

Date: September 7, 2023

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

From: Bureau of Land and Waste Management

Re: Public Hearing for Notice of Final Regulation New Solid Waste Management Regulation 61.107-20, Solar Energy Systems, Document No. 5191

I. Introduction

The Bureau of Land and Waste Management (“Bureau”) proposes the attached Notice of Final Regulation for new regulation R.61-107.20. Legal authority resides in 2022 Act No. 119, Section 5, which directs the Department of Health and Environmental Control (“Department”) to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life photovoltaic modules, and energy storage system batteries on solar projects and the decommissioning of solar projects in excess of thirteen acres. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.


II. Facts

1. Pursuant to 2022 Act No. 119, Section 5, the Department is directed to submit regulations for the management of end-of-life PV modules and energy storage system batteries on solar projects in excess of thirteen acres. The Bureau proposes new regulation R.61-107.20, Solar Energy Systems, to create basic guidelines for large solar energy systems to facilitate proper disposal of PV modules and accompanying equipment. The new regulation is designed to establish a registration requirement and all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.
2. The Department had a Notice of Drafting published in the March 24, 2023, *State Register*.
3. Appropriate Department staff conducted an internal review of the proposed new regulation on May 8, 2023.
4. The Bureau conducted a stakeholder engagement meeting on January 18, 2023, to receive comments on the proposed new regulation. The Bureau conducted the meeting virtually and included representatives of solar companies, utilities, green energy advocates, the recycling industry, waste processing industry, environmental organizations, city and county governments, and other interested parties.
6. Upon receiving approval during the June 8, 2023, Board meeting, the Bureau had a Notice of Proposed Regulation published in the June 23, 2023, *State Register*. The Department received public comments from 1 entity, Dominion Energy on July 24, 2023, close of the public comment period. Attachment B presents a summary of these public comments received and Department responses.
7. An internal meeting was held on August 2, 2023, and the Department accepted all suggestions and revised the proposed new regulation to accommodate the recommendations. A virtual meeting with Dominion Energy was held on August 9, 2023, to discuss revisions and both Dominion and the Department agreed with the revisions.

8. After consideration of all timely received comments, staff made substantive changes to the regulatory text of the Notice of Proposed Regulation approved by the Board in the September 7, 2023, Board meeting and published in the September 23, 2023, *State Register*. Descriptions of the changes appear in Attachment B, Summary of Public Comments and Department Responses.

III. Request for Approval

The Bureau respectfully requests the Board find need and reasonableness of the attached proposed Solar Energy Systems R.61-107.20, for submission to the General Assembly.



Henry Porter
Bureau Chief



Myra Reece
Director of Environmental Affairs

Attachments:

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

ATTACHMENT A

**STATE REGISTER NOTICE OF FINAL REGULATION
FOR R.61-107.20, *Solar Energy Systems***

September 7, 2023

Document No. 5191

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

Statutory Authority: 2022 Act No. 119, Section 5, effective January 27, 2022

61-107.20. Solar Energy Systems. (New)

Synopsis:

Pursuant to 2022 Act No. 119, Section 5, the Department of Health and Environmental Control (“Department”) is directed to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, *Solar Energy Systems*, to create basic guidelines for large solar energy systems. The new regulation is designed to establish a registration requirement and facilitate all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

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

Section-by-Section Discussion of New Regulation:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Addition	Assigns a regulation number and title and establishes the Department’s statutory authority.
Table of Contents	Addition	Gives an overview of the contents and organization of the regulation.
A. Applicability	Addition	Lays out the pertinent activities by providing guidance, rules, and requirements for compliance with this regulation.
B. Definitions	Addition	Defines the terms used throughout the regulation and presents the terms in alphabetical order.
C. General Provisions	Addition	Describes the general requirements that apply to all large solar energy systems.

D. Registration	Addition	Describes the registration requirements that apply to all large solar energy systems.
E. Decommissioning Requirements	Addition	Describes requirements for a facility's decommissioning of a large solar energy system after certain conditions are met.
F. Financial Assurance	Addition	Describes the minimum financial assurance standards for compliance with Section E.
G. Severability	Addition	Protects the remaining portion of the regulation should any part or language be found invalid.
H. Violations and Penalties	Addition	Establishes the penalties for violation of this regulation, or any permit, order, or standard issued pursuant to the regulation.

Instructions:

Add R.61-107.20, Solar Energy Systems, as written below to the S.C. Code of Regulations.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

61-107.20. Solar Energy Systems.

Statutory Authority: Section 5 of Act 119 of 2022

Table of Contents

- A. Applicability
- B. Definitions
- C. General Provisions
- D. Registration Requirements
- E. Decommissioning Requirements
- F. Financial Assurance
- G. Severability
- H. Violations and Penalties

A. Applicability.

1. This regulation establishes procedures, documentation, and other requirements which must be met to operate large solar energy systems.

2. The requirements of this regulation are not applicable to rooftop solar energy systems or any other solar energy system that does not meet the definition of a large solar energy system.

3. The requirements of this regulation do not supersede or amend R.61-79, *Hazardous Waste Management Regulations*, or any other applicable laws, statutes, rules, and regulations.

4. The requirements of this regulation do not supersede or amend R.61-107, *Solid Waste Management Regulations*, or any other applicable laws, statutes, rules, and regulations.

B. Definitions.

1. "Decommission" means the removal and proper disposal of solar energy equipment, facilities, or devices located on real property utilized by or in a large solar energy system. "Decommission" includes the reasonable restoration of the property upon which such solar equipment, facilities, or devices are located, including, but not limited to:

a. soil stabilization; and

b. revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

2. "Department" means the South Carolina Department of Health and Environmental Control.

3. "End-of-life solar panel" means, for the purpose of this regulation, any solar panel, solar energy equipment or other materials that is no longer suitable for its original intended purpose because of wear, damage, or defect.

4. "Existing large solar energy system (system)" means a large solar energy system installed prior to promulgation of this regulation. The system is considered installed if: on-site physical construction has begun, or the owner or operator has entered into contractual obligations for the installation of the system.

5. "Financial assurance mechanism" means, for the purpose of this regulation, a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of a large solar energy system. Available financial assurance mechanisms include cash, insurance, trust funds, surety bonds, letters of credit, certificates of deposit, and financial tests as determined by the Department, per regulation.

6. "Generation" means the act or process of producing waste materials.

7. "Ground-mounted solar energy systems" means a solar energy system that is structurally mounted to the ground.

8. "Hazardous waste" is defined in Section 44-56-20 of the South Carolina Hazardous Waste Management Act and is applicable to this regulation.

9. "Landowner" means a person or corporation who has assumed legal ownership of the property upon which a solar energy system is constructed.

10. "Large solar energy system" means a ground-mounted solar energy system that occupies in excess of thirteen (13) acres.

11. "Operator" means the person or corporation responsible for the overall operation of a solar energy system.

12. "Owner" means the person or corporation who has assumed legal ownership of the solar energy system through the provisions of a contract or other legally binding transfer of ownership.

13. "Person" means an individual, business entity, partnership, limited liability company, corporation, not-for-profit corporation, association, public benefit corporation, or public authority.

14. "Photovoltaic device" means a device that generates electricity directly from sunlight via an electronic process that occurs naturally in certain types of material, such as semiconductors.

15. "Reasonably restored" means to place a solar energy system back into its original state or in accordance with any other applicable contract between the owner and landowner.

16. "Rooftop solar energy system" means a solar energy system that is structurally mounted to the roof of a house, building, or other structure and does not qualify as a large solar energy system.

17. "Solar energy equipment" means electrical material, hardware, inverters, conduit, storage devices, footings, braces, stands or any other equipment to any electric grid equipment associated with the operation of a solar energy system.

18. "Solar energy system" means components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment.

19. "Solar panel" means a photovoltaic device capable of collecting and converting solar energy into electricity.

20. "Solid waste" is defined in Section 44-96-40 of the South Carolina Solid Waste Policy and Management Act and is applicable to this regulation.

C. General Provisions.

1. Large solar energy systems shall comply with all federal, state, and local zoning, land use, and other applicable ordinances which include, but are not limited to, financial assurance requirements from local governments.

2. All solid waste and hazardous waste generated within the operation, routine or unexpected maintenance, or decommissioning of a large solar energy system's operation shall be managed according to all applicable laws, statutes, rules, and regulations.

D. Registration Requirements.

1. Persons intending to operate a new large solar energy system shall submit a completed registration, prior to operation, via a form provided by the Department. The registration includes the following information:

a. Name of the large solar energy system;

b. Address and tax map ID number of the property upon which the large solar energy system will be located;

- c. Landowner information which includes name, address, and contact information;
- d. Owner information which includes name, address, and contact information;
- e. Operator information which includes name, address, contact information; and
- f. Projected date of decommissioning.
- g. Signed agreement between owner and landowner, which confirms the plan for land restoration after decommissioning.

2. Existing large solar energy systems operating before the effective date of this regulation shall have one hundred eighty (180) calendar days from the regulation's effective date to comply with the provisions of this regulation.

3. Registrations shall be updated every five (5) years from the registration submission date, or with a transfer of ownership, until the site is completely decommissioned.

E. Decommissioning Requirements.

1. Five (5) years prior to a large solar energy system's projected end-of-life, the registrant shall submit to the Department a decommissioning plan for review and approval. The decommissioning plan shall be updated if any changes occur at the facility that require a deviation from the approved decommissioning plan, which includes the cost estimate.

2. Following a continuous twelve (12)-month period in which no electricity is generated, the registered owner/operator will have twelve (12)-months to complete decommissioning of the large solar energy system, unless otherwise approved by the Department.

3. Decommissioning shall be considered complete once all components of a large solar energy system are removed, ~~including, but not limited to, solar panels, buildings, cabling, electrical components, and any other components of a solar energy system that are~~ removed and properly disposed of, or the property upon which such solar equipment, facilities, or devices are located have been reasonably restored.

4. The decommissioning plan shall include:

a. A description of the large solar energy system that includes:

- (1) Total property acreage,
- (2) Total acreage used for solar panels and accessory equipment, and
- (3) The proposed number of solar panels for decommissioning.

(4) A list of all components of the solar energy system to be properly recycled or disposed of in accordance with the decommissioning plan.

b. A statement of the objective of the decommissioning process. An example of an objective can be the following: to reasonably restoring the site to its prior use or to a different use as approved by the owner and landowner;

c. The estimated timeframe it will take to complete the decommissioning process;

d. A description of the tasks involved in decommissioning and the types of equipment that will be required;

e. ~~A final decommissioning cost estimate prepared by a third party.~~ The registrant shall provide a detailed final decommissioning estimate of the cost of recycling or disposing of all components of the solar energy system, including, but not limited to, solar panels, electrical material, hardware, inverters, conduits, storage devices, footings, braces, stands, or any other appurtenances associated with the operation of a solar energy system. A final decommissioning cost estimate shall provide estimates for third-party costs to properly recycle or dispose of all components of the solar energy system and perform any post-closure care. If applicable, a salvage plan may be included to support proposed salvage values.

f. A financial assurance mechanism that will be used to meet the requirements of the ~~third party~~ cost estimate.

5. The owner or operator of the large solar energy system shall send a notification to the Department no later than thirty (30) calendar days after the completion of decommissioning.

F. Financial Assurance.

1. Once the Department has approved the decommissioning cost estimate, a financial assurance mechanism payable to the Department shall be submitted to the Department for review and approval.

a. A large solar energy system can satisfy the requirements of this section by submitting proof of compliance with financial assurance requirements from the municipal or local government in which the large solar energy system is located.

b. If the municipal or local government submittal is less than the Department-approved decommissioning cost estimate, the Department will require a greater amount to satisfy the financial assurance requirement.

2. Local governments may also establish or retain financial assurance ordinances that are more stringent than the statewide minimum standards.

3. The mechanism shall be adequate to ensure the satisfactory decommissioning of the large solar energy system and post-closure care as required by this regulation in Section E.4.

4. During the remaining operational life of the large solar energy system, the facility owner/operator shall adjust the decommissioning cost estimate as needed for inflation.

a. The large solar energy system owner/operator may update the financial assurance mechanism as needed to account for salvage value.

b. At any time during its period of operation, the large solar energy system owner/operator shall increase the decommissioning cost estimate and the amount of financial assurance provided if changes to the decommissioning plan or facility conditions increase the maximum cost of decommissioning.

c. At any time during its period of operation, the large solar energy system owner/operator may reduce the amount of financial assurance provided for proper closure if the approved decommissioning cost estimate exceeds the maximum cost of decommissioning. Prior to reducing the amount of financial

assurance, the justification for the reduction of the decommissioning cost estimate shall be submitted to the Department for review and approval. Provided the new cost estimate is approved, the owner/operator may then reduce the amount of financial assurance secured.

5. The financial assurance mechanism shall consist of one or more of the following mechanisms: cash, insurance, trust funds, surety bonds, letters of credit, certificates of deposit, and financial tests as determined by the Department per regulation.

6. The mechanism used to demonstrate financial assurance under this section shall ensure that the funds necessary to meet the costs of closure and corrective action for known releases will be available whenever needed. The owner/operator shall provide continuous coverage for corrective action and decommissioning until released from financial assurance requirements by the Department.

7. The Department may take possession of a financial assurance mechanism for failure to complete decommissioning, to complete post-closure care, or to renew or provide alternate acceptable financial assurance.

8. The requirements of this Section apply to all large solar energy systems except those owned and operated by local government, a region comprised of local governments, or state or federal government entities whose debts and liabilities are the debts and liabilities of the state or the United States.

G. Severability.

Should any section, paragraph, sentence, clause, or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of this regulation shall not be affected thereby.

H. Violations and Penalties.

The Department may impose reasonable civil penalties on a large solar energy system for each day of violation of the provisions of this regulation, including violation of any Department order or standard.

Fiscal Impact Statement

The requirements of this regulation would cause a cost assessment to the State General Fund. Staff anticipates there will be no cost to the Department to implement the directives of the Act and this proposed regulation. There are no fees established by the Act and this proposed regulation. Additional costs to state government are unanticipated.

Statement of Need and Reasonableness

The following presents an analysis of the factors listed in 1976 Code Sections 1-23115(C)-(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: New Solid Waste Management Regulation, Solar Energy Systems.

Purpose: The purpose of this new regulation is to comply with the requirements of 2022 Act No. 119, Section 5, which directs the Department to develop rules for solar projects in excess of thirteen acres. The new regulation is designed to establish a registration requirement for large solar sites and facilitate that all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.

Legal Authority: 2022 Act No. 119, Section 5, effective January 27, 2022.

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

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

In 2022, the General Assembly passed Act No. 119, which in Section 5 instructs the Department to prepare regulations for the management of end-of-life PV modules and energy storage system batteries on solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, Solar Energy Systems, to establish basic requirements for large solar energy systems. This proposed regulation would require the Department to oversee a registration process for those who qualify as large solar energy systems, as well as the decommissioning of these sites at their end-of-life. This regulation is needed to comply with the requirements of 2022 Act No. 119 and will give the Department a basic framework with which to manage large solar energy systems and facilitate local approval for such sites.

DETERMINATION OF COSTS AND BENEFITS:

Internal costs: Implementation of this proposed regulation will not require additional resources beyond those allowed for by Act 119. The Department estimates that there are 78 current facilities that would need oversight under this regulation. This proposed regulation would require the Department to oversee a registration process for large solar energy systems as well as the decommissioning of these sites at their end-of-life. The Act does not establish a fee that would fund the implementation of this regulation.

External costs: There will be a cost for facilities that qualify as large solar energy systems. Costs include complying with registration requirements and decommissioning requirements that require these facilities to remove all solar panels and accompanying equipment, which includes providing a financial assurance mechanism to the Department. There are no registration or operating fees in this proposed regulation.

External benefits: With the state participating in oversight of large solar energy systems, there will be less of a burden on local government resources to manage such sites. It will benefit the residents of South Carolina as this proposed regulation assists in facilitating the proper disposal of solar panels at the end of their useful life.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This proposed new regulation will provide rules to facilitate the proper disposal of end-of-life large solar energy systems.

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

If this proposed new regulation does not become effective, the rules for large solar energy systems required by 2022 Act No. 119, Section 5 will not be implemented. The Department will not have any regulatory framework to manage the creation and operation of large solar energy systems.

Statement of Rationale:

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

The requirements of 2022 Act No. 119, Section 5, directs the Department to develop regulations to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end--of--life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. R.61-107.20, Solar Energy Systems, will establish basic oversight rules over large solar energy systems, including a registration requirement, and a requirement for a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. This new regulation will allow the Department to have knowledge of existing facilities and establishes a framework with which to manage end--of--life PV modules and energy storage system batteries.

ATTACHMENT B

SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES

Document No. 5191
R.61-107.20 Solar Energy Systems

As of the July 24, 2023, close of the Notice of Proposed Regulation comment period:

Name	Section
Dominion Energy – Jason E. Williams, Vice President, Environmental & Sustainability	Section E. Decommissioning Requirements, 2
<p>Comment: Section E.2. provides that a solar energy system only has 12 months to complete decommissioning. This section should provide for an extension to the 12-month requirement, as decommissioning may take longer than one year due to the size of the system, contracting duration, supply chain constraints, disposal limitations, growing season and force majeure such as severe weather events. As an alternative, Dominion Energy suggests the proposed regulations include language allowing for an extension to the 12-month requirement upon submittal and approval of a request to DHEC. Such request would include an updated decommissioning plan that outlines an estimate of the additional time necessary to complete decommissioning and reasons for the extension.</p> <p>Department Response: Accepted. In response to the comment received, the Department has taken steps to revise the draft regulation accordingly. An amendment has been introduced to Section E.2., incorporating the phrase "unless otherwise approved by the Department" at its conclusion. This inclusion creates a mechanism for potential extensions to the decommissioning timeframe for solar energy systems. Such an alteration allows negotiated extensions in cases where the circumstances warrant additional time for decommissioning procedures.</p>	
Name	Section
Dominion Energy – Jason E. Williams, Vice President, Environmental & Sustainability	Section E. Decommissioning Requirements, 3
<p>Comment: Section E.3 lists the components of the system required to be removed to satisfy decommissioning. Some of these items if remaining at the end of decommissioning may be desirable to the property owner or increase the value of the property as an asset or improvement. For example, electrical service to a remote portion of the property or a building or structure may be desirable for the landowner to maintain. While Dominion Energy understands from DHEC that section E.4.(b) was intended to cover this situation, as written these two provisions contradict each other and clarifying language should be added to E.3. referencing the exception found in E.4.b. As an alternative, Dominion Energy suggests rather than make the list of components to be removed found in E.3. definitive, that the components that are to be removed and remain be identified within the Decommissioning Plan for DHEC approval and that decommissioning is considered</p>	

completed when the property upon which solar equipment, facilities, or devices are located have been reasonably restored in accordance with the decommissioning plan.

Department Response:

Accepted. In response to the received comment, the Department has undertaken a revision to the draft regulation. Specifically, the Department has removed the language "removed, including, but not limited to, solar panels, buildings, cabling, electrical components, and any other components of a solar energy system that are" from Section E.3. Furthermore, Section E.4.a.(4) has been introduced to the decommissioning plan, encompassing "A comprehensive list of all solar energy system components to be properly recycled or disposed."

Name	Section
Dominion Energy - Jason E. Williams, Vice President, Environmental & Sustainability	Section E. Decommissioning Requirements, 4, e

Comment:

Section E.4.e would require that a final decommissioning cost estimate be prepared by a third-party and submitted. Requiring third-party cost estimates is not needed as many solar energy system owners/operators have staff to do these calculations, and this requirement would add unnecessary expenses. Dominion Energy recommends an exception be added to this section for those owner/operators that can prepare a cost estimate themselves.

Department Response:

Accepted. In response to the received comment, the Department removed the language that requires "A final decommissioning cost estimate be prepared by a third-party", and restructured Section E.4.e language to reflect "A final decommissioning cost estimate shall provide estimates for a third-party to properly recycle or dispose of all components of the solar energy system..." Therefore, the registrant may complete a final decommissioning cost estimate in-house if the registrant has those capabilities. If the registrant has those capabilities, the final decommissioning cost estimate is calculated as if the state were to hire a third-party contractor to decommission the site.

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

(X) ACTION
() INFORMATION

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

III. INTRODUCTION

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

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

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

IV. ANALYSIS

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

South Carolina Code Section 44-53-220 states:

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

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

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

1. The history and current pattern of abuse.

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

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

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

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

<i>Region</i>	<i>2020</i>	<i>2021</i>	<i>Percent Increase</i>
<i>Northeast</i>	346	556	61%
<i>South</i>	198	580	193%
<i>Midwest</i>	110	118	7%
<i>West</i>	77	163	112%

Source: DEA

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

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

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

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

Source: DEA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. The risk to public health.

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

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

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

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

V. RECOMMENDATION

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

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

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

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

() Xylazine.

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



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

Attachments:

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

ATTACHMENT A

REFERENCES

1. The Growing Threat of Xylazine and Its Mixture with Illicit Drugs: DEA Joint Intelligence Report. United States Drug Enforcement Administration. <https://www.dea.gov/documents/2022/2022-12/2022-12-21/growing-threat-xylazine-and-its-mixture-illicit-drugs>. Published October 2022. Accessed March 7, 2023.
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3. Xylazine. United States Drug Enforcement Administration. https://www.deadiversion.usdoj.gov/drug_chem_info/Xylazine.pdf. Published May 2023. Accessed June 25, 2023.
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6. Kacinko SL, Mohr ALA, Logan BK, Barbieri EJ. Xylazine: pharmacology review and prevalence and drug combinations in forensic toxicology casework. *J Anal Toxicol*. 2022;46(8):911-917. doi:10.1093/jat/bkac049.
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ATTACHMENT B

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

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

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

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

September 7, 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 July 1, 2023, through July 31, 2023.
- III. FACTS:** For the period of July 1, 2023, through July 31, 2023, Healthcare Quality reports 4 Consent Orders totaling \$15,600 in assessed monetary penalties.

Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Nursing Home		2	\$15,000	\$15,000
Healthcare Systems and Services	In-Home Care Provider		2	\$600	\$600
TOTAL			4	\$15,600	\$15,600

Submitted By:

Gwendolyn C. Thompson

Gwen C. Thompson
Deputy Director
Healthcare Quality

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

September 7, 2023

Bureau of Community Care

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Nursing Home	194	20,204

1. Vivant Healthcare of Hanahan, Hanahan (135 beds)

Investigation and Violations: On June 7, 2022, Aug. 30, 2022, Sept. 2, 2022, Mar. 6, 2023, Mar. 14, 2023, and Apr. 12, 2023, the Department representatives made unannounced visits to the Facility to conduct inspections, follow-up inspections and complaint investigations. During those inspections, the Department found the Facility in violation of Regulation 61-17 as follows:

- The Facility failed to afford a resident the opportunity to formulate an advanced directive.
- The Facility failed to ensure there were adequate staff in number and skill.
- The Facility failed to provide the minimum 1.63 hours of direct care per resident per day from the non-licensed staff.
- The Facility failed to provide the staff members with the necessary training.
- The Facility failed to ensure all staff were provided in-service training that identified training needs related to problems, needs, resident care and infection control.
- The Facility failed to have documentation of a resident's advance directive upon admission.
- The Facility failed to ensure complete and accurate medical records for a resident's files that contained written records of month weights.
- The Facility failed to review and revise residents' Individual Care Plan.
- The Facility Failed to ensure treatment and services were rendered effectively and safely.
- The Facility failed to provide residents with assistance in self-care and activities of daily living.
- The Facility failed to ensure that residents were neat, clean and appropriately/comfortably dressed in clean clothes.
- The Facility failed to institute measures to prevent and treat wounds.
- The Facility failed to provide a resident with assistance with addressing social, emotional and related problems.
- The Facility failed to notify a family member of a resident's discharge/transfer.
- The Facility failed to maintain a resident's privacy by knocking before entering the room.
- The Facility failed to store and safeguard medications to prevent access by unauthorized individuals.
- The Facility failed to ensure the proper storage and labeling of blood glucometer testing strips and vials of insulin.
- The Facility failed to ensure that schedule II controlled substances were properly stored and secured.
- The Facility failed to make provisions for proper maintenance of food temperatures.
- The Facility failed to ensure food is properly prepared and sufficient in quantity and quality.

- The Facility failed to ensure that the storage, preparation, serving and transportation of food was in accordance with R. 61-25.
- The Facility failed to employ a qualified dietitian or other qualified nutrition professional.
- The Facility failed to ensure that fire protection and suppression systems were maintained and tested annually.
- The Facility failed to ensure that staff practices promote conditions that prevent the spread of infectious, contagious or communicable diseases and provide for the proper disposal of toxic and hazardous substances.
- The Facility failed to have documentation that direct care staff and/or residents had an annual flu vaccine or were offered and declined the vaccination.
- The Facility failed to implement an infection prevention and control program.
- The Facility failed to have documentation of residents who were vaccinated for Streptococcus pneumoniae or those who were offered and declined.
- The Facility failed to ensure the facility and its grounds were uncluttered, clean and free from vermin and offensive odors.
- The Facility failed to keep the structure, component parts, amenities and equipment in good repair and operating condition.
- The Facility failed to properly secure oxygen tanks.
- The Facility failed to ensure the facility free of fire hazards or impediments.
- The Facility failed to ensure a call button was available to allow residents to call for assistance.
- The Facility failed to have a system in place to ensure all financial obligations are met to guarantee care and services are provided to residents.

Enforcement Action: The parties agreed to resolve the matter with a Consent Order. The Facility paid the \$10,000 monetary penalty.

Remedial Action: The facility agreed to initiate action to correct those violations and ensure that they are not repeated.

Prior Orders: None in the past 5 years.

2. Vivant Healthcare of Charleston – Charleston (125 beds)

Investigation and Violations: On Jan. 31, 2022, Mar. 7, 2023, and Apr. 12, 2023, Department representatives made unannounced visits to the Facility to conduct inspections. During those inspections, the Department found the Facility in violation of Regulation 61-17 as follows:

- The Facility failed to ensure treatment and services were rendered effectively and safely.
- The Facility failed to have documented reviews of the control sheets at each shift change.
- The Facility failed to ensure that fire protection and suppression systems were maintained and tested.
- The Facility failed to keep the structure, component parts, amenities and equipment in good repair and operating condition.
- The Facility failed to have a system in place to ensure all financial obligations are met to guarantee care and services are provided to residents.

Enforcement Action: The parties agreed to resolve the matter with a Consent Order. The Facility paid the \$5,000 monetary penalty.

Remedial Action: The facility agreed to initiate action to correct those violations and ensure that they are not repeated.

Prior Orders: None in the past 5 years.

Bureau of Healthcare Systems and Services

Facility Type	Total Number of Licensed Facilities
In-Home Care Provider	933

1. S & S Sure Care, LLC

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

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

Remedial Action: none

Prior Orders: None in the past 5 years.

2. Alpha Health Services

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

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

Remedial Action: none

Prior Orders: None in the past 5 years.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
September 7, 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 July 1, 2023, through July 31, 2023.
3. **FACTS:** For the reporting period of July 1, 2023, through July 31, 2023, the Office of Environmental Affairs issued twenty-one (21) Consent Orders with total assessed civil penalties in the amount of one hundred thirteen thousand, three hundred eight dollars (\$113,308.00). Also, eleven (11) Administrative Orders with total assessed civil penalties in the amount of one hundred thousand, five hundred ninety dollars (\$100,590.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	4	\$88,090.00	2	\$7,700.00
Solid Waste	0	0	0	0
Hazardous Waste	0	0	3	\$38,050.00
Mining	0	0	2	\$2,000.00
Radiological Health	0	0	0	0
SUBTOTAL	4	\$88,090.00	7	\$47,750.00
Water				
Recreational Water	0	0	4	\$2,840.00
Drinking Water	0	0	3	\$7,100.00
Water Pollution	0	0	4	\$17,218.00
SUBTOTAL	0	0	11	\$27,158.00
Air Quality				
SUBTOTAL	0	0	3	\$38,400.00
Environmental Health Services				
Onsite Wastewater	7	\$12,500.00	0	0
SUBTOTAL	7	\$12,500.00	0	0
OCRM				
SUBTOTAL	0	0	0	0
TOTAL	11	\$100,590.00	21	\$113,308.00

Submitted by:

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

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
September 7, 2023**

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 23-01-NPP
 Order Date: May 12, 2023
 Individual/Entity: **Grissom-Johnson, LLC**
 Facility: Formerly Crafty's Auto Salvage
 Location: 300 Robert M Grissom Parkway
 Myrtle Beach, SC 29577
 Mailing Address: 712 Charter Lane
 Lexington, SC 29072
 County: Horry
 Previous Orders: None
 Permit/ID Number: 03467
 Violations Cited: The South Carolina Pollution Control Act
 (PCA), S.C. code Ann. § 48-1-50(6), (20), and (21).

Summary: Grissom-Johnson, LLC (Individual/Entity) owns a former auto salvage site in Horry County, South Carolina. On August 16, 2021, the Department conducted a file review of the site and sent a letter requesting the submission of a Site-Specific Work Plan (SSWP) to delineate soil contamination at the site. The Individual/Entity has violated the Pollution Control Act, as follows: failed to conduct studies, investigations, and research with respect to pollution abatement, control or prevention; failed to conduct investigations of conditions in the air or waters of the State to determine whether or not standards are being contravened and the origin of materials which are causing the pollution condition; and failed to establish the cause, extent and origin of damages from waste including damages to the fish, waterfowl, and other aquatic animals and public property which result from the discharge of waste to the waters of the State.

Action: The Individual/Entity shall: submit a SSWP to collect and analyze soil samples from the Site by August 4, 2023; and within sixty (60) days of the Department's approval of the SSWP, submit soil sample results to the Department. The Department has assessed a total civil penalty in the amount of two thousand, seven hundred fifty dollars (\$2,750.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, seven hundred fifty dollars (**\$2,750.00**) by August 21, 2023.

Update: None.

- 2) Order Type and Number: Administrative Order 23-0049-UST
 Order Date: June 21, 2023

Individual/Entity: **John J. Norman**
Facility: Mount Carmel Body & Auto
Location: 3728 SC-81
Mount Carmel, SC 29835-0266
Mailing Address: 816 Haigler Street
Abbeville, SC 29620
County: McCormick
Previous Orders: None
Permit/ID Number: 06404
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), 280.110(c), 280.243(b) (2012 & Supp 2022), and § 44-2-60(A) (2018).

Summary: John J. Norman (Individual/Entity) owns underground storage tanks (USTs) in McCormick County, South Carolina. Based on a routine file review, the Department issued a New Owner Notice of Alleged Violation on January 20, 2023. The Individual/Entity 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 properly train and designate a Class A/B operator for the Facility; and failed to pay annual tank registration fees and associated late fees.

Action: The Individual/Entity is required to submit: a completed Certificate of Financial Responsibility form and evidence of financial assurance; proof a Class A/B operator has been trained and designated for the Facility; and payment of annual tank registration fees and associated late fees for fiscal years 2019 through 2023 in the amount of three thousand, one hundred forty-six dollars (\$3,146.00) by August 27, 2023. The Department has assessed a total civil penalty in the amount of thirty-one thousand, six hundred dollars (\$31,600.00). The Individual/Entity shall pay a civil penalty in the amount of thirty-one thousand, six hundred dollars (**\$31,600.00**) by August 27, 2023.

Update: None.

3) Order Type and Number: Administrative Order 23-0096-UST
Order Date: July 3, 2023
Individual/Entity: **Robert M. Askins**
Facility: Blvd Service Station
Location: 120 South Ron McNair Boulevard
Lake City, SC 29560
Mailing Address: P.O. Box 969
Lake City, SC 29560
County: Florence
Previous Orders: None
Permit/ID Number: 03492
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq.; and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.65 (2012 & Supp 2022).

Summary: Robert M. Askins (Individual/Entity) owned an underground storage tank (UST) in Florence County, South Carolina. Based on a file review conducted on January 31, 2023, the Department issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act, and the South Carolina Underground Storage Tank Regulation as follows: failed to comply with the requirements for the investigation of soil and groundwater cleanup as directed by the Department.

Action: The Individual/Entity is required to submit an Owner/Operator Contractor Selection Form and a Site-Specific Work Plan by September 7, 2023. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity is required to pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**) by September 7, 2023.

Update: None.

4) Order Type and Number: Administrative Order 23-0063-UST
Order Date: July 12, 2023
Individual/Entity: **Brian E. Small**
Facility: S and S Village Mart
Location: 1516 Springdale Road
Lancaster, SC 29720
Mailing Address: 4232 Madison Lane
Lancaster, SC 29720
County: Lancaster
Previous Orders: None
Permit/ID Number: 05566
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, 280.22(b), 280.34(c), 280.35(a)(1), 280.35(a)(2), 280.36(a)(1)(i), 280.36(a)(1)(ii), 280.40(a), 280.40(a)(3), 280.41(b)(1)(i)(B), 280.43(d), 280.44(a), 280.45(b)(1), 280.93(a), 281.110 (c), 280.242, 280.242(b)(3), 280.242(b)(4), 280.243(b), 280.243(c), 280.245 (2012 & Supp 2022), and § 44-2-60(A) (2018).

Summary: Brian E. Small (Individual/Entity) owns an underground storage tank (UST) in Lancaster County, South Carolina. Based on a routine file review, the Department issued a New Owner Notice of Alleged Violation on February 3, 2023. The Individual/Entity 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 pay annual tank registration fees and associated late fees; failed to provide either the most recent ten (10) of twelve (12) months of Automatic Tank Gauge (ATG) records for both compartments of the UST or tank tightness test results for both compartments of the UST; failed to provide passing results for the line tightness test for both compartments of the UST; failed to provide spill bucket integrity test results for all spill buckets; failed to provide overfill prevention equipment operability test results for all overfill prevention equipment; failed to provide release detection operability test results for both compartments of the UST; failed to provide line leak detector function check test results for both compartments of the UST; failed to provide a list of Class C operators trained and designated for the Facility; failed to provide proof that a Class A/B operator

has been trained and designated for the Facility; and failed to provide proof that a Class A/B operator log had been initiated and was being properly maintained.

Action: The Individual/Entity is required to submit: a completed Certificate of Financial Responsibility form and evidence of financial assurance; payment of ATRFs and associated late fees for fiscal years 2019 through 2023 in the amount of one thousand, five hundred, seventy-three dollars (\$1,573.00); a completed Notification of Ownership Change for Underground Storage Tanks form; either ten (10) of the most recent twelve (12) months of ATG records for both compartments of the UST with the most recent two (2) months passing or tank tightness test results for both compartments of the UST; a current passing ATG record for both compartments of the UST as proof that a valid release detection method is in place; line tightness test for both compartments of the UST; spill bucket integrity test results for all spill buckets at the Facility; overfill prevention equipment operability test results for all overfill devices at the Facility; release detection operability test results for both compartments of the UST; line leak detector function check test results for both compartments of the UST; a list of all Class C operators trained and designated for the facility; proof that a Class A/B operator has been trained and designated for your facility; proof that an annual and monthly walkthrough log is being maintained. The Department has assessed a total civil penalty in the amount of fifty thousand, seven hundred forty dollars (\$50,740.00). The Individual/Entity shall pay a civil penalty in the amount of fifty thousand, seven hundred forty dollars (**\$50,740.00**) by August 26, 2023.

Update: None.

5) Order Type and Number: Consent Order 23-0147-UST
Order Date: July 27, 2023
Individual/Entity: **Pramukh BL, LLC**
Facility: **Pic N Pay #1**
Location: 1012 Highway 38 North
Bennettsville, SC 29512
Mailing Address: 134 Joyce Drive
Bennettsville, SC 29512
County: Marlboro
Previous Orders: None
Permit/ID Number: 18160
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: Pramukh BL, LLC (Individual/Entity) owns underground storage tanks (USTs) in Marlboro County, South Carolina. On May 22, 2023, 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 notify the Department of ownership change within thirty (30) days of acquisition of a regulated UST system on an approved form.

Action: The Individual/Entity corrected the violations prior to the issuance of the Order. The Department has assessed a total penalty in the amount of five hundred dollars

(\$500.00). The Individual/Entity shall pay a total civil penalty in the amount of five hundred dollars (**\$500.00**) by September 10, 2023.

Update: The Department received the civil penalty payment on July 24, 2023. The Order is closed.

6) Order Type and Number: Consent Order 23-0116-UST
Order Date: July 27, 2023
Individual/Entity: **Murphy Oil USA, Inc.**
Facility: Murphy Express 8903
Location: 4404 Augusta Road
Lexington, SC 29073
Mailing Address: P.O. Box 7300
El Dorado, Arkansas 71731
County: Lexington
Previous Orders: None
Permit/ID Number: 20034
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: Murphy Oil USA, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. Based on a routine inspection conducted on May 17, 2023, the Department issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment of an underground storage tank system.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of seven thousand, two hundred dollars (\$7,200.00). The Individual/Entity shall pay a civil penalty in the amount of seven thousand, two hundred dollars (**\$7,200.00**) by September 10, 2023.

Update: The Department received the civil penalty payment in the amount of seven thousand, two hundred dollars (\$7,200.00) on July 10, 2023. The Order is closed.

Hazardous Waste Enforcement

7) Order Type and Number: Consent Order 23-18-HW
Order Date: July 12, 2023
Individual/Entity: **OMNOVA Solutions, Inc.**
Facility: OMNOVA Solutions, Inc.
Location: 1455 J. A. Cochran Bypass
Chester, SC 29706
Mailing Address: Same
County: Chester

Previous Orders: None
Permit/ID Number: SCD 003 164 662
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: OMNOVA Solutions, Inc. (Individual/Entity) is a manufacturer of specialty chemicals including bonding adhesives for tapes, labels, and packaging at located in Chester County, South Carolina. The Department conducted an inspection at the facility on February 9, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations, as follows: failed to make accurate hazardous waste determinations; failed to mark or label its containers with an indication of the hazards of the contents; failed to immediately transfer hazardous waste from a container holding hazardous waste that was not in good condition; failed to ensure personnel took part in a hazardous waste training program and were trained within six (6) months from the date of hire; failed to ensure personnel took part in an annual review of the initial training; failed to describe in the Contingency Plan, the arrangements agreed to with emergency responders; failed to update their quick reference guide; and accumulated universal waste for longer than one (1) year from the date the universal waste was generated.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of twelve thousand, fifty dollars (\$12,050.00). The Individual/Entity shall pay a civil penalty in the amount of twelve thousand, fifty dollars (**\$12,050.00**) by August 11, 2023.

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

8) Order Type and Number: Consent Order 23-20-HW
Order Date: July 21, 2023
Individual/Entity: **VALTIR, LLC**
Facility: VALTIR, LLC
Location: 600 Prosperity Drive
Orangeburg, SC 29115
Mailing Address: Same
County: Orangeburg
Previous Orders: None
Permit/ID Number: SCR 000 763 045
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2021), the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. § 44-96-10 (2018), and the South Carolina Solid Waste Management: Used Oil Regulations, 8 S.C. Code Ann. Regs. 61-107.279 (2012 and Supp. 2021).

Summary: VALTIR, LLC (Individual/Entity), is a manufacturer of highway safety products located in Orangeburg County, South Carolina. The Department conducted an inspection at the facility on April 19, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste

Management Regulations, and the South Carolina Solid Waste Policy and Management Act and the South Carolina Solid Waste Management: Used Oil 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 mark or label containers with the words "Hazardous Waste," an indication of the hazards of the contents, and the date upon which each period of accumulation begins clearly visible for inspection on each container; failed to ensure facility personnel successfully complete a program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance; failed to ensure that facility personnel successfully complete the program required within six (6) months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later, and failed to ensure facility personnel take part in an annual review of the initial training; failed to maintain documents or records at the facility which describe the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job, a written job description for each position, a written description of the type and amount of both introductory and continuing training that would be given to each person filling a position, and records that document that the training or job experience required has been given to, and completed by facility personnel; failed to clean up any hazardous waste discharge that occurred during generation, processing, or storage; failed to attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility; failed to update their quick reference guide whenever the contingency plan was amended and submit these documents to the local emergency responders, or as appropriate, to the Local Emergency Planning Committee; failed to have a quick reference guide of the contingency plan that included a map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes, the identification of on-site notification systems, and the name of the emergency coordinator(s) and twenty-four (24) hour, seven (7) days-a-week emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator; failed to review, and immediately amend the contingency plan whenever the list of emergency coordinators changed; failed to ensure that containers and aboveground tanks used to store used oil at the facility were closed to prevent spillage or contamination from precipitation; and failed to ensure that containers and aboveground tanks used to store used oil at the facility were labeled or marked clearly 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 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 September 19, 2023.

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

9)	<u>Order Type and Number:</u>	Consent Order 23-19-HW
	<u>Order Date:</u>	July 31, 2023
	<u>Individual/Entity:</u>	Kyocera AVX Components
	<u>Facility:</u>	KYOCERA AVX COMPONENTS
	<u>Location:</u>	2220 AVX Drive Myrtle Beach, SC 29577

Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: SCD 062 690 557
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: Kyocera AVX Components (Individual/Entity) is a manufacturer of ceramic capacitors for use in the medical, military, and aerospace industries at its facility located at Horry County, South Carolina. The Department conducted an inspection at the facility on March 22, 2023. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations, as follows: failed to use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired; failed to mark or label its containers with an indication of the hazards of the contents; failed to mark or label containers with the words “Hazardous Waste,” an indication of the hazards of the contents, and the date upon which each period of accumulation begins clearly visible for inspection on each container; failed to describe and/or include in the Contingency Plan, a list of all emergency equipment at the facility, and where this equipment is required; failed to submit the a copy of the contingency plan and all revisions, and a quick reference guide of the contingency plan to all local emergency responders; failed to have a quick reference guide of the contingency plan that included a map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes.

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 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 August 31, 2023.

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

Mining Enforcement

10) Order Type and Number: Consent Order 23-01-MSWM
Order Date: July 19, 2023
Individual/Entity: **Rock Creek Irrigation and Landscaping, LLC**
Facility: Rock Creek Pit
Location: 691 Dixie Clay Road
Beech Island, SC 29842
Mailing Address: 215 Teal Court
Aiken, SC 29803
County: Aiken
Previous Orders: None
Permit/ID Number: N/A

Violations Cited: South Carolina Mining Act (2008 & Supp. 2015), the Mining Regulation, Section 20 (Supp. 2012) (Regulation), 340(B) and 210.

Summary: Rock Creek Irrigation and Landscaping, LLC (Individual/Entity), owns and operates a mine in Aiken County, South Carolina. On January 26, 2022, the Department conducted an inspection in response to a complaint. The Individual/Entity has violated the South Carolina Mining Act and the Mining Regulation as follows: failed to obtain a permit from the Department prior to engaging in mining activities.

Action: The Individual/Entity corrected the violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by September 4, 2023.

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

11) Order Type and Number: Consent Order 23-06-MSWM
Order Date: July 19, 2023
Individual/Entity: DHK Development, LLC
Facility: DHK 1 Rogers Road
Location: TMS # 167-00-01-028
Mailing Address: P.O. Box 540
Darlington, SC 29540
County: Darlington
Previous Orders: None
Permit/ID Number: GP1-002173
Violations Cited: The South Carolina Mining Act, S.C. code Ann. § 48-20-10 et seq. (2008 & Supp. 2018); South Carolina Mining Regulation (2012) R.89-20; and Permit GP1-002173, B.1., B.2., B.5., and B.8.

Summary: DHK Development (Individual/Entity) owns and operates DHK 1 Rogers Road Mine in Darlington County, South Carolina. The Department conducted an inspection on November 10, 2022. The Individual/Entity violated the South Carolina Mining Act, the Mining Regulations, and the Permit, as follows: failed to obtain a mining permit which covers the affected land prior to engaging in mining; failed to disturb an area no greater than five (5) acres to a maximum depth of twenty (20) feet without applying for an Individual Mine Permit; failed to conduct processing of materials only to screen to remove roots from topsoil; and failed to mine the pit on a slope not steeper than 3:1 or maintain vertical highwalls to a height not greater than ten (10) feet.

Action: The Individual/Entity shall: submit a completed Individual Mine Operating Permit by September 5, 2023, and within fifteen (15) days of receiving written comments or deficiencies, make the appropriate corrections and resubmit to the Department for further review. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by September 5, 2023.

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

BUREAU OF WATER

Recreational Waters Enforcement

- 12) Order Type and Number: Consent Order 23-016-RW
Order Date: July 17, 2023
Individual/Entity: **UMANG Properties, LLC**
Facility: Country Inn & Suites
Location: 731 Citadel Road
Orangeburg, SC 29118
Mailing Address: P.O. Box 1127
Laramie, WY 82073
County: Orangeburg
Previous Orders: None
Permit/ID Number: 38-1008B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: UMANG Properties, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Orangeburg County, South Carolina. The Department conducted inspections on June 5, 2023, and July 10, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: skimmers were missing weirs; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; there was debris in the skimmer baskets; and the pool equipment room was not locked.

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

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

- 13) Order Type and Number: Consent Order 23-017-RW
Order Date: July 27, 2023
Individual/Entity: **Sea Breeze, LLC**
Facility: Tahitian Princess
Location: 3300 S Ocean Boulevard
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-1292B, 26-1293C, & 26-1294D
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Sea Breeze, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool, kiddie pool, and spa located in Horry County, South Carolina. The Department conducted inspections on June 1, 2022, June

17, 2022, July 5, 2022, and August 8, 2022, and violations were issued for failure to properly operate and maintain, and for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool floors were dirty; the deck was dirty; the drinking water fountain was not operating; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record; the bound and numbered log book was not available for review on the second inspection; the waterline tiles were dirty; there was debris in the skimmer baskets; the water level was too low; the main drain grates were broken; the depth marker tiles on the deck were broken; the pool equipment room was unlocked; there were chlorine pucks in the skimmer baskets; the pool operator of record information was not legible; and the pool and spa were operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand forty dollars (\$1,040.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand forty dollars (**\$1,040.00**) by August 8, 2023.

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

14) <u>Order Type and Number:</u>	Consent Order 23-018-RW
<u>Order Date:</u>	July 27, 2023
<u>Individual/Entity:</u>	Shiv of NMB, LLC
<u>Facility:</u>	Grande Beach Resort
<u>Location:</u>	2101 South Ocean Boulevard Myrtle Beach, SC 29577
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-G22-1, 26-883-1, & 26-884-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Shiv of NMB, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of an indoor pool, outdoor pool, and an outdoor kiddie pool located in Horry County, South Carolina. The Department conducted inspections on July 27, 2022, July 29, 2022, and August 1, 2022, and violations were issued for failure to properly operate and maintain, and for re-opening the kiddie pool prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the water level was too low; the chlorine and pH levels were not within the acceptable range of water quality standards; the main drain grates were not visible due to cloudy water; the bound and numbered log book was not maintained on a daily basis; the pool operator of record information was not posted to the public; the main drain grates were not in place; a ladder was not tight and secure; a ladder was missing bumpers; a ladder was missing rungs; a ladder was missing non-slip tread inserts; the steps and step edge stripes were painted over with slippery paint; the pool deck was not clear of hazards; the deck drains were broken; skimmers were missing weirs; the gate did not self-close and latch; there was standing water on the deck; the pool rules sign was not completely filled out; only one “Shallow Water – No Diving Allowed” signed was

posted, the sign posted did not have the correct wording, and the letters were not the correct size; a light in the pool wall was out of its niche; and the kiddie pool was operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of four hundred forty dollars (\$440.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred forty dollars (**\$440.00**) by August 8, 2023.

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

15) Order Type and Number: Consent Order 23-019-RW
Order Date: July 27, 2023
Individual/Entity: **AB Apartments SPE, LLC**
Facility: Atlantic on the Boulevard
Location: 2155 Morris Baker Boulevard
North Charleston, SC 29406
Mailing Address: 15 West South Temple
Salt Lake City, UT 84101
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1341B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: AB Apartments SPE, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on May 26, 2023, and July 7, 2023, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a floor skimmer was in the pool while the pool was open to the public; the chlorine level was not within the acceptable range of water quality standards; the life ring rope was deteriorated; the bound and numbered log book was not maintained on a daily basis; a ladder was missing bumpers; the main drain grates were not visible due to cloudy water; and there were chlorine pucks in the skimmer baskets.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by August 16, 2023.

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

Drinking Water Enforcement

16) Order Type and Number: Consent Order 23-016-DW
Order Date: July 14, 2023
Individual/Entity: **The Middleton Place Registered National Historic Landmark, Inc.**
Facility: Middleton Place

Location: 4300 Ashley River Road
Charleston, SC 29414
Mailing Address: 4290 Ashley River Road
Charleston, SC 29414
County: Dorchester
Previous Orders: None
Permit/ID Number: 1870902
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(1)

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

Action: The Individual/Entity is required to: submit an investigative report and a corrective action plan with a schedule to address the causes of the total coliform and E. coli present results at the PWS by September 14, 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: None.

17) Order Type and Number: Consent Order 23-017-DW
Order Date: July 31, 2023
Individual/Entity: **Adnah Hills MHP, LP**
Facility: Adnah Hills Mobile Home Park
Location: 102 Adnah Hills Avenue
Rock Hill, SC 29732
Mailing Address: 3374 Shore Parkway Suite 2C
Brooklyn, NY 11235
County: York
Previous Orders: None
Permit/ID Number: 4660115
Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: Adnah Hills MHP, LP (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in York County, South Carolina. The Department conducted an inspection on April 25, 2023, and the PWS was rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: there was a crack in the cement pad at Well 1; the pressure gauge at Well 1 was not attached to the wellhead; the chemical barrels in the well house at Well 1 did not have secondary containment; there was a leak in the well house at Well 1; the electrical box at Well 2 did not have a cover; the spigot leading to the distribution system at Well 2 was leaking; chlorine and pressure readings were not taken daily from Well 1 and Well 2; there have been water line breaks resulting in possible drops in water pressure; the system's valves were not routinely exercised; the valve maintenance program was not

updated and did not include records for inspecting, exercising, and maintaining all of the system's valves; daily flow meter logs were not correctly labeled with the current month and year; there was a broken pipe at the storage tank and the pressure gauge was broken; and there was an unpermitted well discovered during the inspection that was operational and on-line.

Action: The Individual/Entity is required to: correct the deficiencies at Well 1 and Well 2 and submit updated monthly well operation log sheets for June 2023 and July 2023 by August 1, 2023; inspect all of the system's valves, repair or replace any inoperable or inadequate valves, record any maintenance performed on the valves and submit a completed Valve Operation Worksheet and Valve Maintenance Worksheet by November 15, 2023; and provide for a SC professional engineer to complete an evaluation of the PWS and submit a corrective action plan and schedule based upon the findings from the evaluation by November 15, 2023. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) by August 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: The civil penalty has been paid. The Individual/Entity has corrected the deficiencies at Well 1 and Well 2 and submitted the monthly well operation log sheets.

18) <u>Order Type and Number:</u>	Consent Order 23-018-DW
<u>Order Date:</u>	July 31, 2023
<u>Individual/Entity:</u>	Calhoun County Municipal Water
<u>Facility:</u>	Upper Calhoun–Belleville & Sandy Run
<u>Location:</u>	1722 Old State Road Gaston, SC 29053
<u>Mailing Address:</u>	Same
<u>County:</u>	Calhoun
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	0920001 & 0920002
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.7.D.2

Summary: Calhoun County Municipal Water (Individual/Entity) owns and is responsible for the proper operation and maintenance of two public water systems (PWSs) located in Calhoun County, South Carolina. The Department conducted inspections of the PWSs on June 12, 2023, and they were rated unsatisfactory for failure to provide daily monitoring of the groundwater treatment plants by an operator of the appropriate grade. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: failed to provide an operator of the appropriate grade for monitoring the two groundwater treatment plants daily to ensure proper operation.

Action: The Individual/Entity is required to: submit to the Department for review and approval a standard operating procedure that the Individual/Entity will implement to ensure that an operator of the appropriate grade is available to monitor the groundwater treatment plants daily by August 30, 2023. The Department has assessed a total civil penalty in the amount of five thousand one hundred dollars (\$5,100.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand one hundred dollars (**\$5,100.00**) by August 30, 2023.

Update: The Individual/Entity has contracted an operator of the appropriate grade for daily visits and submitted a standard operating procedure that was approved by the Department. The civil penalty has been paid.

Water Pollution Enforcement

19) Order Type and Number: Consent Order 23-031-W
Order Date: July 3, 2023
Individual/Entity: **Stephen Holt**
Facility: Giant Cement Company
Location: 654 Judges Street
Harleyville, SC 29448
Mailing Address: P.O. Box 218
Harleyville, SC
County: Dorchester
Previous Orders: 22-009-W (\$4,480.00);
22-053-W (\$4,300.00);
18-019-W (\$6,000.00)
Permit/ID Number: NPDES Permit #SC0022667
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 SC0022667

Summary: Giant Cement Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of outfalls for quarry dewatering in Dorchester County, South Carolina. The Individual/Entity reported violations of Biochemical Oxygen Demand (BOD) 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 BOD effluent limitations of NPDES permit SC0022667.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by August 3, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of two thousand five hundred fifty dollars (\$2,550.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand five hundred fifty dollars (**\$2,550.00**) by August 3, 2023.

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

20) Order Type and Number: Consent Order 23-032-W
Order Date: July 12, 2023
Individual/Entity: **Milliken & Company Enterprise Plant**
Facility: Enterprises Plant WWTF
Location: US Highway 288
Marietta, SC 29661

Mailing Address: P.O. Box 1926 M-482
Spartanburg, SC 29080
County: Greenville
Previous Orders: None
Permit/ID Number: SC0003191
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) and Water Pollution Control Permits Regulation S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: Milliken & Company Enterprise Plant (Individual/Entity) owns and is responsible for a wastewater treatment facility (WWTF) located in Greenville County, South Carolina. The Individual/Entity reported violations of Escherichia coli (E.coli) and chronic toxicity (CTOX) on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation, as follows: failed to comply with the permitted effluent limitations for E.coli and CTOX.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the effluent violations by August 11, 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 August 11, 2023.

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

21) Order Type and Number: Consent Order 23-033-W
Order Date: July 12, 2023
Individual/Entity: **Town of Lynchburg**
Facility: Town of Lynchburg WWTF
Location: US Highway 76
Lynchburg, SC 29080
Mailing Address: P.O. Box 147
Lynchburg, SC 29080
County: Lee
Previous Orders: 18-038-W (\$4,480.00)
Permit/ID Number: SC0042676
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) and Water Pollution Control Permits Regulation S.C. Code Ann. Regs. 61-9.122.41(a)

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

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the effluent violations by August 11, 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 six thousand, eight hundred and sixty-eight dollars (\$6,868.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand, eight hundred and sixty-eight dollars **(\$6,868.00)** in four (4) monthly installments by May 1, 2024.

Update: The written notification for completion of corrected actions has been submitted and the first installment has been paid.

22) Order Type and Number: Consent Order 23-034-W
Order Date: July 14, 2023
Individual/Entity: **Faith Landscaping LLC**
Facility: Faith Landscaping LLC/D&T Mine
Location: 5481 Carriage Rd.
Conway, SC 29527
Mailing Address: Same
County: Horry County
Previous Orders: None
Permit/ID Number: General NPDES Permit SCG731557
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(1)(4)

Summary: Faith LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a mine dewatering facility (MDWF) serving the D&T Mine located at 5476 Carriage Road in Conway, Horry County, South Carolina. On June 6, 2022, a Notice of Violation was issued to the Individual/Entity for violating the Pollution Control Act and Water Pollution Control Permit Regulations by failing to submit discharge monitoring reports (DMRs) for the months of February 2021 through January 2022.

Action: The Individual/Entity is required to submit to the Department, the DMRs for the months of February 2021 through January 2022 by August 14, 2023. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars **(\$3,000.00)** by August 14, 2023.

Update: The civil penalty has been paid and the DMRs have been submitted. The Order is closed.

BUREAU OF AIR QUALITY

23) Order Type and Number: Consent Order 23-012-A
Order Date: July 19, 2023
Individual/Entity: **Longleaf Packaging, LLC**

Facility: Longleaf Packaging, LLC
Location: 621 Good Farm Road Vance
Vance, SC 29163
Mailing Address: Same
County: Orangeburg
Previous Orders: N/A
Permit/ID Number: 1860-0153-CA
Violations Cited: S.C. Code Ann. Regs. 61-62.1, Section II,
Permit Requirements

Summary: Longleaf Packaging (Individual/Entity) packages masonry mortar mix, concrete mix, and cement in Orangeburg County, South Carolina. On July 2, 2021, the Department conducted a review of records in response to receiving a Conditional Major Operating Permit request. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to conduct a timely initial performance test; failed to install an opacity monitor; failed to submit written notification for the start of construction and initial start-up; failed to submit a timely operating permit application; failed to submit operational ranges for monitoring devices by the specified deadlines; failed to submit timely semiannual reports; and failed to apply for and obtain a construction permit for the installation of equipment in addition to that specified in Construction Permit 1860-0153-CA.

Action: The Individual/Entity is required to: henceforth comply with all terms and conditions of the Permit. The Department has assessed a total civil penalty in the amount of fourteen thousand dollars (\$14,000.00). The Individual/Entity shall pay a civil penalty in the amount of fourteen thousand dollars (**\$14,000.00**) in three payments beginning August 19, 2023.

Update: The first payment in the amount of five thousand dollars (\$5,000) was received on August 24, 2023.

24) Order Type and Number: Consent Order 23-013-A
Order Date: July 26, 2023
Individual/Entity: **Reeves Construction Company LLC.**
Facility: Reeves Construction Company Rock Hill
Location: 900 Hawkfield Road
Rock Hill, SC
Mailing Address: 248 Plemmons Road
Duncan, SC 29934
County: York
Previous Orders: None
Permit/ID Number: 9900-0033
Violations Cited: US EPA 40 CFR 60.92(a)(1), S.C. Code
Ann. Regs. 61-62.60.92(a)(1), S.C Code Ann. Regs. 62-61.1 Section II *Permit Requirements*

Summary: Reeves Construction Company LLC. (Individual/Entity) operates an asphalt plant company in York County, South Carolina. On August 5, 2021, the Individual/Entity performed a performance test for PM emissions on the baghouse exhaust stack. The Individual/Entity has violated US EPA and South Carolina Air Pollution

Control Regulations, as follows: failed to limit particulate matter (PM) emissions to 0.04 gr/dscf.

Action: The Individual/Entity is required to: limit PM emissions to 0.04 gr/dscf. The Department has assessed a total civil penalty in the amount of five thousand, four hundred dollars (\$5,400.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand, four hundred dollars (**\$5,400.00**) by August 25, 2023.

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

25) Order Type and Number: Consent Order 23-014-A
Order Date: July 26, 2023
Individual/Entity: **Good Shepherd Pet Services Inc.**
Facility: Good Shepherd Pet Services Inc.
Location: 303 Ross Street
Piedmont, SC 29673
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit/ID Number: #0200-0148
Violations Cited: S.C. Code Ann. Regs. 61-62.5, Standard No. 3, Section III(C)(1), Section IX (A), and S.C. Code Ann. Regs. 61-62.1 (Supp. 2022), Section II, *Permit Requirements*.

Summary: Good Shepherd Pet Services Inc. ("Individual/Entity") operates a pet crematory in Anderson County South Carolina. On August 9, 2022, a Department inspector conducted an investigation in response to a complaint of excess emissions from the facility. The Individual/Entity has violated South Carolina Air Pollution Control Regulations, as follows: failed to limit opacity to 10% over a six-minute average on August 9, 2022; operated an incinerator without a trained operator on-site on August 9, 2022; failed to visually check for greater than normal emissions within thirty minutes of start-up; failed to execute a best management operating plan upon the occurrence of abnormal emissions on August 9, 2022; failed to record dates when the facility was not in operation; failed to develop, maintain, and implement a best management operating plan on-site; failed to keep records of hourly temperature readings, annual maintenance checks, and certifications of maintenance, and establish and maintain records of operational ranges for the Incinerator; failed to keep records of visual emission checks within thirty minutes of startup of the Incinerator for each case processed; failed to keep a record of the original source test on site.

Action: The Individual/Entity is required to: limit opacity to 10% over a six-minute average for the Incinerator and comply with all training, visual emissions inspection, maintenance, and recordkeeping requirements of the permit. The Department has assessed a total civil penalty in the amount of nineteen thousand dollars (\$19,000.00). The Individual/Entity shall pay a civil penalty in the amount of nineteen thousand dollars (**\$19,000.00**) by August 25, 2023.

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

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

On-Site Wastewater Enforcement

26) Order Type and Number: Administrative Order 23-064-OSWW
Order Date: June 19, 2023
Individual/Entity: **Kayram Atlanta, LLC**
Facility: Kayram Atlanta, LLC
Location: 3959 Fish Hatchery Road
Gaston, SC 29053
Mailing Address: 575 Laurel Oaks Lane
Alpharetta, GA 30004
County: Lexington
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Kayram Atlanta, LLC (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on May 24, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

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

27) Order Type and Number: Administrative Order 23-059-OSWW
Order Date: June 22, 2023
Individual/Entity: **Kevin M. McKoy and Angel Lacrystal McKoy**
Facility: Kevin M. McKoy and Angel Lacrystal McKoy
Location: 3788 Trotwood Drive
Florence, SC 29501
Mailing Address: Same
County: Florence
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

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

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

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

28) <u>Order Type and Number:</u>	Administrative Order 23-060-OSWW
<u>Order Date:</u>	June 22, 2023
<u>Individual/Entity:</u>	Kerry Elaine Chandler
<u>Facility:</u>	Kerry Elaine Chandler
<u>Location:</u>	1465 Sunburst Drive Lake City, SC 29560
<u>Mailing Address:</u>	4568 Barrineau Road Cades, SC 29518
<u>County:</u>	Florence
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Kerry Elaine Chandler (Individual/Entity) owns property located in Florence County, South Carolina. The Department conducted an investigation on May 12, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

Update: The Individual/Entity has met the requirements of the Order.

29) Order Type and Number: Administrative Order 23-065-OSWW
Order Date: June 22, 2023
Individual/Entity: **Zachary Blair Norris**
Facility: Zachary Blair Norris
Location: 1030 Universal Drive
Columbia, SC 29209
Mailing Address: P.O. Box 97607
Raleigh, NC 27624
County: Richland
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Zachary Blair Norris (Individual/Entity) owns property located in Richland County, South Carolina. The Department conducted an investigation on May 22, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

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

30) Order Type and Number: Administrative Order 23-069-OSWW
Order Date: June 22, 2023
Individual/Entity: **BTR Enterprises, LLC**
Facility: BTR Enterprises, LLC
Location: 207 Reds Road
Greenwood, SC 29649
Mailing Address: P.O. Box 144
Mountville, SC 29370
County: Greenwood
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: BTR Enterprises, LLC (Individual/Entity) owns property located in Greenwood County, South Carolina. The Department conducted an investigation on April 27, 2023, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic

wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

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

Update: On August 28, 2023, Department regional staff were requested to visit the property to evaluate if the discharge had ceased. If the discharge continues the case will be referred to the Department's OGC for a complaint to be filed with the ALC for enforcement of the Administrative Order.

31) <u>Order Type and Number:</u>	Consent Order 23-062-OSWW
<u>Order Date:</u>	July 18, 2023
<u>Individual/Entity:</u>	Steven Rogers, individually and DBA Batson Construction, LLC
<u>Facility:</u>	Steven Rogers, individually and DBA Batson Construction, LLC
<u>Location:</u>	200 Chafin Road Piedmont, SC 29650
<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: Steven Rogers, individually and DBA Batson Construction, LLC (Individual/Entity), installed OSWW systems on properties located in Anderson County, South Carolina. The Department conducted a review of submitted documents during mid-March 2023, and determined that no Approval to Operate Contractor Self-Inspection (Self-Inspection) forms were submitted for approximately fourteen sites. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: they failed to ensure that all OSWW systems that they were responsible for were installed in accordance with the permit to construct, allowed an OSWW system to be placed into operation without an approval to operate issued by the Department, and failed to supervise their employees so that all OSWW systems were installed per the permit to construct.

Action: The Individual/Entity is required to cease and desist installing OSWW systems outside the requirements of the permit to construct. The Department has assessed a total civil penalty in the amount of twelve thousand dollars (\$12,000.00). The Individual/Entity shall pay a civil penalty in the amount of twelve thousand dollars (**\$12,000.00**) by August 18, 2023.

Update: On August 29, 2023, the Department issued a payment demand letter to the Individual/Entity.

32) <u>Order Type and Number:</u>	Consent Order 23-068-OSWW
<u>Order Date:</u>	July 31, 2023
<u>Individual/Entity:</u>	James Stone, individually and DBA Stone Construction, LLC
<u>Facility:</u>	James Stone, individually and DBA Stone Construction, LLC
<u>Location:</u>	11191 Gapway Road Andrews, SC 29510
<u>Mailing Address:</u>	Same
<u>County:</u>	Georgetown
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: James Stone, individually and DBA Stone Construction, LLC, (Individual/Entity) installed an OSWW system on property located in Georgetown County, South Carolina. The Department conducted an investigation on February 23, 2023, and determined that the OSWW system was installed deeper than allowed by the permit to construct. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: the OSWW system was not installed per the permit to construct, their employees were not adequately supervised, and changes were made to the OSWW system that were not on the permit to construct.

Action: The Individual/Entity is required to cease and desist installing OSWW systems outside the requirements of the permit to construct. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

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

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

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL


September 7, 2023

() ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Public Health Administrative and Consent Orders.
- II. SUBJECT:** Public Health Administrative Orders and Consent Orders for the period of July 1, 2023, through July 31, 2023.
- III. FACTS:** For the period of July 1, 2023, through July 31, 2023, Public Health reports 0 Administrative Orders and 29 Consent Orders totaling \$30,300 in assessed civil penalties.

Permit Type	Administrative Orders	Consent Orders	Assessed Civil Penalties
Retail Food Establishments	0	29	\$30,300

Submitted By:


Bentley P. White
Policy Director
Public Health

PUBLIC HEALTH ENFORCEMENT REPORT
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

September 7, 2023

CONSENT ORDERS (29)

- 1) Order Type and Number: Consent Order 23-51-FOOD
Order Date: July 6, 2023
Individual/Entity: **Malibu of Surfside**
Facility: Malibu of Surfside
Location: 815 Surfside Drive, Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit Number: 26-206-12708

Summary: The Department conducted inspections on September 28, 2022, October 7, 2022, and February 7, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch.

Action: The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 2) Order Type and Number: Consent Order 23-179-FOOD
Order Date: July 6, 2023
Individual/Entity: **Chili Frito**
Facility: Chili Frito
Location: 4022 River Oaks Drive, Unit A10, Myrtle Beach, SC 29579
County: Horry
Previous Orders: None
Permit Number: 26-206-13858

Summary: The Department conducted inspections on April 18, 2023, April 27, 2023, and May 8, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 3) Order Type and Number: Consent Order 23-157-FOOD
Order Date: July 6, 2023

Individual/Entity: **Uncle Berto's Burritos**
Facility: Uncle Berto's Burritos
Location: 2509 Stone Station Road, Roebuck, SC 29376
County: Spartanburg
Previous Orders: None
Permit Number: 42-206-06687

Summary: The Department conducted inspections on April 27, 2023, May 12, 2023, and May 19, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: 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 Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 4) Order Type and Number: Consent Order 23-154-FOOD
Order Date: July 6, 2023
Individual/Entity: **Lobster House Seafood**
Facility: Lobster House Seafood
Location: 5301 South Kings Highway, Myrtle Beach, SC 29576
County: Horry
Previous Orders: None
Permit Number: 26-206-13657

Summary: The Department conducted inspections on March 1, 2023, March 10, 2023, and April 26, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 5) Order Type and Number: Consent Order 23-137-FOOD
Order Date: July 6, 2023
Individual/Entity: **Popeyes of Myrtle Beach**
Facility: Popeyes of Myrtle Beach
Location: 5901 South Kings Highway, Myrtle Beach, SC 29575
County: Horry
Previous Orders: 23-27-FOOD (\$1,600.00)
Permit Number: 26-206-14489

Summary: The Department conducted inspections on January 11, 2023, January 20, 2023, and May 16, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (23-27-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control; by failing to ensure floors, floor coverings, walls, wall coverings, and ceilings were designed, constructed, and installed so they are smooth and easily cleanable; and by failing to ensure that physical facilities were maintained in good repair.

- 6) Order Type and Number: Consent Order 23-60-FOOD
 Order Date: July 6, 2023
 Individual/Entity: **Mexico Lindo Tienda Y Tortilleria**
 Facility: Mexico Lindo Tienda Y Tortilleria
 Location: 1211 3rd Avenue South, Suite B, Myrtle Beach, SC 29577
 County: Horry
 Previous Orders: None
 Permit Number: Operating Without a Permit

Summary: The Department conducted investigations on June 28, 2022, February 22, 2023, and February 23, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: provided food to the public without a valid permit issued by the Department.

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

- 7) Order Type and Number: Consent Order 23-180-FOOD
 Order Date: July 6, 2023
 Individual/Entity: **Tavern in the Forest**
 Facility: Tavern in the Forest
 Location: 4999 Carolina Forest Boulevard, Myrtle Beach, SC 29579
 County: Horry
 Previous Orders: 22-58-FOOD (\$500.00); and
 22-227-FOOD (\$500.00)
 Permit Number: 26-206-14064

Summary: The Department conducted inspections on April 12, 2023, April 20, 2023, and May 1, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Department has assessed a total civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (22-58-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by obscuring, covering, defacing, relocating, or removing the grade decal that was posted by the Department.

The previous Consent Order (22-227-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to maintain the premises free of insects, rodents, and other pests.

- 8) Order Type and Number: Consent Order 23-145-FOOD
 Order Date: July 6, 2023
 Individual/Entity: **Lakewood Trading Post**
 Facility: Lakewood Trading Post
 Location: 5901 South Kings Highway, Myrtle Beach, SC 29575
 County: Horry
 Previous Orders: None
 Permit Number: 26-206-01253

Summary: The Department conducted inspections on May 3, 2023, May 12, 2023, and May 19, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure that each handwashing sink or group of two (2) adjacent handwashing sinks was provided with a supply of hand cleaning, liquid, powder or bar soap.

Action: Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 9) Order Type and Number: Consent Order 23-156-FOOD
 Order Date: July 10, 2023
 Individual/Entity: **Besto of Greenwood**
 Facility: Besto of Greenwood
 Location: 414 Montague Avenue, Greenwood, SC 29649

County: Greenwood
Previous Orders: None
Permit Number: 24-206-03260

Summary: The Department conducted an inspection on June 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

10) Order Type and Number: Consent Order 23-165-FOOD
Order Date: July 10, 2023
Individual/Entity: **Rosa Silva**
Facility: Los Aguacateros
Location: 4530 Highway 29 South, Belton, SC 29627
County: Anderson
Previous Orders: None
Permit Number: Operating Without a Permit

Summary: The Department conducted investigations on May 20, 2023, and June 3, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: provided food to the public without a valid permit issued by the Department.

Action: The Department has assessed a total civil penalty in the amount of two thousand dollars (\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (\$2,000.00).

11) Order Type and Number: Consent Order 23-170-FOOD
Order Date: July 13, 2023
Individual/Entity: **Family Grill**
Facility: Family Grill
Location: 604 R. Front Street, Iva, SC 29655
County: Anderson
Previous Orders: None
Permit Number: 04-206-04676

Summary: The Department conducted inspections on April 20, 2023, April 21, 2023, and April 27, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; and failed to use effective methods to cool cooked time/temperature control for safety foods.

Action: 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).

- 12) Order Type and Number: Consent Order 23-185-FOOD
 Order Date: July 13, 2023
 Individual/Entity: **Pizza Palace**
 Facility: Pizza Palace
 Location: 1314 Leesburg Road, Columbia, SC 29209
 County: Richland
 Previous Orders: None
 Permit Number: 40-206-04200

Summary: The Department conducted inspections on March 22, 2023, May 19, 2023, and May 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 13) Order Type and Number: Consent Order 23-107-FOOD
 Order Date: July 13, 2023
 Individual/Entity: **Lowe's Food Stores Inc.**
 Facility: Lowe's Food #232 Deli
 Location: 1399 South Commons Drive, Myrtle Beach, SC 29588
 County: Horry
 Previous Orders: None
 Permit Number: 26-206-10525

Summary: The Department conducted inspections on September 28, 2022, October 7, 2022, January 26, 2023, February 2, 2023, and March 13, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair.

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

- 14) Order Type and Number: Consent Order 23-117-FOOD
 Order Date: July 13, 2023
 Individual/Entity: **CG Enterprises LLC**
 Facility: Scatori's Pizzeria & Italian
 Location: 1399 S. Commons Dr., Unit A-5, Myrtle Beach, SC 29588

County: Horry
Previous Orders: None
Permit Number: 26-206-14840

Summary: The Department conducted inspections on January 13, 2023, March 15, 2023, March 24, 2023, and March 30, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to clean the physical facilities as often as necessary to keep them clean.

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

- 15) Order Type and Number: Consent Order 23-161-FOOD
Order Date: July 13, 2023
Individual/Entity: **Omkar Hotel LLC**
Facility: Baymont Inn
Location: 1755 Highway 17 North, North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-13742

Summary: The Department conducted inspections on February 25, 2022, February 14, 2023, February 24, 2023, and March 6, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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

- 16) Order Type and Number: Consent Order 23-177-FOOD
Order Date: July 13, 2023
Individual/Entity: **Garden City Pancake**
Facility: Garden City Pancake
Location: 2908 Highway 17 Business, Garden City, SC 29576
County: Horry
Previous Orders: None
Permit Number: 26-206-08207

Summary: The Department conducted inspections on June 9, 2022, October 20, 2022, and April 20, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was

maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 17) Order Type and Number: Consent Order 23-166-FOOD
Order Date: July 13, 2023
Individual/Entity: **Main Slice**
Facility: Main Slice
Location: 209 Main Street, North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-13503

Summary: The Department conducted inspections on June 16, 2022, June 24, 2022, and April 12, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 18) Order Type and Number: Consent Order 23-146-FOOD
Order Date: July 13, 2023
Individual/Entity: **Snapper Jack's**
Facility: Snapper Jack's
Location: 10 Center Street, Folly Beach, SC 29439
County: Charleston
Previous Orders: None
Permit Number: 10-206-08848

Summary: The Department conducted inspections on October 6, 2022, January 26, 2023, April 19, 2023, April 28, 2023, and May 15, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

Action: The Department has assessed a total civil penalty in the amount of two thousand four hundred dollars (\$2,400.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand four hundred dollars (\$2,400.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 19) Order Type and Number: Consent Order 23-138-FOOD
 Order Date: July 13, 2023
 Individual/Entity: **Rancho Grande**
 Facility: Rancho Grande
 Location: 136 Sea Island Parkway, Suite 4, Beaufort, SC 29907
 County: Beaufort
 Previous Orders: 21-07-FOOD (\$3,000.00); and
 22-93-FOOD (\$1,000.00)
 Permit Number: 07-206-02367

Summary: The Department conducted an inspection on May 9, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (21-07-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

The previous Consent Order (22-93-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

- 20) Order Type and Number: Consent Order 23-190-FOOD
 Order Date: July 20, 2023
 Individual/Entity: **Skull Creek Dockside**
 Facility: Skull Creek Dockside
 Location: 2 Hudson Road, Hilton Head Island, SC 29926
 County: Beaufort
 Previous Orders: None
 Permit Number: 07-206-10414

Summary: The Department conducted inspections on August 16, 2021, June 9, 2022, and June 8, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment

Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 21) Order Type and Number: Consent Order 23-181-FOOD
 Order Date: July 20, 2023
 Individual/Entity: **Ricky's West**
 Facility: Ricky's West
 Location: 497 East Blackstock Road, Spartanburg, SC 29301
 County: Spartanburg
 Previous Orders: None
 Permit Number: 42-206-03253

Summary: The Department conducted inspections on March 21, 2023, March 31, 2023, and June 5, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 22) Order Type and Number: Consent Order 23-175-FOOD
 Order Date: July 20, 2023
 Individual/Entity: **Carrabba's Italian Grill**
 Facility: Carrabba's Italian Grill
 Location: 1015 North Kings Highway, North Myrtle Beach, SC 29582
 County: Horry
 Previous Orders: None
 Permit Number: 26-206-08632

Summary: The Department conducted inspections on September 13, 2022, January 31, 2023, and May 25, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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

(\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 23) Order Type and Number: Consent Order 23-176-FOOD
Order Date: July 20, 2023
Individual/Entity: **Souffles**
Facility: Souffles
Location: 1416 Highway 17 North, North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-14099

Summary: The Department conducted inspections on September 27, 2022, January 19, 2023, and May 17, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 24) Order Type and Number: Consent Order 23-184-FOOD
Order Date: July 20, 2023
Individual/Entity: **Scotchman #3225**
Facility: Scotchman #3225
Location: 4101 Postal Way, Myrtle Beach, SC 29579
County: Horry
Previous Orders: None
Permit Number: 26-206-12486

Summary: The Department conducted inspections on October 31, 2022, February 8, 2023, and June 5, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

Action: The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

- 25) Order Type and Number: Consent Order 23-141-FOOD
Order Date: July 20, 2023
Individual/Entity: **Taqueria**
Facility: Taqueria

Location: 152 North Pine Street, Batesburg, SC 29006
County: Lexington
Previous Orders: None
Permit Number: 32-206-05204

Summary: The Department conducted inspections on March 29, 2023, April 5, 2023, May 24, 2023, and June 1, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked.

Action: The Department has assessed a total civil penalty in the amount of one thousand six dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand six hundred dollars (\$1,600.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

26) Order Type and Number: Consent Order 23-193-FOOD
Order Date: July 20, 2023
Individual/Entity: **Happy Donkey Mexican Grill**
Facility: Happy Donkey Mexican Grill
Location: 3230 South Main Street Extension, Anderson, SC 29624
County: Anderson
Previous Orders: 22-37-FOOD (\$3,600.00); and
22-88-FOOD (\$2,250.00)
Permit Number: 04-206-04149

Summary: The Department conducted inspections on April 24, 2023, May 2, 2023, and May 8, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; 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 Department has assessed a total civil penalty in the amount of two thousand five hundred dollars (\$2,500.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand five hundred dollars (\$2,500.00). The Individual/Entity has met all requirements of the Order. This Order has been closed.

Previous Orders: The previous Consent Order (22-37-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure employees wash hands after engaging in activities that contaminate their hands; by failing to ensure that food was safe, unadulterated, and honestly presented; by failing to ensure

that the handwashing sinks were accessible at all times; by failing to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and by failing to maintain the premises free of insects, rodents, and other pests.

The previous Consent Order (22-88-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure there was no bare hand contact with ready-to-eat foods; by failing to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and by failing to maintain the premises free of insects, rodents, and other pests.

- 27) Order Type and Number: Consent Order 23-188-FOOD
 Order Date: June 20, 2023
 Individual/Entity: **Waffle House #842**
 Facility: Waffle House #842
 Location: 3021 Paxville Highway, Manning, SC 29102
 County: Clarendon
 Previous Orders: None
 Permit Number: 14-206-06031

Summary: The Department conducted inspections on March 8, 2023, May 30, 2023, June 7, 2023, and June 15, 2023. 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.

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

- 28) Order Type and Number: Consent Order 23-182-FOOD
 Order Date: July 20, 2023
 Individual/Entity: **Flaming Grill Supreme Buffet**
 Facility: Flaming Grill Supreme Buffet
 Location: 115 Afton Court, Columbia, SC 29212
 County: Lexington
 Previous Orders: 21-12-FOOD (\$1,000.00);
 21-28-FOOD (\$2,750.00);
 22-07-FOOD (\$1,250.00); and
 22-290-FOOD (\$1,000.00)
 Permit Number: 40-206-06518

Summary: The Department conducted inspections on November 3, 2022, December 6, 2022, and May 30, 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.

Action: The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00).

Previous Orders: The previous consent order (21-12-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to maintain the premises free of insects, rodents, and other pests.

The previous consent order (21-28-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to properly cool cooked time/temperature control for safety foods; failing to use effective methods to cool cooked time/temperature control for safety foods; failing to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control; and failing to maintain the premises free of insects, rodents, and other pests.

The previous consent order (22-07-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to properly cool cooked time/temperature control for safety foods; and failing to use effective methods to cool cooked time/temperature control for safety foods; and failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

The previous consent order (22-290-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and by failing to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

29) Order Type and Number: Consent Order 23-134-FOOD
 Order Date: July 21, 2023
 Individual/Entity: **Impact Hospitality Two Notch**
 Facility: Fazoli's
 Location: 7621 Two Notch Road, Columbia, SC 29223
 County: Richland
 Previous Orders: 22-277-FOOD (\$1,600.00)
 Permit Number: 40-206-08809

Summary: The Department conducted inspections on May 15, 2023, and May 25, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00).

Previous Orders: The previous consent order (22-277-FOOD) was issued when the Individual/Entity violated the South Carolina Retail Food Establishment Regulation by failing to maintain the premises free of insects, rodents, and other pests.