quarterly Report: **3/29/2022**

7th Quarterly Report: **6/29/2022**

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

Should the length of your project exceed the nine month period of this extension, you are required to file a second extension request with the Department pursuant to Regulation No. 61-15, Sections 602 and 603. The due date for the second extension request, if one is needed, is **May 30, 2022**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins, (803) 545-0530; Division of Health Facilities Construction, Mr. Graham Cormack, (803) 727-3576; and Bureau of Healthcare Systems and Services, Ms. Charlene Bell, (803) 545-4223.

If this office can be of further service to you or if you have any questions concerning the above, feel free to contact me at (803) 545-3028.

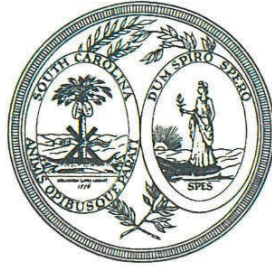
Sincerely,



Ashley C. Grant, MBA
Project Coordinator
Certificate of Need Program

Enclosures: Certificate of Need SC-20-25 EXT-1
cc: Sarah Bacik (Via email)

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-25 EXT-1

FACILITY NAME: MUHA Community Hospital

LOCATION: Charleston County

LICENSEE: Medical University Hospital Authority

FOR: Construction of a 128-bed general acute hospital in Berkeley County.

TOTAL PROJECT COST: \$325,000,000

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

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

This Certificate of Need is valid until June 29, 2022, which is a period of nine (9) months from the date of CON expiration, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this Day 7th day of October 2022.

A handwritten signature in blue ink, appearing to read "Trenessa K. Jones".

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





Sarah Bacik, MHA
Chief Strategy Officer
Medical University of South Carolina
22 Westedge Street, Suite 300,
Charleston, SC 29403
Tel 843 792 9917
www.muschealth.com

May 3, 2022

Ms. Jennifer Hyman
SC Department of Health and Environmental Control
2600 Bull Street
Columbia SC 29201

RE: MUHA Community Hospital Certificate of Need 2nd Extension Request (SC-20-25)

Dear Ms. Hyman:

This letter is submitted on behalf of MUHA to request a second nine-month extension of the MUHA Community Hospital CON (SC-20-25) in accordance with the State “Certification of Need and Health Facility Licensure Act,” S.C. Code Ann. §§44-7-110 et seq. and Regulation 61-15 “Certification of Need for Health Facilities and Services.”

After a protracted litigation process, the Certificate of Need was ultimately issued on September 30, 2020, although the appeal challenging this CON continues. Issuance of the CON occurred during the middle phase of the COVID-19 pandemic and approximately nine months after the Public Health Emergency was declared. MUHA appreciates the Department’s granting of the First Extension Request made in August 2021 as the hospital community continued to field, staff, and devote significant resources to the ever-changing COVID-19 pandemic environment.

Since receiving its First CON Extension, MUHA has continued to engage in as much planning activities as practical under the pandemic conditions. Internal planning groups continue to work towards developing a general building design, planning for site development and other related activities. To date, approximately \$8,650,000 in land costs and A/E fees have been incurred. However, current pandemic conditions and operational impacts have made it impossible for MUHA to meet the current implementation deadline of June 30, 2022. Given the uncertainty related to the continuation of the Public Health Emergency and its ramifications, MUHA is unable to accurately estimate when it can fully resume its implementation efforts despite the acknowledged need of our community. As we continue to emerge from the pandemic, we will submit a revised project timeline to the Department.

Based on the above, MUHA is requesting this second extension more than 30 calendar days prior to the current expiration date of June 30, 2022. If this Second Extension Request is granted, the new expiration date for the CON would be March 30, 2023.

We appreciate your attention to this matter. Please contact me at (843) 792-9917 if you have any questions regarding this information.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Bacik".

Sarah Bacik, MHA
Chief Strategy Officer
The Medical University of South Carolina



October 7, 2022

VIA CERTIFIED MAIL

Patrick J. Cawley, MD
Medical University Hospital Authority
169 Ashley Avenue
Charleston, SC 29425

Re: **CON SC-20-25 EXT-2**

Applicant: Medical University Hospital Authority d/b/a MUHA
Community Hospital

Project: Construction of a 128-bed general acute hospital in Berkeley
County at a total project cost of \$325,000,000.

Application No.: 2520

Dear Dr. Cawley:

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

Based on the material you have provided in support of your request, it is the decision of the Department to **grant you a second nine (9) month extension** for Certificate No. SC-20-25. The Department's decision is based on the following findings:

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

As required by Regulation No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (September 29, 2020). You must continue to report on, if applicable:

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

The mandated due dates for these reports are as follows:

8th Quarterly Report: **9/29/2022**

9th Quarterly Report: **12/29/2022**

10th Quarterly Report: **3/29/2023**

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

Should the length of your project exceed the nine month period of this extension, you are required to file a DHEC Board extension request with the Department pursuant to Regulation No. 61-15, Sections 602 and 603. The due date for the Board extension request, if one is needed, is **December 31, 2022**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins, (803) 545-0530; Division of Health Facilities Construction, Mr. Graham Cormack, (803) 727-3576; and Bureau of Healthcare Systems and Services, Ms. Charlene Bell, (803) 545-4223.

If this office can be of further service to you or if you have any questions concerning the above, feel free to contact me at (803) 545-3028.

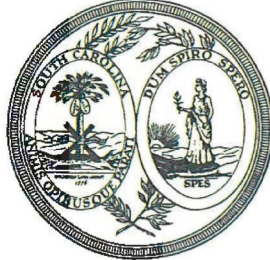
Sincerely,



Ashley C. Grant, MBA
Project Coordinator
Certificate of Need Program

Enclosures: Certificate of Need SC-20-25 EXT-2
cc: Sarah Bacik (Via Email)

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-25 EXT-2

FACILITY NAME: MUHA Community Hospital

LOCATION: Charleston County

LICENSEE: Medical University Hospital Authority

FOR: Construction of a 128-bed general acute hospital in Berkeley County.

TOTAL PROJECT COST: \$325,000,000

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

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

This Certificate of Need is valid until March 29, 2023, which is a period of nine (9) months from the date of CON EXT-1 expiration, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this Day 7th day of October 2022.

A handwritten signature in blue ink, appearing to read "Trenea K. Jones", written over a horizontal dashed line.

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





Patrick Cawley, MD
Chief Executive Officer, MUSC Health
Vice President for Health Affairs, University
22 Westedge Street, Suite 300
Charleston, SC 29407
Tel 843 792 0599
www.muschealth.com

December 21, 2022

DHEC CON Staff
SC Department of Health and Environmental Control
2600 Bull Street
Columbia SC 29201

RE: MUHA Community Hospital Certificate of Need 3rd Extension Request and 9th Quarterly Update (SC-20-25)

Dear DHEC CON Staff:

This letter is submitted on behalf of MUHA is to request a third nine-month extension of the MUHA Community Hospital CON (SC-20-25) in accordance with the State "Certification of Need and Health Facility Licensure Act," S.C. Code Ann. §§44-7-110 et seq. and Regulation 61-15 "Certification of Need for Health Facilities and Services." This letter also provides the ninth quarterly update on the project.

After a protracted litigation process, the Certificate of Need (CON) was ultimately issued on September 30, 2020, although the opposition challenging this CON continues. The S.C. Administrative Law Court (ALC) heard the case and in September 2020 affirmed the Department's approval of the project. However, Trident Health has appealed that decision to the South Carolina Court of Appeals. Until Trident Health either withdraws its challenge or exhausts the appeals process in favor of MUHA, the entire project is subject to cancellation. If MUHA were to proceed with material development activities or expenditures on the project, all activities and a substantial portion of the expenditures would be "at risk" if the S.C. Court of Appeals reversed the previous approval and the S.C. Supreme Court either affirmed or allowed the Court of Appeals' decision to stand. Adding to this uncertainty is the timeline for the appeals process, namely, that all written briefings were submitted to the Court of Appeals as of April 2021 but no hearing dates for oral arguments have been scheduled.

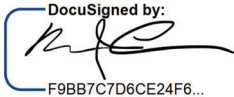
Despite the above, since receiving its Second CON Extension, MUHA has continued to engage in planning activities as practical under the market conditions and with pending litigation overshadowing the project. Internal planning groups continue to work towards developing a general building design, planning for site development and other related activities demonstrating architectural progress. To date, approximately \$8,650,000 in land costs and A/E fees have been incurred.

In consideration of these uncontrollable delays and the rather unique situation MUHA finds itself in, an updated project timeline was developed (Attachment I), which reflects over \$2,000,000 in expenditures during the next several months related to design services alone. This timeline assumes MUHA prevails in the litigation and that the appellate proceedings are exhausted relatively soon, but as noted above, the timeline for the appellate proceedings remains uncertain.

Based on the above, MUHA is requesting this third extension more than three months prior to the current expiration date of March 29, 2023. If this request is granted, the new expiration date for the CON would be December 29, 2023. Attached are the first and second extension approvals and supporting documents.

We appreciate your attention to this matter. Please contact me at (843) 792-0599 if you have any questions regarding this information.

Sincerely,

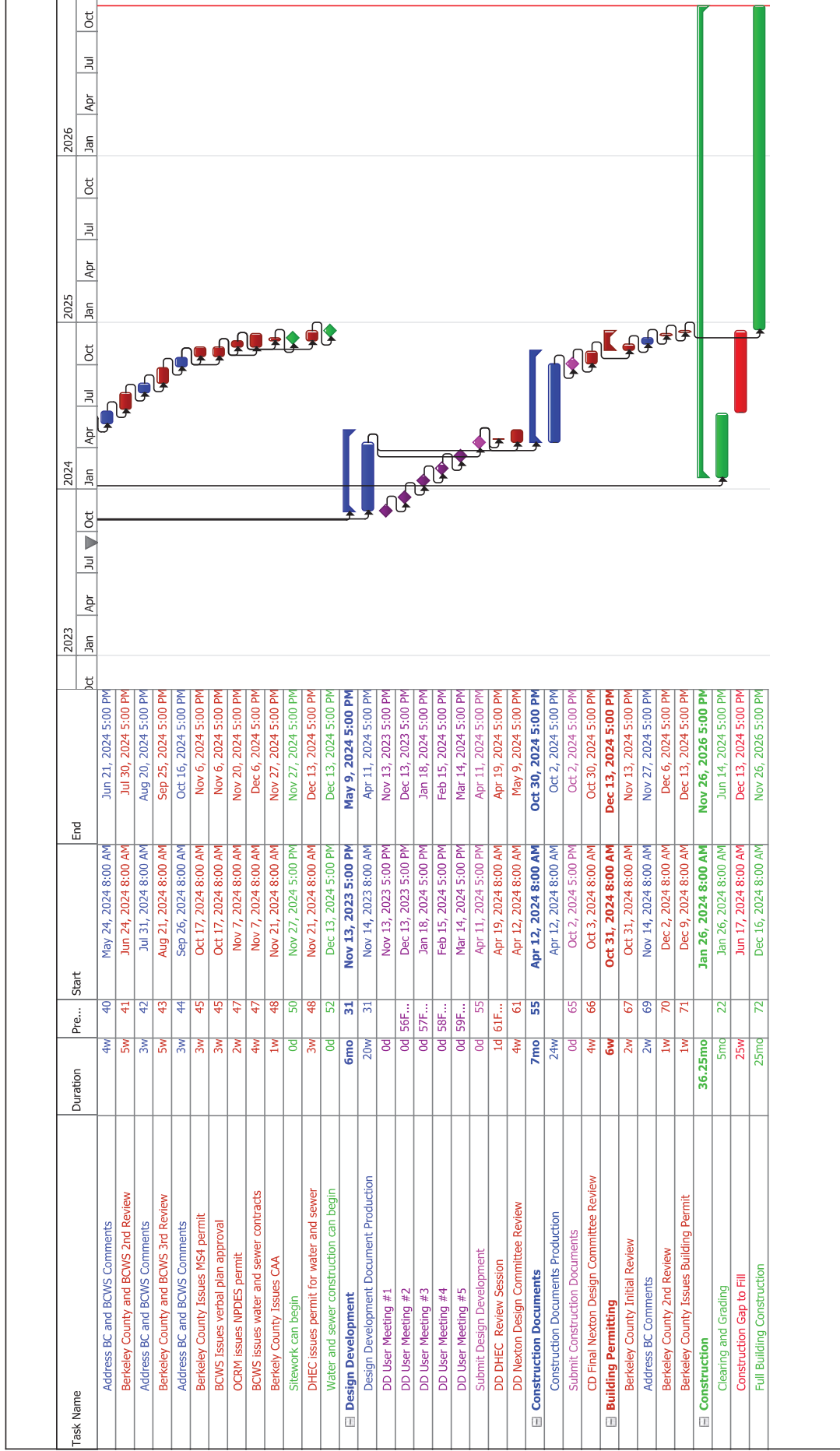
DocuSigned by:

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Patrick Cawley, MD
Chief Executive Officer, MUSC Health
Cc: Rebecca Felice
Attachments

ATTACHMENT I
REVISED TIMELINE

Task Name	Duration	Pre...	Start	End	2023			2024			2025			2026			2027	
					Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	Jan
MUSC Health - Nexton Community Hospital	1,394d		May 20, 2021 8:00 AM	Nov 26, 2026 5:00 PM														
[-] Basis of Design Development	22.20mo		May 20, 2021 8:00 AM	Mar 1, 2023 8:00 AM														
[-] PreDesign	5mo		Mar 1, 2023 8:00 AM	Jul 21, 2023 5:00 PM														
[-] Early Clearing and Grading Package	2.25mo		Jul 24, 2023 8:00 AM	Sep 25, 2023 5:00 PM														
[-] Clearing and Grading Package Permitting	16w		Sep 26, 2023 8:00 AM	Jan 25, 2024 5:00 PM														
[-] Schematic Design	5mo	5	Jul 24, 2023 8:00 AM	Dec 13, 2023 5:00 PM														
[-] Full Site Package	5mo	32	Nov 14, 2023 8:00 AM	Apr 11, 2024 5:00 PM														
[-] Full Site Package Permitting	8.50mo		Apr 12, 2024 8:00 AM	Dec 13, 2024 5:00 PM														
[-] Design Development	6mo	32	Nov 13, 2023 5:00 PM	May 9, 2024 5:00 PM														
[-] Construction Documents	7mo	56	Apr 12, 2024 8:00 AM	Oct 30, 2024 5:00 PM														
[-] Building Permitting	6w		Oct 31, 2024 8:00 AM	Dec 13, 2024 5:00 PM														
[-] Construction	36.25mo		Jan 26, 2024 8:00 AM	Nov 26, 2026 5:00 PM														

Task Name	Duration	Pre...	Start	End	2023			2024			2025			2026				
					Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	
<input type="checkbox"/> MUSC Health - Nexton Community Hospital	1.394d		May 20, 2021 8:00 AM	Nov 26, 2026 5:00 PM														
<input type="checkbox"/> Basis of Design Development	22.20mo		May 20, 2021 8:00 AM	Mar 1, 2023 8:00 AM														
BOD Narrative Development	57d		May 20, 2021 8:00 AM	Aug 6, 2021 5:00 PM														
Cost Validation	25d		Jan 25, 2023 8:00 AM	Feb 28, 2023 5:00 PM														
Design Team Notice to Proceed	0d		Mar 1, 2023 8:00 AM	Mar 1, 2023 8:00 AM														
<input type="checkbox"/> Preadesign	5mo		Mar 1, 2023 8:00 AM	Jul 21, 2023 5:00 PM														
Strategic Programming	4w	4	Mar 1, 2023 8:00 AM	Mar 28, 2023 5:00 PM														
Campus Master Planning	16w	4	Mar 1, 2023 8:00 AM	Jun 21, 2023 5:00 PM														
Detailed Space Programming	16w	6	Mar 29, 2023 8:00 AM	Jul 21, 2023 5:00 PM														
<input type="checkbox"/> Clearing and Grading Design	45d	5	Jul 24, 2023 8:00 AM	Sep 25, 2023 5:00 PM														
Civil Early Sitework Design Development	2w		Jul 24, 2023 8:00 AM	Aug 4, 2023 5:00 PM														
Civil Early Sitework Construction Documents	4w	10	Aug 7, 2023 8:00 AM	Sep 1, 2023 5:00 PM														
Submit Early Sitework Package	0d	11	Sep 1, 2023 5:00 PM	Sep 1, 2023 5:00 PM														
Site Package Nexton Committee Review	3w	12	Sep 5, 2023 8:00 AM	Sep 25, 2023 5:00 PM														
<input type="checkbox"/> Clearing and Grading Package Permitting	16w		Sep 26, 2023 8:00 AM	Jan 25, 2024 5:00 PM														
Berkeley County and OCRM Initial Review	4w	13	Sep 26, 2023 8:00 AM	Oct 23, 2023 5:00 PM														
Address BC Comments	3w	15	Oct 24, 2023 8:00 AM	Nov 13, 2023 5:00 PM														
Berkeley County 2nd Review	2w	16	Nov 14, 2023 8:00 AM	Nov 29, 2023 5:00 PM														
Address BC 2nd Round Comment	2w	17	Nov 30, 2023 8:00 AM	Dec 13, 2023 5:00 PM														
Berkeley County Issues MS4 Permit	2w	18	Dec 14, 2023 8:00 AM	Jan 4, 2024 5:00 PM														
OCRM Issues NPDES Permit	2w	19	Jan 5, 2024 8:00 AM	Jan 18, 2024 5:00 PM														
Berkeley County Issues CAA	1w	20	Jan 19, 2024 8:00 AM	Jan 25, 2024 5:00 PM														
Clearing and Grading can begin	0d	21	Jan 25, 2024 5:00 PM	Jan 25, 2024 5:00 PM														
<input type="checkbox"/> Schematic Design	5mo	5	Jul 24, 2023 8:00 AM	Dec 13, 2023 5:00 PM														
<input type="checkbox"/> Community Engagement	4w		Jul 24, 2023 8:00 AM	Aug 18, 2023 5:00 PM														
Schematic Design Document Production	16w	5	Jul 24, 2023 8:00 AM	Nov 13, 2023 5:00 PM														
User Meeting # 1	0d	5FS...	Jul 28, 2023 5:00 PM	Jul 28, 2023 5:00 PM														
User Meeting # 2	0d	27F...	Aug 25, 2023 5:00 PM	Aug 25, 2023 5:00 PM														
User Meeting # 3	0d	28F...	Sep 25, 2023 5:00 PM	Sep 25, 2023 5:00 PM														
User Meeting # 4	0d	29F...	Oct 23, 2023 5:00 PM	Oct 23, 2023 5:00 PM														
Submit Schematic Design to MUSC	0d	26	Nov 13, 2023 5:00 PM	Nov 13, 2023 5:00 PM														
SD DHEC Review Session	1d	31F...	Nov 21, 2023 8:00 AM	Nov 21, 2023 8:00 AM														
SD Nexton Design Committee Review	4w	31	Nov 14, 2023 8:00 AM	Dec 13, 2023 5:00 PM														
<input type="checkbox"/> Full Site Package	5mo	31	Nov 14, 2023 8:00 AM	Apr 11, 2024 5:00 PM														
Site Design Development	8w	31	Nov 14, 2023 8:00 AM	Jan 18, 2024 5:00 PM														
Site DD Nexton Design Committee Review	4w	35	Jan 19, 2024 8:00 AM	Feb 15, 2024 5:00 PM														
Site Construction Documents	8w	35	Jan 19, 2024 8:00 AM	Mar 14, 2024 5:00 PM														
Full Site Nexton Design Committee Review	4w	37	Mar 15, 2024 8:00 AM	Apr 11, 2024 5:00 PM														
<input type="checkbox"/> Full Site Package Permitting	8.50mo		Apr 12, 2024 8:00 AM	Dec 13, 2024 5:00 PM														
Berkeley County, OCRM, and BCWS Initial Review	6w	38	Apr 12, 2024 8:00 AM	May 23, 2024 5:00 PM														



ATTACHMENT II
FIRST EXTENSION APPROVAL



Article #: 92148969009997901422357328

October 7, 2022

VIA EMAIL AND CERTIFIED MAIL

Patrick J. Cawley, MD
Medical University Hospital Authority
169 Ashley Avenue
Charleston, SC 29425

Re: **CON SC-20-25 EXT-1**

Applicant: Medical University Hospital Authority d/b/a MUHA
Community Hospital

Project: Construction of a 128-bed general acute hospital in Berkeley
County at a total project cost of \$325,000,000.

Application No.: 2520

Dear Dr. Cawley:

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

Based on the material you have provided in support of your request, it is the decision of the Department to **grant you a nine (9) month initial extension** for Certificate No. SC-20-25. The Department's decision is based on the following findings:

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

As required by Regulation No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (September 29, 2020). You must continue to report on, if applicable:

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

The mandated due dates for these reports are as follows:

5th Quarterly Report: **12/29/2021**

6th Quarterly Report: **3/29/2022**

7th Quarterly Report: **6/29/2022**

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

Should the length of your project exceed the nine month period of this extension, you are required to file a second extension request with the Department pursuant to Regulation No. 61-15, Sections 602 and 603. The due date for the second extension request, if one is needed, is **May 30, 2022**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins, (803) 545-0530; Division of Health Facilities Construction, Mr. Graham Cormack, (803) 727-3576; and Bureau of Healthcare Systems and Services, Ms. Charlene Bell, (803) 545-4223.

If this office can be of further service to you or if you have any questions concerning the above, feel free to contact me at (803) 545-3028.

Sincerely,



Ashley C. Grant, MBA
Project Coordinator
Certificate of Need Program

Enclosures: Certificate of Need SC-20-25 EXT-1
cc: Sarah Bacik (Via email)

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-25 EXT-1

FACILITY NAME: MUHA Community Hospital

LOCATION: Charleston County

LICENSEE: Medical University Hospital Authority

FOR: Construction of a 128-bed general acute hospital in Berkeley County.

TOTAL PROJECT COST: \$325,000,000

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

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

This Certificate of Need is valid until June 29, 2022, which is a period of nine (9) months from the date of CON expiration, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this Day 7th day of October 2022.

A handwritten signature in blue ink, appearing to read "Trenessa K. Jones". The signature is written over a horizontal dashed line.

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



ATTACHMENT III
SECOND EXTENSION APPROVAL



Article #: 92148969009997901422357380

October 7, 2022

VIA CERTIFIED MAIL

Patrick J. Cawley, MD
Medical University Hospital Authority
169 Ashley Avenue
Charleston, SC 29425

Re: **CON SC-20-25 EXT-2**

Applicant: Medical University Hospital Authority d/b/a MUHA
Community Hospital

Project: Construction of a 128-bed general acute hospital in Berkeley
County at a total project cost of \$325,000,000.

Application No.: 2520

Dear Dr. Cawley:

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

Based on the material you have provided in support of your request, it is the decision of the Department to **grant you a second nine (9) month extension** for Certificate No. SC-20-25. The Department's decision is based on the following findings:

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

As required by Regulation No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (September 29, 2020). You must continue to report on, if applicable:

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

The mandated due dates for these reports are as follows:

8th Quarterly Report: **9/29/2022**
9th Quarterly Report: **12/29/2022**
10th Quarterly Report: **3/29/2023**

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

Should the length of your project exceed the nine month period of this extension, you are required to file a DHEC Board extension request with the Department pursuant to Regulation No. 61-15, Sections 602 and 603. The due date for the Board extension request, if one is needed, is **December 31, 2022**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins, (803) 545-0530; Division of Health Facilities Construction, Mr. Graham Cormack, (803) 727-3576; and Bureau of Healthcare Systems and Services, Ms. Charlene Bell, (803) 545-4223.

If this office can be of further service to you or if you have any questions concerning the above, feel free to contact me at (803) 545-3028.

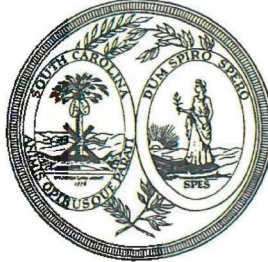
Sincerely,



Ashley C. Grant, MBA
Project Coordinator
Certificate of Need Program

Enclosures: Certificate of Need SC-20-25 EXT-2
cc: Sarah Bacik (Via Email)

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-25 EXT-2

FACILITY NAME: MUHA Community Hospital

LOCATION: Charleston County

LICENSEE: Medical University Hospital Authority

FOR: Construction of a 128-bed general acute hospital in Berkeley County.

TOTAL PROJECT COST: \$325,000,000

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

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

This Certificate of Need is valid until March 29, 2023, which is a period of nine (9) months from the date of CON EXT-1 expiration, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this Day 7th day of October 2022.

A handwritten signature in blue ink, appearing to read "Trenessa K. Jones".

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

