

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

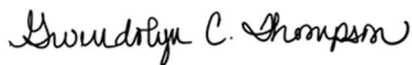
December 9, 2021

- () ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Healthcare Quality Administrative and Consent Orders.
- II. SUBJECT:** Healthcare Quality Administrative Orders and Consent Orders for the period of October 1, 2021, through October 31, 2021.
- III. FACTS:** For the period of October 1, 2021, through October 31, 2021, Healthcare Quality reports three (3) Consent Orders totaling \$15,800 in assessed monetary penalties.

Name of Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Community Residential Care Facility (CRCF)	0	1	\$14,500	\$8,700
Healthcare Systems and Services	Paramedic	0	2	\$1,300	\$900
TOTAL		0	3	\$15,800	\$9,600

Submitted By:



Gwen C. Thompson
Deputy Director
Healthcare Quality

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

December 9, 2021

Bureau of Community Care

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Community Residential Care Facility (CRCF)	480	21,835

1. Laurens Memorial Home for the Aged – Laurens, SC

Inspections and Investigations: The Department conducted a routine inspection in February 2021, a routine follow-up inspection and infection control inspection in March 2021, and a routine follow-up inspection and complaint investigation in June 2021, and found the facility repeated violated the regulatory requirements.

Violations: The Department found the facility violated Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*, by failing to have documentation of staff medication management training. The Department further found the facility repeatedly failed to have a resident’s Individual Care Plan (ICP), failing to review and/or revise resident’s ICPs at least semi-annually, and by failing to have a resident, sponsor, or responsible party sign the resident’s ICP. The facility had multiple repeat violations regarding medication management including failing to render care in accordance with physician orders for administering medications; failing to have residents’ physician ordered medications available for administration; failing to properly initial the medication administration record (MAR) as the medication was administered; failing to have documented reviews of the MARs at each shift change by outgoing staff with incoming staff; failing to have on-site reviews of the medication program by a pharmacist at least quarterly; failing to ensure the directions for administering medication were documented correctly in accordance with the physician’s order on the MAR and the pharmacy label; failing to ensure expired medications were not stored with current medications in a secure manner; failing to maintain records of receipt, administration, and disposition of all controlled substances in sufficient detail to enable an accurate reconciliation; and failing to have documented reviews of the shift change sheets for the controlled medication count. Moreover, the facility repeatedly failed to have documentation of the milliliters of induration recorded for the first and/or second step of the two-step tuberculin purified protein derivative (PPD).

Enforcement Action: The parties agreed to resolve the matter with a consent order. The parties executed a consent order imposing a civil monetary penalty of fourteen thousand five hundred dollars (\$14,500) against the facility. The facility was required to pay eight thousand seven hundred dollars (\$8,700) of the assessed monetary penalty in eight (8) monthly installments of one thousand eighty-seven dollars (\$1,087). The remaining five thousand eight hundred dollars (\$5,800) will be stayed upon a nine month (9-month) substantial compliance with the regulation and the Consent Order. The facility agreed to schedule and attend a compliance assistance meeting with the Department within forty-five (45) days of executing the Consent Order.

Remedial Action: The facility made their first payment on November 12, 2021. The compliance assistance meeting has been scheduled.

Prior Actions: None in the past five (5) years.

Bureau of Healthcare Systems and Services

Level of EMT Certification	Total Number of Certified Paramedics
Paramedic	4,071

2. Brian Drawdy – Paramedic

Inspections and Investigations: The Department received a complaint in March 2021, and after conducting an investigation, found that the Paramedic was in violation of regulatory requirements.

Violations: The Department determined that the Paramedic was in violation of the EMS Act and Regulation 61-7, *Emergency Medical Services*, for committing misconduct as defined in S.C. Code Section 44-61-80(F)(14) and R.61-7, Section 1100.B.14 by leaving a patient unattended after administering Narcan.

Enforcement Action: The parties agreed to resolve the matter with a consent order. The parties executed a consent order assessing a monetary penalty of three hundred dollars (\$300) against the Paramedic. The Paramedic is required to pay the full amount of the assessed monetary penalty.

Remedial Action: The Paramedic made the required payment totaling \$300.

Prior Actions: None in the past five (5) years.

3. Ed Scola – Paramedic

Inspections and Investigations: The Department received a complaint in April 2020, and after conducting an investigation, found that the Paramedic was in violation of regulatory requirements.

Violations: The Department determined that the Paramedic was in violation of the EMS Act and Regulation 61-7, *Emergency Medical Services*, for committing misconduct as defined in S.C. Code Section 44-61-80(F)(14) and R.61-7, Section 1100.B.14 by failing to contact law enforcement to force entry after he was unable to get a response from a patient.

Enforcement Action: The parties agreed to resolve the matter with a consent order. The parties executed a consent order assessing a monetary penalty of one thousand dollars (\$1,000) against the Paramedic. The Paramedic is required to pay six hundred dollars (\$600) of the assessed monetary penalty in two (2) payments of three hundred dollars (\$300).

Remedial Action: The Paramedic made the required payment, in full, totaling \$600.

Prior Actions: None in the past five (5) years.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
December 9, 2021

_____ ACTION/DECISION

 X INFORMATION

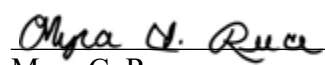
1. **TITLE:** Administrative and Consent Orders issued by the Office of Environmental Affairs.

2. **SUBJECT:** Administrative and Consent Orders issued by the Office of Environmental Affairs during the period October 1, 2021, through October 31, 2021.

3. **FACTS:** For the reporting period of October 1, 2021, through October 31, 2021, the Office of Environmental Affairs issued sixty-four (64) Consent Orders with total assessed civil penalties in the amount of one hundred twenty-two thousand, ninety-five dollars (\$122,095.00). Also, three (3) Administrative Orders with total assessed civil penalties in the amount of twenty-five thousand, one hundred fourteen dollars (\$25,114.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	2	\$23,114.00	5	\$5,190.00
Aboveground Tanks	0	0	0	0
Solid Waste	0	0	1	\$500.00
Hazardous Waste	0	0	0	0
Infectious Waste	0	0	0	0
Mining	1	\$2,000.00	0	0
SUBTOTAL	3	\$25,114.00	6	\$5,690.00
Water				
Recreational Water	0	0	43	\$49,745.00
Drinking Water	0	0	1	0
Water Pollution	0	0	9	\$55,560.00
Dam Safety	0	0	0	0
SUBTOTAL	0	0	53	\$105,305.00
Air Quality				
SUBTOTAL	0	0	2	\$5,500.00
Environmental Health Services				
Food Safety	0	0	3	\$5,600.00
Onsite Wastewater	0	0	0	0
SUBTOTAL	0	0	3	\$5,600.00
OCRM				
SUBTOTAL	0	0	0	0
TOTAL	3	\$25,114.00	64	\$122,095.00

Submitted by:



 Myra C. Reece
 Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
December 9, 2021**

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 21-0411-UST
 Order Date: October 7, 2021
 Individual/Entity: **Dharmendrakumar J. Patel**
 Facility: Danny Food Mart
 Location: 782 Pinckney Road
 Chester, SC 29706

 Mailing Address: Same
 County: Chester
 Previous Orders: None
 Permit/ID Number: 10623
 Violations Cited: The State Underground Petroleum
 Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-
 2-60(A) et seq. (2018); and South Carolina Underground Storage Tank Control
 Regulation, 7 S.C. Code Ann., Regs 61-92, 280.34(c), 280.35(a)(1)(ii),
 280.35(a)(2), 280.36(a)(1)(ii), 280.40(a), 280.41(b)(1)(i)(B), 280.43(h),
 280.45(b)(1), 280.242(b)(3) and 280.243(a) (2012 & Supp 2020).

Summary: Dharmendrakumar J. Patel (Individual/Entity) owns and operates underground storage tanks in Chester County, South Carolina. The Department conducted an inspection and issued a Notice of Alleged Violation on June 15, 2021. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide records to the Department upon request; failed to conduct triennial spill bucket integrity tests; failed to inspect overfill prevention equipment at least once every three (3) years; failed to conduct an annual walkthrough inspection; failed to provide adequate release detection method; failed to have monthly monitoring of pressurized line; failed to conduct proper release detection using statistical inventory reconciliation (SIR); failed to validate that monthly requirements have been performed; and failed to obtain supplemental Class A/B Operator training before May 26, 2020.

Action: The Individual/Entity is required to submit: passing overfill operability test results and spill bucket integrity test results for the 6,000-gallon regular UST at the Facility; passing SIR results for the most recent two (2) months for the 6,000-gallon regular UST at the Facility or passing tank tightness and line tightness test results; proof that a Class A/B Operator/Walkthrough log is being maintained; and, proof that all Class A/B Operators have completed supplemental training by December 13, 2021. The Department has assessed a civil penalty in the amount of nine thousand, eight hundred four dollars (\$9,804.00). The Individual/Entity shall pay a civil penalty in the amount of nine thousand, eight hundred four dollars **(\$9,804.00)** by December 13, 2021.

Update: The Individual/Entity did not file a Request for Review; therefore, the

Order is effective October 28, 2021.

- 2) Order Type and Number: Administrative Order 21-0426-UST
Order Date: October 22, 2021
Individual/Entity: **Basem Mohammad**
Facility: B&M of South Carolina, LLC
Location: 4650 Broad Street Extension
Sumter, SC 29150
Mailing Address: Same
County: Sumter
Previous Orders: None
Permit/ID Number: 09825
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-60(A) et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.21(b)(1)(ii), 280.35(a)(1)(ii), 280.35(a)(2), 280.40(a), 280.40(a)(3), 280.41(b)(1)(i)(B), 280.44(a), and 280.45(b)(1) (2012 & Supp 2020).

Summary: Basem Mohammad (Individual/Entity) owns and operates underground storage tanks (USTs) in Sumter County, South Carolina. On June 16, 2021, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to conduct internal lining inspection; failed to conduct triennial spill bucket integrity tests; failed to inspect overfill prevention equipment at least once every three (3) years; failed to provide adequate release detection method; failed to have monthly monitoring of pressurized line; failed to test tank release detection equipment annually; failed to have monthly monitoring of pressurized lines; failed to conduct annual test of automatic line leak detectors; and failed to maintain records for at least one year.

Action: The Individual/Entity is required to submit: passing internal lining inspection results for both the 8,000-gallon premium Tank #1 and the 8,000-gallon regular Tank #2; passing overfill operability test results and spill bucket integrity test results both the 8,000-gallon premium Tank #1 and the 8,000-gallon regular Tank #2; passing release detection operability test results for both the 8,000-gallon premium Tank #1 and the 8,000-gallon regular Tank #2; and passing line tightness test and line leak detector function check results for both the 8,000-gallon premium Tank #1 and the 8,000-gallon regular Tank #2 by December 23, 2021. The Department has assessed a civil penalty in the amount of thirteen thousand, three hundred ten dollars (\$13,310.00). The Individual/Entity shall pay a civil penalty in the amount of thirteen thousand, three hundred ten dollars (**\$13,310.00**) by December 23, 2021.

Update: All requirements of this Order have been met. The Order has been closed.

- 3) Order Type and Number: Consent Order 21-0248-UST
Order Date: October 5, 2021
Individual/Entity: **Kareem Harding**
Facility: Yahuah People Unite
Location: 650 Center Road
Chester, SC 29706

Mailing Address: 656 Center Road
Chester, SC 29706
County: Chester
Previous Orders: 19-0412-UST (\$3,200.00, stipulated);
19-0500-UST (\$1,450.00, paid)
Permit/ID Number: 18376
Violations Cited: The State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-
2-60(A) et seq. (2018); and South Carolina Underground Storage Tank Control
Regulation, 7 S.C. Code Ann., Regs 61-92, 280.70(a), 280.93(a) and 280.110(c)
(2012 & Supp 2020).

Summary: Kareem Harding (Individual/Entity) owns and operates underground storage tanks in Chester County, South Carolina. The Department issued a Notice of Alleged Violation dated April 13, 2021 and conducted a file review on July 27, 2021. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain appropriate corrosion protection on a temporarily closed UST and failed to submit a completed Certificate of Financial Responsibility Form and evidence of financial assurance.

Action: The Individual/Entity is required to: submit proof that metal components are isolated from water and/or soil for the 6,000-gallon premium STP sump and proof of proper disposal; a completed Certificate of Financial Responsibility Form; and evidence of financial assurance by November 19, 2021. The Department has assessed a total civil penalty in the amount of two hundred dollars (\$200.00). The Individual/Entity shall pay a civil penalty in the amount of two hundred dollars (**\$200.00**) by November 19, 2021.

Update: The civil penalty has been paid in full; however, the compliance documentation has not been submitted.

4) Order Type and Number: Consent Order 21-0470-UST
Order Date: October 5, 2021
Individual/Entity: **Spinx Company, Inc.**
Facility: Spinx 121
Location: 2497 South Highway 14
Greer, SC 29651
Mailing Address: P.O. Box 8624
Greenville, SC 29604
County: Spartanburg
Previous Orders: None
Permit/ID Number: 04321
Violations Cited: The State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act), and South Carolina
Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92,
280.20(c)(1)(ii) (2012 and Supp. 2020).

Summary: Spinx Company, Inc. (Individual/Entity) owns and operates underground storage tanks (USTs) located in Spartanburg County, South Carolina. On March 29, 2021, the Department conducted a compliance inspection and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South

Carolina Underground Storage Tank Regulation, as follows: failed to equip a permitted or upgraded site with an adequate overfill prevention system.

Action: The Individual/Entity corrected the violation 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 November 19, 2021.

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

- 5) Order Type and Number: Consent Order 21-0484-UST
Order Date: October 5, 2021
Individual/Entity: **Charleston Harbor Holding Company, LLC**
Facility: Charleston Harbor Marina
Location: 20 Patriots Point
Mt. Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 18135
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-60(A) et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.41(b)(1)(i)(A) (2012 & Supp 2020).

Summary: Charleston Harbor Holding Company, LLC (Individual/Entity) owns and operates underground storage tanks in Charleston County, South Carolina. The Department conducted an inspection on July 23, 2021 and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to equip a pressurized line with an automatic line leak detector.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total 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**) by November 19, 2021.

Update: The civil penalty has been paid.

- 6) Order Type and Number: Consent Order 21-0499-UST
Order Date: October 22, 2021
Individual/Entity: **Park Energy, LLC**
Facility: Kwik Pantry
Location: 7720 Highway 76
Pendleton, SC 29670
Mailing Address: Same
County: Anderson
Previous Orders: None

Permit/ID Number: 11096
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.20(c)1(ii) (2012 and Supp. 2019).

Summary: Park Energy, LLC (Individual/Entity) is the owner of underground storage tanks (USTs) located in Anderson County, South Carolina. The Department conducted an inspection on September 15, 2021 and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of 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 December 10, 2021.

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

7) Order Type and Number: Consent Order 21-0416-UST
Order Date: October 27, 2021
Individual/Entity: **NAF Holdings, LLC**
Facility: NAF Holdings
Location: 100 Vienna Street
Abbeville, SC 29620
Mailing Address: NAF Holdings, LLC
1708-C #278
Greenville, SC 29605
County: Abbeville
Previous Orders: None
Permit/ID Number: 00033
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.93(a), 110(c) and, 243(b) (2012 and Supp. 2019).

Summary: NAF Holdings, LLC, (Individual/Entity) is the owner of underground storage tanks (USTs) located in Abbeville County, South Carolina. On May 12, 2021 and June 10, 2021, the Department conducted file reviews and issued Notices of Alleged Violations. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to demonstrate financial responsibility for the USTs and failed to have the Class A/B Operators complete supplemental training by May 26, 2020.

Action: The Individual/Entity is required to: submit a completed Certificate of Financial Responsibility form and evidence of financial assurance; submit proof the Class A/B Operators have completed the Class A/B Operator supplemental training, or, submit a completed Tank and Sludge Disposal Form for the permanent closure of the USTs by December 6, 2021, and within sixty (60) days of the Department's approval of the UST Tank and Sludge Disposal Form, permanently close the USTs and submit an UST Closure and Assessment Report to the Department. The Department has assessed a total civil

penalty in the amount of one thousand, six hundred fifty dollars (\$1,650.00). The Individual/Entity shall pay a civil penalty in the amount of nine hundred ninety dollars (**\$990.00**) and pay a suspended penalty in the amount of six hundred sixty dollars (\$660.00) should any requirement of the Order not be met by December 6, 2021.

Update: None.

Solid Waste Enforcement

8) Order Type and Number: Consent Order 21-05-SW
Order Date: October 7, 2021
Individual/Entity: **Fortner Home Center, LLC, and Phillip Fortner**
Facility: TMS # 6885-950-764
Location: 3406 Highway 246 South
Ninety Six, SC 29666
Mailing Address: Same
County: Greenwood
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation, R.61-107.19, Part II.B.1 (Rev. 2008 and Supp. 2016).

Summary: Fortner Home Center, LLC and Phillip Fortner (Individual/Entity), own property located in Greenwood County, South Carolina. Based on a complaint, the Department conducted an inspection on April 28, 2021. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation as follows: engaged in structural fill activity without a Department issued permit.

Action: The Individual/Entity is required to complete closure activities of the Site as follows: apply a minimum two (2)-foot thick final earth cover with at least one percent (1%), but not greater than four percent (4%) surface slope, graded to promote positive drainage; the side slope cover shall not exceed three (3) horizontal feet to one (1) vertical foot; use appropriate best management practices to control stormwater runoff; seed the finished surface of the filled area with native grasses or other suitable ground cover to establish and maintain into the second growing season a 75% or greater permanent vegetive cover with no substantial bare spots; using a form approved by the Department, record with the appropriate Register of Deeds, a notation in the record of ownership of the property to notify any potential purchaser of the property that the land or a portion thereof has been structurally filled; list the specific items used for filling; and submit a copy of the deed notation to the Department by February 4, 2022. The Department has assessed a total civil penalty in the amount of three thousand, five hundred dollars (\$3,500.00). The Individual/Entity shall pay five hundred dollars (**\$500.00**) by November 22, 2021 and pay a suspended penalty in the amount of three thousand dollars (\$3,000.00) should any requirement of the Order not be met.

Update: The civil penalty has been paid.

Mining Enforcement

- 9) Order Type and Number: Administrative Order 21-07-MSWM
Order Date: October 5, 2021
Individual/Entity: **Brady Hill**
Facility: Brady's Pit
Location: Three tenths (0.3) of a mile west of the intersection of Flatnose Road and US Highway 52 in Darlington, SC
Mailing Address: 5156 Hartsville Highway
Society Hill, SC 29593-7611
County: Darlington
Previous Orders: 16-09-MSWM (\$600.00)
Permit/ID Number: GP1-002055
Violations Cited: South Carolina Mining Act (2008 & Supp. 2015), the Mining Regulation, Section 89 (Supp. 2012) (Regulation), 340(B) and 210.

Summary: Brady Hill (Individual/Entity), owns and operates a mine in Darlington County, South Carolina. The Department sent an invoice requesting an annual report and annual operating fees. The Individual/Entity has violated the South Carolina Mining Act and the Mining Regulation as follows: failed to file an annual report and failed to submit annual operating fees and associated late fees for Fiscal Years 2020 and 2021.

Action: The Individual/Entity is required to submit an annual report for Fiscal Years 2020 and 2021 and pay annual operating fees and associated late fees for Fiscal Years 2020 and 2021 in the amount of one thousand, one hundred fifty dollars (\$1,150.00) by December 13, 2021. 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**) by December 13, 2021.

Update: The Individual filed a Request for Review, but it was past the deadline to file.

BUREAU OF WATER

Recreational Waters Enforcement

- 10) Order Type and Number: Consent Order 21-140-RW
Order Date: October 1, 2021
Individual/Entity: **South Carolina Bluffton, LLC**
Facility: Avalon Shores Apartments
Location: 20 Simmonsville Road
Bluffton, SC 29910
Mailing Address: 380 Union Street, Suite 300
West Springfield, MA 01089
County: Beaufort
Previous Orders: None

Permit/ID Number: 07-499-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: South Carolina Bluffton, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 11, 2021, and July 12, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the pavers had settled at the edge of the coping creating a trip hazard; the water level was too high; a skimmer was missing a basket; skimmer baskets were floating; a gate did not self-close and latch; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the bound and numbered log book was not available for review on the first inspection; the bound and numbered log book was not maintained on a daily basis and the cyanuric acid level was not recorded on a weekly basis on the second inspection; and there were chlorine sticks in the skimmer baskets.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 17, 2021.

Update: The civil penalty has been paid.

11) Order Type and Number: Consent Order 21-139-RW
Order Date: October 4, 2021
Individual/Entity: **Myrtle Beach Villas II Homeowners Association, Inc.**
Facility: Myrtle Beach Villas II
Location: 702 South Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-1482B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Myrtle Beach Villas II Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 18, 2021, July 21, 2021, and August 9, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the chlorine level was not within the acceptable range of water quality standards; and a skimmer was missing a weir.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand, forty dollars (\$2,040.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, forty dollars (**\$2,040.00**) by October 10, 2021.

Update: The civil penalty has been paid.

12) Order Type and Number: Consent Order 21-141-RW
Order Date: October 4, 2021
Individual/Entity: **RAIA SC SPE TX-1, LLC**
Facility: Spyglass Seaside
Location: 1674 Folly Road
Charleston, SC 29412
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1252B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: RAIA SC SPE TX-1, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 8, 2021, and July 26, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a depth marker tile was cracked; the drinking water fountain and foot rinse shower were not operating properly; the chlorine level was not within the acceptable range of water quality standards; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 18, 2021.

Update: The civil penalty has been paid.

13) Order Type and Number: Consent Order 21-142-RW
Order Date: October 4, 2021
Individual/Entity: **TD Ripley Hotel SH, LLC**
Facility: Springhill Suites
Location: 98 Ripley Point Drive
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: 18-179-RW (\$1,360.00)
Permit/ID Number: 10-567-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: TD Ripley Hotel SH, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Charleston County, South Carolina. The Department conducted inspections on June 1, 2021, and July 20, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was a “No Diving” tile that did not have a non-slip finish; skimmers were missing weirs; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water

quality standards; the spa did not have a thermometer; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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**) by October 10, 2021.

Update: The civil penalty has been paid.

14) Order Type and Number: Consent Order 21-143-RW
Order Date: October 4, 2021
Individual/Entity: **TD Ripley Hotel RI, LLC**
Facility: Residence Inn
Location: 90 Ripley Point Drive
Charleston, SC 29204
Mailing Address: Same
County: Charleston
Previous Orders: 19-101-RW (\$680.00)
Permit/ID Number: 10-589-1 & 10-590-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: TD Ripley Hotel RI, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Charleston County, South Carolina. The Department conducted inspections on June 1, 2021, and July 20, 2021, 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 plaster on the pool floor was deteriorated; skimmers were missing weirs; the gate did not self-close and latch; the emergency notification device was not operational; the chlorine and pH levels were not within the acceptable range of water quality standards; the spa thermometer was broken; a ladder did not have non-slip tread inserts; the main drain grates were not in place; a handrail was not tight and secure; and the pool and spa were opened 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 three thousand, two hundred dollars (\$3,200.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, two hundred dollars (**\$3,200.00**) by October 20, 2021.

Update: The civil penalty has been paid.

15) Order Type and Number: Consent Order 21-144-RW
Order Date: October 4, 2021
Individual/Entity: **Lockwood Riverfront Hotel, LLC**
Facility: Courtyard by Marriott
Location: 35 Lockwood Drive
Charleston, SC 29401
Mailing Address: Same
County: Charleston

Previous Orders: None
Permit/ID Number: 10-530-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Lockwood Riverfront Hotel, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 3, 2021, and July 26, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the deck depth marker tiles were broken on the first inspection; there were no deck depth marker tiles on the second inspection; there were no universal “No Diving” tiles on the pool deck; a handrail was not tight and secure; the waterline tiles were not clean; the drinking water fountain and foot rinse shower were not operating properly; the pool equipment room was not locked; the chlorine and pH levels were not within the acceptable range of water quality standards; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 20, 2021.

Update: The civil penalty has been paid.

16) Order Type and Number: Consent Order 21-145-RW
Order Date: October 4, 2021
Individual/Entity: **Oceanside Villas Owners Association**
Facility: Oceanside Villas
Location: 307 Flagg Street
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-081-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Oceanside Villas Owners Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 17, 2021, and July 29, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the pool rules sign was not completely filled out; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 18, 2021.

Update: The civil penalty has been paid.

17) Order Type and Number: Consent Order 21-146-RW
Order Date: October 4, 2021
Individual/Entity: **Concord West of the Ashley Homeowners' Association**
Facility: Concord West of the Ashley
Location: 45 Sycamore Avenue
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-587-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Concord West of the Ashley Homeowners' Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Charleston County, South Carolina. The Department conducted inspections on June 1, 2021, and July 16, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool furniture was not at least four feet from the edge of the pool; a skimmer was missing a weir; a light in the pool wall was out of its niche; the chlorine level was not within the acceptable range of water quality standards; the spa temperature was too high; and the spa temperature was not monitored by the facility.

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 October 19, 2021.

Update: The civil penalty has been paid.

18) Order Type and Number: Consent Order 21-147-RW
Order Date: October 5, 2021
Individual/Entity: **Riverside Glen Homeowners Association, Inc.**
Facility: Riverside Glen
Location: 1 Valley Glen Court
Greer, SC 29650
Mailing Address: Same
County: Greenville
Previous Orders: 20-066-RW (\$680.00)
Permit/ID Number: 23-495-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Riverside Glen Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on June 30, 2021, and August 9, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; a ladder was not tight and secure; skimmers were missing

weirs; there was no drinking water fountain; the chlorine and pH levels were not within the acceptable range of water quality standards; the waterline tiles were dirty; the bathrooms did not have paper towels or a hand dryer; the toilet and urinal in the men's bathroom were not flushing properly; and the soap dispenser in the men's bathroom was not operating.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, 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**) by October 17, 2021.

Update: The civil penalty has been paid.

19) Order Type and Number: Consent Order 21-148-RW
Order Date: October 5, 2021
Individual/Entity: **Cherry Grove South Carolina, LLC**
Facility: Cherry Grove Commons
Location: 100 David Street
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-R80-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Cherry Grove South Carolina, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on May 28, 2021, July 6, 2021, and August 9, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; a ladder did not have bumpers; a ladder did not have non-slip tread inserts; the waterline tiles were dirty; and there was algae on the pool floor and walls.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand, forty dollars (\$2,040.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, forty dollars (**\$2,040.00**) by October 20, 2021.

Update: The civil penalty has been paid.

20) Order Type and Number: Consent Order 21-149-RW
Order Date: October 6, 2021
Individual/Entity: **Timbers Kiawah Acquisition Partners, LLC**
Facility: Timbers Kiawah
Location: 3000 Southern Pines Lane
Kiawah Island, SC 29455
Mailing Address: Same
County: Charleston
Previous Orders: None

Permit/ID Number: 10-1302B & 10-1303D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Timbers Kiawah Acquisition Partners, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Charleston County, South Carolina. The Department conducted inspections on June 14, 2021, and August 9, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the deck depth marker tiles did not have a non-slip finish; there were no universal “No Diving” tiles; a skimmer was missing a weir; the pool equipment room was not locked; a gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the spa temperature was not monitored; the life ring was obstructed; the shepherd’s crook was obstructed; the pool rules sign was obstructed and did not have all of the required rules on the first inspection; the pool rules sign was obstructed and was not completely filled out on the second inspection; only one “Shallow Water – No Diving Allowed” sign was posted and the letters on the sign posted were not the correct size on the first inspection; both of the “Shallow Water – No Diving Allowed” signs posted were obstructed on the second inspection; only one “No Lifeguard On Duty - Swim At Your Own Risk” sign was posted and the letters on the sign posted were not the correct size on the first inspection; both of the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were obstructed on the second inspection; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by October 24, 2021.

Update: The civil penalty has been paid.

21) Order Type and Number: Consent Order 21-150-RW
Order Date: October 6, 2021
Individual/Entity: **CPLG Charleston, L.L.C.**
Facility: La Quinta Inn & Suites by Wyndham
Charleston Riverview
Location: 11 Ashley Point
Charleston, SC 29405
Mailing Address: Same
County: Charleston
Previous Orders: 18-197-RW (\$2,040.00)
Permit/ID Number: 10-373-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: CPLG Charleston, L.L.C. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 7, 2021, and July 20, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool furniture was not at least four feet from the edge of the pool; there was debris in the skimmer baskets; the drinking water fountain was not operating properly; the foot rinse shower was not operating properly; a light in the pool wall was out of its niche; the chlorine and pH levels were not

within the acceptable range of water quality standards; the shepherd's crook was not mounted in its designated location; the emergency notification device was not operational; the pool floor was dirty; and the water level was too low.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, six hundred dollars (**\$1,600.00**) by October 18, 2021.

Update: The civil penalty has been paid.

22) Order Type and Number: Consent Order 21-151-RW
Order Date: October 6, 2021
Individual/Entity: **Gray Property 5202, LLC**
Facility: Belle Hall
Location: 1600 Belle Point Drive
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1007B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Gray Property 5202, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on July 15, 2021, and August 13, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles were broken; a ladder was missing bumpers; the foot rinse shower was not operating properly; the cyanuric acid level was above the water quality standards acceptable limit; the letters on the "No Lifeguard On Duty – Swim At Your Own Risk" signs were not the correct size; the bound and numbered log book was not maintained on a daily basis; a ladder did not have non-slip tread inserts; and the life ring rope was deteriorated.

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 October 20, 2021.

Update: The civil penalty has been paid.

23) Order Type and Number: Consent Order 21-152-RW
Order Date: October 6, 2021
Individual/Entity: **Magnolia Hospitality, LLC**
Facility: Best Western
Location: 11445 Ocean Highway
Pawleys Island, SC 29585
Mailing Address: Same
County: Georgetown

Previous Orders: 19-176-RW (\$2,040.00);
20-070-RW (\$1,600.00)
Permit/ID Number: 22-114-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Magnolia Hospitality, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Georgetown County, South Carolina. The Department conducted inspections on June 14, 2021, and August 11, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the facility could not produce current valid documentation of pool operator certification; the bound and numbered log book was not maintained on a daily basis; and depth marker tiles were broken.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of three thousand, two hundred dollars (\$3,200.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, two hundred dollars (**\$3,200.00**) in three installments due October 6, 2021, October 21, 2021, and November 4, 2021.

Update: The civil penalty has been paid.

24) Order Type and Number: Consent Order 21-153-RW
Order Date: October 6, 2021
Individual/Entity: **SK Holding Group, LLC**
Facility: Twilight Surf Motel
Location: 1703 South Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-370-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: SK Holding Group, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on July 1, 2021, and August 11, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the lifeline floats were not properly spaced; the deck was dirty; the drinking water fountain was not operating properly; a gate did not self-close and latch; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 16, 2021.

Update: The civil penalty has been paid.

25)	<u>Order Type and Number:</u>	Consent Order 21-154-RW
	<u>Order Date:</u>	October 6, 2021
	<u>Individual/Entity:</u>	Planters Property, LLC
	<u>Facility:</u>	Dwell at Greenridge
	<u>Location:</u>	7910 Crossroads Drive North Charleston, SC 29406
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-176-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Planters Property, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 17, 2021, and July 26, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the deck was not clear of hazards; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not checked on a weekly basis; the lifeline floats were not properly spaced; the pool floor was dirty; and the life ring was deteriorated.

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 October 19, 2021.

Update: The civil penalty has been paid.

26)	<u>Order Type and Number:</u>	Consent Order 21-155-RW
	<u>Order Date:</u>	October 7, 2021
	<u>Individual/Entity:</u>	Woodfin Partners, LLC
	<u>Facility:</u>	Woodfin Ridge
	<u>Location:</u>	215 S Woodfin Ridge Drive Inman, SC 29349
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Spartanburg
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	42-1002B & 42-1003C
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Woodfin Partners, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Spartanburg County, South Carolina. The Department conducted inspections on June 17, 2021, July 28, 2021, and August 2, 2021, 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 foot rinse shower was not operating; the flow meter was not operating; the pool rules sign was not legible; there were no “Shallow Water – No Diving Allowed” signs posted; the chlorine and pH levels were not within the

acceptable range of water quality standards; the main drain grates were not in place; there was algae on the pool walls; there was debris in the skimmer baskets; a depth marker tile at the water line was broken; and there were holes on the pool deck.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of four thousand, eighty dollars (\$4,080.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, eighty dollars (**\$4,080.00**) by October 18, 2021.

Update: The civil penalty has been paid.

27) Order Type and Number: Consent Order 21-156-RW
Order Date: October 7, 2021
Individual/Entity: **JKM Holdings South Carolina, LLC**
Facility: Dunes West
Location: 3535 Wando Plantation Way
Mount Pleasant, SC 29466
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-512-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: JKM Holdings South Carolina, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 9, 2021, and July 12, 2021, 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 bathrooms did not have paper towels or a hand dryer; the emergency notification device was not operational; the pool rules sign did not have all of the required rules; the letters on the “Shallow Water – No Diving Allowed” signs posted were not the correct size; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 13, 2021.

Update: The civil penalty has been paid.

28) Order Type and Number: Consent Order 21-157-RW
Order Date: October 11, 2021
Individual/Entity: **Allegheny Homeowner’s Association, Inc.**
Facility: Allegheny
Location: 100 Griffith Court
Simpsonville, SC 29681
Mailing Address: Same
County: Greenville
Previous Orders: None

Permit/ID Number: 23-1152B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Allegheny Homeowner’s Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Greenville County, South Carolina. The Department conducted inspections on May 25, 2021, and August 9, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; only one “Shallow Water – No Diving Allowed” sign was posted; the current pool operator of record information posted to the public was incorrect; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 25, 2021.

Update: The civil penalty has been paid.

29) Order Type and Number: Consent Order 21-158-RW
Order Date: October 11, 2021
Individual/Entity: **Monument Plantation Flats Apts., LLC**
Facility: Plantation Flats
Location: 2181 Dunlap Street
North Charleston, SC 29406
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-276-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Monument Plantation Flats Apts., LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 14, 2021, and August 12, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the shepherd’s crook was not accessible; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the bound and numbered log book was not available for review; the lifeline floats were not properly spaced; and the cyanuric acid level was above the water quality standards acceptable limit.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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 October 25, 2021.

Update: The civil penalty has been paid.

30)	<u>Order Type and Number:</u>	Consent Order 21-159-RW
	<u>Order Date:</u>	October 12, 2021
	<u>Individual/Entity:</u>	Louis C. Holliday, Individually and d.b.a. Holliday Inn of Folly Beach
	<u>Facility:</u>	Holliday Inn of Folly Beach
	<u>Location:</u>	116 West Ashley Avenue Folly Beach, SC 29439
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-099-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Louis C. Holliday, Individually and d.b.a. Holliday Inn of Folly Beach (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 9, 2021, and July 29, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the deck depth marker tiles & waterline tiles were deteriorated; the deck depth marker tiles did not have a non-slip finish; ladders did not have bumpers; the drinking water fountain was not operating properly; the gate did not self-close and latch; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the bound and numbered log book was not available for review on the first inspection; the bound and numbered log book was not maintained on a daily basis on the second inspection; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book on the second inspection.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 27, 2021.

Update: The civil penalty has been paid.

31)	<u>Order Type and Number:</u>	Consent Order 21-160-RW
	<u>Order Date:</u>	October 13, 2021
	<u>Individual/Entity:</u>	Sha-Mel-Lon Recreation Center, Inc.
	<u>Facility:</u>	Sha-Mel-Lon Rec Center
	<u>Location:</u>	922 Melrose Drive Charleston, SC 29414
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Numbers:</u>	10-091-1; 10-454-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Sha-Mel-Lon Recreation Center, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Charleston County, South Carolina. The Department conducted inspections on June 9, 2021, and July 22, 2021, and violations were issued for failure to properly operate and

maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: deck depth marker tiles were faded; deck depth marker tiles were missing; ladders were not tight & secure; algae was present on the pool floor; the pool deck was deteriorated and was uneven with sharp edges; the water level was too low; skimmers did not have weirs; the bathrooms did not have paper towels or hand dryers; the sink in the men's bathroom was broken; the equipment room was not locked; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the "No Lifeguard On Duty – Swim At Your Own Risk" signs were not mounted properly and were obstructed; the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) in two installments. Payments are due October 22, 2021, and November 22, 2021.

Update: The civil penalty has been paid.

32) <u>Order Type and Number:</u>	Consent Order 21-161-RW
<u>Order Date:</u>	October 14, 2021
<u>Individual/Entity:</u>	Hagan Family, LLC
<u>Facility:</u>	Castlewood II
<u>Location:</u>	885 Castlewood Boulevard Charleston, SC 29414
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	18-193-RW (\$680.00)
<u>Permit/ID Number:</u>	10-390-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Hagan Family, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Charleston County, South Carolina. The Department conducted inspections on June 2, 2021, and July 23, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer did not have a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; the spa temperature was too high; the spa temperature was not monitored by the facility; the spa rules sign was missing; the bound and numbered log book was not maintained on a daily basis; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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**) by October 18, 2021.

Update: The civil penalty has been paid.

33)	<u>Order Type and Number:</u>	Consent Order 21-162-RW
	<u>Order Date:</u>	October 15, 2021
	<u>Individual/Entity:</u>	Ashford Riverview, LLC
	<u>Facility:</u>	Ashford Riverview
	<u>Location:</u>	1476 Orangegrove Road Charleston, SC 29407
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-066-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Ashford Riverview, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 18, 2021, and July 28, 2021, and violations were issued for failure to properly operate and maintain, and re-opening prior to receiving approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline was not attached to the wall of the pool; the lifeline floats were damaged; ladders were missing bumpers on the first inspection; ladders were not tight & secure on the second inspection; the pool floor was dirty; there was debris in the skimmer baskets; the bathrooms were not clean and did not have toilet paper, soap, or paper towels on the first inspection; the bathrooms were not accessible on the second inspection; the equipment room was not accessible; the gate did not self-close & latch; the chlorine level was not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope & was not properly hung in its designated location; the shepherd's crook was not properly mounted in its designated location; the emergency notification device was not operational; the current pool operator of record information was not posted to the public; the bound and numbered log book was not available for review; and the pool was opened prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, twenty dollars (\$1,020.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, twenty dollars (**\$1,020.00**) by November 1, 2021.

Update: The civil penalty has been paid.

34)	<u>Order Type and Number:</u>	Consent Order 21-163-RW
	<u>Order Date:</u>	October 18, 2021
	<u>Individual/Entity:</u>	Riverwoods, LLC
	<u>Facility:</u>	Riverwood Apartments
	<u>Location:</u>	1053 Rifle Range Road Mount Pleasant, SC 29464
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-1221B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Riverwoods, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 25, 2021, and August 12, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards.

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 October 31, 2021.

Update: The civil penalty has been paid.

35) <u>Order Type and Number:</u>	Consent Order 21-164-RW
<u>Order Date:</u>	October 18, 2021
<u>Individual/Entity:</u>	Indigo Hall at Kiawah River Estates Horizontal Property Regime
<u>Facility:</u>	Indigo Hall at Kiawah River
<u>Location:</u>	4235 Betsy Kerrison Parkway John Island, SC 29455
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-1099B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Indigo Hall at Kiawah River Estates Horizontal Property Regime (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 23, 2021, and August 10, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the deck depth marker tiles were broken; algae was present on the walls and floor of the pool; the pool furniture was not at least four feet from the edge of the pool; skimmer baskets were floating and were missing weirs; the gate did not self-close & latch; the chlorine and pH levels were not within the acceptable range of water quality standards; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 1, 2021.

Update: The civil penalty has been paid.

36) <u>Order Type and Number:</u>	Consent Order 21-165-RW
<u>Order Date:</u>	October 18, 2021
<u>Individual/Entity:</u>	Fort Johnson Community Foundation

Facility: Fort Johnson Estates
Location: 400 Trapier Drive
Charleston, SC 29412
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-019-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Fort Johnson Community Foundation (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 21, 2021, and July 15, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were no universal “No Diving” tiles; the lifeline floats were not properly spaced; a ladder was missing a bumper; a handrail was not tight and secure; there was debris in the skimmer baskets; skimmer baskets were floating; the fill spout was not stainless steel or equivalent; a light in the pool wall was out of its niche; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; one of the “Shallow Water – No Diving Allowed” signs was obstructed and in disrepair; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by October 28, 2021.

Update: The civil penalty has been paid.

37) Order Type and Number: Consent Order 21-166-RW
Order Date: October 18, 2021
Individual/Entity: **Palm Tree Cove HOA**
Facility: Palm Tree Cove
Location: 124 Cottage Creek Court
York, SC 29745
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-1077C
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Palm Tree Cove HOA (Individual/Entity) owns and is responsible for the proper operation and maintenance of a kiddie pool located in York County, South Carolina. The Department conducted inspections on June 3, 2021, July 12, 2021, and August 10, 2021, 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 automatic controller was not operating; the chlorine level was not within the acceptable range of water quality

standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not completely filled out; 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 two thousand, three hundred eighty dollars (\$2,380.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, three hundred eighty dollars (**\$2,380.00**) by November 4, 2021.

Update: The civil penalty has been paid.

38) Order Type and Number: Consent Order 21-167-RW
Order Date: October 18, 2021
Individual/Entity: **Mid-America Apartments, L.P.**
Facility: Paddock Club Apartments
Location: 50 Rocky Creek Road
Greenville, SC 29615
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 23-483-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mid-America Apartments, L.P. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Greenville County, South Carolina. The Department conducted inspections on July 15, 2021, and August 11, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the bathrooms did not have toilet paper, paper towels, or a hand dryer; the drinking water fountain was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; and the emergency notification device was not operational.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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 November 3, 2021.

Update: The civil penalty has been paid.

39) Order Type and Number: Consent Order 21-168-RW
Order Date: October 18, 2021
Individual/Entity: **Vaishu-Kinu Hardeeville, LLC**
Facility: Best Western Plus
Location: 18102 Whyte Hardee Boulevard
Hardeeville, SC 29927
Mailing Address: Same
County: Jasper
Previous Orders: None
Permit/ID Number: 27-020-1

Violations Cited:

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

Summary: Vaishu-Kinu Hardeeville, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Jasper County, South Carolina. The Department conducted inspections on July 9, 2021, and August 25, 2021, 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 drinking water fountain was not operating properly; the foot rinse shower was not operating properly; a gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the shepherd's crook was not permanently attached to the handle; the letters on the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted were not the correct size; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record during the first inspection; and the bound and numbered log book was not maintained on a daily basis during the second inspection.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 7, 2021.

Update: The civil penalty has been paid.

40) <u>Order Type and Number:</u>	Consent Order 21-169-RW
<u>Order Date:</u>	October 20, 2021
<u>Individual/Entity:</u>	PRG Proximity Residences, LLC
<u>Facility:</u>	Proximity
<u>Location:</u>	2021 Proximity Drive Charleston, SC 29414
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-1286B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: PRG Proximity Residences, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 24, 2021, and August 5, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was debris in the skimmer baskets; the letters on the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted were not the correct size; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not checked on a weekly basis; the emergency notification device was not operational; and the pool rules sign was not completely filled out.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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 November 7, 2021.

Update: The civil penalty has been paid.

41) Order Type and Number: Consent Order 21-170-RW
Order Date: October 20, 2021
Individual/Entity: **Seaside Inn Owners Association, Inc.**
Facility: Seaside Inn
Location: 1004 Ocean Boulevard
Isle of Palms, SC 29451
Mailing Address: Same
County: Charleston
Previous Orders: 16-119-RW (\$680.00)
18-033-RW (\$1,120.00)
Permit/ID Number: 10-1126B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Seaside Inn Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 30, 2021, and August 4, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the deck was uneven with sharp edges; the pool equipment room was not locked; a light in the pool wall was out of its niche; the chlorine level was not within the acceptable range of water quality standards; the life ring was deteriorated; the shepherd's crook was obstructed; the shepherd's crook was not properly mounted in its designated location; the emergency notification device was not operational; the pool rules sign was not completely filled out; the letters on the "Shallow Water – No Diving Allowed" signs posted were not the correct size; the letters on the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted were not the correct size; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not available for review.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of three thousand, two hundred dollars (\$3,200.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, two hundred dollars (**\$3,200.00**) by November 2, 2021.

Update: The civil penalty has been paid.

42) Order Type and Number: Consent Order 21-171-RW
Order Date: October 25, 2021
Individual/Entity: **Millennium Hotel Partners 2, LLC**
Facility: Fairfield Inn
Location: 149 Rogers Bridge Road
Duncan, SC 29334
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: 42-1122B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Millennium Hotel Partners 2, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Spartanburg County, South Carolina. The Department conducted inspections on May 21, 2021, and August 9, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 1, 2021.

Update: The civil penalty has been paid.

43)	<u>Order Type and Number:</u>	Consent Order 21-172-RW
	<u>Order Date:</u>	October 25, 2021
	<u>Individual/Entity:</u>	LIR Ladson Property, LLC
	<u>Facility:</u>	Lively at Indigo Run
	<u>Location:</u>	9255 Blue House Road Ladson, SC 29456
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-1334B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J) &(K)(1)(c)

Summary: LIR Ladson Property, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 2, 2021, and July 23, 2021, and violations were issued for failure to properly operate and maintain, and for re-opening the pool prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the drinking water fountain was not operating properly; the foot rinse shower was not operating properly; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operational; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not checked on a weekly basis; a skimmer basket was floating; the pool equipment room was not locked; and the pool was re-opened 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 seven hundred sixty-five dollars (\$765.00). The Individual/Entity shall pay a civil penalty in the amount of seven hundred sixty-five dollars (**\$765.00**) by November 9, 2021.

Update: The civil penalty has been paid.

44)	<u>Order Type and Number:</u>	Consent Order 21-173-RW
	<u>Order Date:</u>	October 25, 2021

<u>Individual/Entity:</u>	Mt. Pleasant Square Associates II, LLC
<u>Facility:</u>	Oyster Park
<u>Location:</u>	1421 Shucker Circle, Suite 1112 Mount Pleasant, SC 29464
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-1280B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Mt. Pleasant Square Associates II, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on July 2, 2021, and August 12, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool furniture was not at least four feet from the edge of the pool; a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; the pool rules sign was not filled out accurately; the bound and numbered log book was not maintained on a daily basis; and the cyanuric acid level was not checked on a weekly basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 9, 2021.

Update: The civil penalty has been paid.

45) <u>Order Type and Number:</u>	Consent Order 21-174-RW
<u>Order Date:</u>	October 25, 2021
<u>Individual/Entity:</u>	Founders RHGC, LLC
<u>Facility:</u>	River Hills Golf & Country Club
<u>Location:</u>	3670 Cedar Creek Run Little River, SC 29566
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-H90-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Founders RHGC, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 25, 2021, and July 23, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: deck depth marker tiles were broken; deck depth marker tiles were missing; ladders did not have bumpers; ladders were not tight and secure; and the cyanuric acid level was above the water quality standards acceptable limit.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of 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 November 3, 2021.

Update: The civil penalty has been paid.

46) Order Type and Number: Consent Order 21-175-RW
Order Date: October 27, 2021
Individual/Entity: **Naman Walterboro II, LLC**
Facility: Hampton Inn
Location: 129 Cane Branch Road
Walterboro, SC 29788
Mailing Address: Same
County: Colleton
Previous Orders: None
Permit/ID Number: 15-1009B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Naman Walterboro II, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Colleton County, South Carolina. The Department conducted inspections on July 7, 2021, and August 5, 2021, 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; non-pool related items were stored in the equipment room; the pH level was not within the acceptable range of water quality standards; the main drain grates were not secure; the pool rules sign was not completely filled out & did not have all the required rules; the letters on the “Shallow Water – No Diving Allowed” signs posted and the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted were not the correct size; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 15, 2021.

Update: The civil penalty has been paid.

47) Order Type and Number: Consent Order 21-176-RW
Order Date: October 27, 2021
Individual/Entity: **The Palms Hotel Owners Association, Inc.**
Facility: The Palms Oceanfront Hotel
Location: 1126 Ocean Boulevard
Isle of Palms, SC 29451
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-603-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Palms Hotel Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 30, 2021, and August 2, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated; the facility address posted at the emergency notification device was not weather resistant; there was only one “No Lifeguard On Duty – Swim At Your Own Risk” sign posted; the bound and numbered log book was not available for review during the first inspection and was not maintained on a daily basis during the second inspection; the cyanuric acid level was not checked on a weekly basis; and a ladder was missing bumpers.

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 November 11, 2021.

Update: The civil penalty has been paid.

48)	<u>Order Type and Number:</u>	Consent Order 21-177-RW
	<u>Order Date:</u>	October 27, 2021
	<u>Individual/Entity:</u>	Oldfield Club
	<u>Facility:</u>	Oldfield Sports Club
	<u>Location:</u>	130 Oldfield Way Okatie, SC 29909
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-1047D
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Oldfield Club (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Beaufort County, South Carolina. The Department conducted inspections on July 6, 2021, and August 13, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the log book was not properly bound and numbered; and there were chlorine sticks in the skimmer baskets.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 7, 2021.

Update: The civil penalty has been paid.

49)	<u>Order Type and Number:</u>	Consent Order 21-178-RW
	<u>Order Date:</u>	October 27, 2021

<u>Individual/Entity:</u>	Ocean One Regime, Inc.
<u>Facility:</u>	Ocean One Villas
<u>Location:</u>	3 South Forest Beach Hilton Head Island, SC 29926
<u>Mailing Address:</u>	2 Corpus Christi, Suite 302 Hilton Head Island, SC 29928
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	07-074-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Ocean One Regime, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 17, 2021, and July 29, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were damaged; a ladder was not tight and secure and was missing bumpers; the water level was too high; the pool deck was not clear of hazards; skimmers were missing weirs; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; there was no shepherd's crook; the current pool operator of record information was not posted to the public; and the information on the pool rules sign was not correct.

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 October 31, 2021.

Update: The civil penalty has been paid.

50) <u>Order Type and Number:</u>	Consent Order 21-179-RW
<u>Order Date:</u>	October 27, 2021
<u>Individual/Entity:</u>	1811 Florence Front, Inc.
<u>Facility:</u>	Red Roof Inn a.k.a. The OYO
<u>Location:</u>	1811 West Lucas Street Florence, SC 29501
<u>Mailing Address:</u>	Same
<u>County:</u>	Florence
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	21-100-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51.J.22

Summary: 1811 Florence Front, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Florence County, South Carolina. The Department issued a Notice of Enforcement Conference on September 30, 2021, as a result of a review of inspection records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failure to fill in or remove the pool, which has been permanently closed for a period in excess of twenty-four consecutive months.

Action: The Individual/Entity is required to: correct all deficiencies and make any upgrades required to bring the pool into compliance with Regulation 61-51 and contact the

Department to schedule an inspection to verify the completed work by April 1, 2022. The Individual/Entity will be required to properly fill in or remove the pool by May 1, 2022, if the requirement to bring the pool into compliance with Regulation 61-51 is not met within the specified timeline. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four hundred dollars (**\$400.00**) should any requirement of the Order not be met.

Update: On September 29, 2021, Department staff conducted a technical assistance inspection of the pool with the Individual/Entity to provide an inspection checklist of the deficiencies and required upgrades.

51) Order Type and Number: Consent Order 21-180-RW
Order Date: October 28, 2021
Individual/Entity: **Robert Malanuk, Individually and d.b.a. Santee Lakes Campground**
Facility: Santee Lakes Campground
Location: 1268 Gordon Road
Summerton, SC 29148
Mailing Address: Same
County: Clarendon
Previous Orders: None
Permit/ID Number: 14-030-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Robert Malanuk, Individually and d.b.a. Santee Lakes Campground (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Clarendon County, South Carolina. The Department conducted inspections on June 11, 2021, and August 2, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles were broken; a skimmer was missing a weir; a skimmer lid was cracked; skimmer baskets were floating; there was no flow meter; the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record; the chlorine level was not within the acceptable range of water quality standards; the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted did not have the correct wording; and the cyanuric acid level was not checked on a weekly basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 6, 2021.

Update: The civil penalty has been paid.

52) Order Type and Number: Consent Order 21-181-RW
Order Date: October 28, 2021
Individual/Entity: **Hare Krishna Fort Mill Hotel, LLC**
Facility: Motel 6
Location: 255 Carowinds Boulevard
Fort Mill, SC 29715

Mailing Address: 2000 Veasley Street
Greensboro, NC 27407
County: York
Previous Orders: None
Permit/ID Number: 46-145-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Hare Krishna Fort Mill Hotel, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in York County, South Carolina. The Department conducted inspections on July 16, 2021, and July 28, 2021, 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 drinking water fountain was not operating properly; the foot rinse shower was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the emergency notification device was not operating; the cyanuric acid levels were not recorded in the bound and numbered log book on a weekly basis; the bound and numbered log book was not maintained on a daily basis; and the pool was operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, twenty dollars (\$1,020.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, twenty dollars (**\$1,020.00**) by November 9, 2021.

Update: The civil penalty has been paid.

Drinking Water Enforcement

53) Order Type and Number: Consent Order 21-043-DW
Order Date: October 18, 2021
Individual/Entity: **Kenny Bryan, Individually and d.b.a. Kenny's Campsites**
Facility: Kenny's Campsites
Location: 859 Bellinger Hill Run
Hardeeville, SC 29927
Mailing Address: Same
County: Jasper
Previous Orders: None
Permit/ID Number: 2760018
Violations Cited: S.C. Code Ann. Regs. 61-58.7 & 61-58.8.B

Summary: Kenny Bryan, Individually and d.b.a. Kenny's Campsites (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Jasper County, South Carolina. The Department conducted an inspection on August 19, 2021, and the PWS was rated unsatisfactory for failure to properly operate and maintain and failure to develop an Emergency Preparedness

Plan. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the well was not permitted by the Department as a public supply well and did not meet the operational and maintenance requirements of a public supply well.

Action: The Individual/Entity is required to select one of the following two options: submit an application to obtain a permit to construct a public supply well by November 13, 2021, complete the construction within ninety days of the issuance of the permit, and submit a system map and emergency preparedness plan within thirty days of the date of the issuance of written approval to operate the public supply well; or submit Notices of Intent and install individual residential wells to serve each existing service connection by November 13, 2021, and submit Water Well Record Form 1903s within thirty days of completion of the installation of the individual residential wells. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None

Water Pollution Enforcement

54) Order Type and Number: Consent Order 21-059-W
Order Date: October 14, 2021
Individual/Entity: **McCall Farms, Inc**
Facility: McCall Farms, Inc WWTF
Location: 6615 South Irby Street
Effingham, SC 29541
Mailing Address: Same
County: Florence
Previous Orders: 17-029-W (\$17,640.00)
Permit/ID Number: SC0039284
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (2008 & Supp. 2020), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a) (2011), and NPDES Permit SC0039284

Summary: McCall Farms, Inc (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Florence County, South Carolina. On July 16, 2021, a Notice of Alleged Violation (NOAV) was issued as a result of acute toxicity (ATOX) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the acute toxicity effluent limitations of its National Pollution Discharge Elimination System (NPDES) permit.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by November 13, 2021; 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 November 13, 2021.

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

55) Order Type and Number: Consent Order 21-060-W
Order Date: October 14, 2021
Individual/Entity: **Carolina Mobile Court**
Facility: Carolina Mobile Court WWTF
Location: 1699 Peach Orchard Road
Sumter, SC 29154
Mailing Address: Same
County: Sumter
Previous Orders: None
Permit/ID Number: SC0032212
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (2008 & Supp. 2020), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.21(d) (2011), and NPDES Permit SC0032212

Summary: Carolina Mobile Court (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Sumter County, South Carolina. On August 24, 2021 a Notice of Violation (NOV) was issued for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to submit an application for renewal of the National Pollutant Discharge Elimination System (NPDES) permit at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to: submit an administratively complete application for renewal of its NPDES permit by October 29, 2021; and continue operating the WWTF in accordance with the most recent NPDES permit until a new permit becomes effective. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by November 13, 2021.

Update: The Individual/Entity has submitted an administratively complete application for renewal of its NPDES Permit and has paid the civil penalty in full.

56) Order Type and Number: Consent Order 21-061-W
Order Date: October 14, 2021
Individual/Entity: **Total Environmental Solutions, Inc.**
Facility: Foxwood Hills SD WWTF
Location: 2299 Doctor Johns Road
Westminster, SC 29693
Mailing Address: P.O. Box 14059
Baton Rouge, LA 70898
County: Oconee
Previous Orders: None
Permit/ID Number: SC0022357

Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits Regulation S.C. Code Ann. Regs. 61-9.122.41(a), and Part III.A. of NPDES Permit SC0022357

Summary: Total Environmental Solutions, Inc. (Individual/Entity) owns and is responsible for the Foxwood Hills subdivision wastewater treatment facility (WWTF) located in Oconee County, South Carolina. The Individual/Entity reported violations of the permitted discharge limits for Escherichia coli (E.coli) for the December 2020, January 2021 and February 2021 monitoring periods. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation, as follows: failed to comply with the permitted effluent limitations for E.coli.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by November 14, 2021; 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 five thousand, six hundred dollars (\$5,600.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand, six hundred dollars (**\$5,600.00**) by November 13, 2021.

Update: The Individual/Entity has submitted written notification of the completion date for necessary corrective actions.

57) Order Type and Number: Consent Order 21-062-W
Order Date: October 14, 2021
Individual/Entity: **Kemira Chemicals, Inc**
Facility: Kemira Chemicals, Inc WWTF
Location: 200 Wateree Station Road
Eastover, SC 29044
Mailing Address: P.O. Box 100
Eastover, SC 29044
County: Richland
Previous Orders: None
Permit/ID Number: SC0047902
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (2008 & Supp. 2020), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.21(d) (2011), and NPDES Permit SC0047902

Summary: Kemira Chemicals, Inc (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Richland County, South Carolina. On August 25, 2021 a Notice of Violation was issued for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to submit an application for renewal of the National Pollutant Discharge Elimination System (NPDES) permit at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to: continue operating the WWTF in accordance with the most recent NPDES permit until a new permit becomes effective. The Department has assessed a total civil penalty in the amount of one thousand dollars

(\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)** by November 18, 2021.

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

58) Order Type and Number: Consent Order 21-063-W
Order Date: October 22, 2021
Individual/Entity: **City of Newberry**
Facility: Bush River WWTF
Location: SC Hwy 121
Newberry County, SC
Mailing Address: P.O. Box 538
Newberry, SC 29108
County: Newberry
Previous Orders: 19-034-W (\$3,200.00)
Permit/ID Number: SC0024490
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d) (2008 & Supp. 2020); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a) (2011).

Summary: The City of Newberry (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Newberry County, South Carolina. On August 13, 2021, a Notice of Violation was issued to the Individual/Entity as a result of failure to conduct two (2) macroinvertebrate assessments per year as required by the National Pollutant Discharge Elimination System (NPDES) Permit. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to conduct two (2) macroinvertebrate assessments per year as required by the NPDES Permit.

Action: The Individual/Entity is required to henceforth, unless otherwise instructed by the Department, conduct macroinvertebrate assessments two (2) times per year as specified in the NPDES Permit. The Department has assessed a total civil penalty in the amount of six thousand seven hundred dollars (\$6,700.00). The Individual/Entity is required pay a civil penalty in the amount of six thousand seven hundred dollars **(\$6,700.00)** by November 22, 2021.

59) Order Type and Number: Consent Order 21-064-W
Order Date: October 22, 2021
Individual/Entity: **Berkeley County Water & Sewer Authority**
Facility: BCW&SA, Lower Berkeley WWTF
Location: 2111 Red Bank Road
Goose Creek, SC 29445
Mailing Address: 212 Oakley Plantation Drive
Moncks Corner, SC 29461
County: Berkeley
Previous Orders: 19-003-W (\$2,800.00)
Permit/ID Number: SC0046060

Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d) (2008 & Supp. 2020); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a) (2011).

Summary: Berkeley County Water & Sewer Authority (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Berkeley County, South Carolina. On April 20, 2021, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Enterococci as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for Enterococci.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by November 22, 2021; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of five thousand two hundred fifty dollars (\$5,250.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand two hundred fifty dollars (**\$5,250.00**) by November 22, 2021.

Updates: The Individual/Entity submitted a civil penalty payment in the amount of five thousand two hundred fifty dollars (\$5,250.00) on October 19, 2021. The Individual/Entity submitted notification of the completion date for corrective actions on November 3, 2021.

60) Order Type and Number: Consent Order 21-065-W
Order Date: October 26, 2021
Individual/Entity: **Sonoco Products Company**
Facility: Sonoco WWTF
Location: 1 North Second Street
Hartsville, SC
Mailing Address: P.O. Box 160-112
Hartsville, SC 29550
County: Darlington
Previous Orders: None
Permit/ID Number: SC0003042
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d) (2008 & Supp. 2020); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a) (2011).

Summary: Sonoco Products Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Darlington County, South Carolina. On August 2, 2019, a Notice of Alleged Violation was issued as a result of violations of the maximum contaminant level (MCL) for nitrate as reported on groundwater monitoring reports submitted to the Department, and for failure to submit groundwater monitoring reports and sludge reports as required by the National Pollutant Discharge Elimination System (NPDES) Permit. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations as

follows: failed to comply with the MCL for nitrate and failed to submit groundwater monitoring reports and sludge reports as required by the NPDES Permit.

Action: The Individual/Entity is required to: submit to the Department a Corrective Action Plan (CAP) by December 24, 2021, addressing nitrogen levels in the groundwater and alternatives to sludge disposal practices; cease land application of sludge on certain areas of the site by January 22, 2022; and submit quarterly monitoring reports and summaries of quarterly crop removal activities in accordance with certain conditions detailed within the Order. The Department has assessed a total civil penalty in the amount of twenty-four thousand eight hundred forty dollars (\$24,840.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-four thousand eight hundred forty dollars (**\$24,840.00**) by November 24, 2021.

Update: None.

61) Order Type and Number: Consent Order 21-066-W
Order Date: October 26, 2021
Individual/Entity: **Manchester Farms, Inc.**
Facility: Manchester Farms WWTF
Location: 8126 Garners Ferry Road
Columbia, SC 29209
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: ND0068969
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) (2008 & Supp. 2019) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a) (2011), and ND0068969

Summary Manchester Farms, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Richland County, South Carolina. On July 16, 2021, a Notice of Alleged Violation (NOAV) was issued as a result of fecal coliform violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the fecal coliform effluent limitations of it permit ND0068969.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by November 26, 2021; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of three thousand five hundred seventy dollars (\$3,570.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand five hundred and seventy dollars (**\$3,570.00**) by November 26, 2021.

Update: None.

62) Order Type and Number: Consent Order 21-067-W
Order Date: October 28, 2021

<u>Individual/Entity:</u>	Town of Jonesville
<u>Facility:</u>	Town of Jonesville WWTF
<u>Location:</u>	520 Alman Street Jonesville, SC, 29353
<u>Mailing Address:</u>	P.O. Box 785 Jonesville, SC 29353-0785
<u>County:</u>	Union
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	SC0024988
<u>Violations Cited:</u>	Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (2008 & Supp. 2020), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a) (2011), and NPDES Permit SC0024988

Summary: Town of Jonesville (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Union County, South Carolina. On August 5, 2021, a Notice of Alleged Violation (NOAV) was issued as a result of ammonia-nitrogen violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follow: failed to comply with the ammonia-nitrogen effluent limitations of its National Pollutant Discharge Elimination System (NPDES) permit.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by November 28, 2021; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of two thousand eight hundred dollars (\$2,800.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**) by November 28, 2021.

Update: None.

BUREAU OF AIR QUALITY

63)	<u>Order Type and Number:</u>	Consent Order 21-022-A
	<u>Order Date:</u>	October 19, 2021
	<u>Individual/Entity:</u>	Cynthia Tyler
	<u>Facility:</u>	Cynthia Tyler
	<u>Location:</u>	147 Edgewood Drive St. Matthews, SC 29135
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Calhoun
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	N/A
	<u>Violations Cited:</u>	South Carolina Code Ann. Regs. 61-62.2, Prohibition of Open Burning

Summary: Cynthia Tyler (Individual/Entity), is the owner of the property located at Calhoun County, South Carolina. The Department conducted an open burning investigation on June 8, 2021. The Individual/Entity violated South Carolina Air Pollution Control Regulations, as follows: burned materials other than those allowed by Section I of the regulation, specifically household garbage.

Action: The Individual/Entity is required to cease all open burning except in accordance with the open burning regulations. 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) by November 19, 2021.

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

64) <u>Order Type and Number:</u>	Consent Order 21-023-A
<u>Order Date:</u>	October 19, 2021
<u>Individual/Entity:</u>	Preferred Finishing Technologies, LLC
<u>Facility:</u>	Preferred Finishing Technologies, LLC
<u>Location:</u>	612 Blacksburg Highway Blacksburg, SC 29702
<u>Mailing Address:</u>	P.O. Box 248 Blacksburg, SC 29702
<u>County:</u>	Cherokee
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	0600-0071
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-62.1, Section II,
Permit Requirements	

Summary: Preferred Finishing Technologies, LLC (Individual/Entity), is a textile manufacturer that specializes in the production of customized textile finishes in Cherokee County, South Carolina. On September 2, 2020, the Department conducted an inspection. The Individual/Entity has violated the South Carolina Air Pollution Control Regulations, as follows: failed to document weekly operation and maintenance checks on the coalescing filter system; failed to establish guidelines for operators to handle opacity problems on all emission units; failed to maintain calibration records for the pressure drop gauges on the coalescing filter system; failed to submit to the Department operational ranges for the coalescing filter system; failed to maintain an onsite implantation log (OSIL); and failed to perform annual equipment reviews for facility equipment and maintain documentation in the OSIL.

Action: The Individual/Entity is required to: comply with all terms and conditions of State Operating Permit 0600-0071. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a penalty in the amount of five thousand dollars (**\$5,000.00**) by November 19, 2021.

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

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

Food Safety Enforcement

65) Order Type and Number: Consent Order 21-04-FOOD
Order Date: October 1, 2021
Individual/Entity: **Elizabeth Navaro**
Facility: Vibras Snacks
Location: 3150 Augusta Road
West Columbia, SC 29170
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: OWP
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Elizabeth Navaro (Individual/Entity) operates a mobile retail food establishment in Lexington County, South Carolina. The Department issued Official Notices on June 28, 2021, and August 31, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: providing food to the public without a valid permit issued by the Department.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand dollars (\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) by November 1, 2021.

Update: The Individual/Entity has requested a payment plan from the Department. A payment plan has been provided to the Individual/Entity, although they have not provided the signed copy back to the Department.

66) Order Type and Number: Consent Order 21-01-FOOD
Order Date: October 18, 2021
Individual/Entity: **Susana Martinez**
Facility: La Esquina De El Sabor El Putazo
Location: 340 Rowe Street
Spartanburg, SC 29301
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit Number: OWP
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Susana Martinez (Individual/Entity) operates a restaurant in Spartanburg County, South Carolina. The Department issued Official Notices on July 16, 2021, and August 5, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: providing food to the public without a valid permit issued by the Department.

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

(\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) by November 18, 2021.

Update: On November 4, 2021, Department personnel observed the Individual/Entity violating the executed Order. Enforcement staff is working with the Department's OGC to file a petition in the Administrative Law Court for the Order to be enforced as well as requesting additional civil penalties be imposed.

67) <u>Order Type and Number:</u>	Consent Order 2021-206-03-005
<u>Order Date:</u>	October 19, 2021
<u>Individual/Entity:</u>	M. Guadarrama and F. Vergara
<u>Facility:</u>	Coco's & Beer Mexican Grill
<u>Location:</u>	4405 Fort Jackson Boulevard Columbia, SC 29205
<u>Mailing Address:</u>	25 Greer Street Greer, SC 29650
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	40-206-08428
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Coco's & Beer Mexican Grill (Individual/Entity) is a restaurant in Richland County, South Carolina. The Department conducted inspections on May 20, 2021, May 27, 2021, July 12, 2021, July 22, 2021, and July 30, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to ensure that after cleaning and sanitizing, equipment and utensils were properly air-dried before contact with food; and may not be cloth dried; failed to ensure that equipment is maintained in a state of repair and condition that meets the regulation requirements; failed to ensure that physical facilities were maintained in good repair; and failed to ensure that surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced.

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

Update: The Individual/Entity has submitted 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.

(x) ACTION/DECISION
() INFORMATION

Date: December 9, 2021

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

From: Bureau of Environmental Health Services

Re: Notice of Proposed Regulation amending R.61-56, *Onsite Wastewater Systems*.

I. Introduction

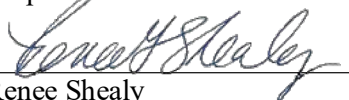
The Bureau of Environmental Health Services (“Bureau”) proposes the attached Notice of Proposed Regulation amending R.61-56, *Onsite Wastewater Systems*, for publication in the December 24, 2021, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq., which enable the Department of Health and Environmental Control (“Department”) to promulgate regulations related to the disposal of sewage and establish fees. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

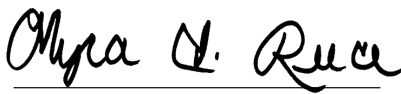
II. Facts

1. The Bureau proposes amending R.61-56, *Onsite Wastewater Systems*, to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will bring clarity to the regulation and streamline permitting procedures. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.
2. The Department had a Notice of Drafting published in the August 27, 2021, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received public comments from no parties by the September 27, 2021, close of the public comment period.
3. Appropriate Department staff conducted an internal review of the proposed amendment on November 29, 2021.

III. Request for Approval

The Bureau respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the December 24, 2021, *State Register*.


Renee Shealy
Bureau Chief, Bureau of Environmental
Health Services


Myra Reece
Director, Environmental Affairs

Attachments:

- A. Notice of Proposed Regulation
- B. Notice of Drafting published in the August 27, 2021, *State Register*

ATTACHMENT A

**STATE REGISTER NOTICE OF PROPOSED REGULATION
FOR R.61-56, *Onsite Wastewater Systems***

December 9, 2021

Document No. _____

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

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

61-56. Onsite Wastewater Systems.

Preamble:

Pursuant to R.61-56, the Department of Health and Environmental Control (“Department”) provides oversight for safe treatment and disposal of domestic wastewater to protect the health of families and communities. In accordance with R.61-56, the Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department proposes amending R.61-56 to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will bring clarity to the regulation and streamline permitting procedures.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the August 27, 2021, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
101.1 - Rippable Rock	Deletion	Amended definition of Rippable Rock to remove the reference pertaining to mini excavator.
102.1 (2)(b-c) & 102.1 (3)(b-c)	Addition	Amended language to allow the Department to subcontract to qualified individuals.
102.1 (5)	Addition/Deletion	Amended wording pertaining to subdivisions to be specific to subdivisions containing ten (10) or more lots.
104.4 (3)	Addition	Amended wording pertaining to a variance request to include a processing time. Amended wording to reiterate the

		importance of protecting human health and the environment.
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Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to David Vaughan of the Bureau of Environmental Health Services; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; vaughadr@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on January 24, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its February 10, 2022, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement

There is no anticipated additional cost to the Department or state government due to any requirements of this amendment.

Statement of Need and Reasonableness

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-56, Onsite Wastewater Systems

Purpose: The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will bring clarity to the regulation and streamline permitting procedures.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeals.

Legal Authority: 1976 Code Section(s) 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

Plan for Implementation: The amendments 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 amendments. 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 PROPOSED REGULATION
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The proposed amendments are needed and reasonable, as they will provide clarification regarding the requirements contained in R.61-56. The proposed amendments will also serve to streamline permitting procedures to improve overall effectiveness of the Department's administration of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these revisions.

External Costs: The proposed revisions do not increase any fees charged by the Department under the current regulation. The proposed revisions would expand existing site evaluation options and allow more streamlined permit processing by allowing an applicant to submit a proposed system layout from a licensed Professional Soil Classifier ("PSC"). Under the proposal, applicants desiring to install systems for a subdivision consisting of ten (10) or more lots would be required to submit third-party soils work from a PSC. The PSC would then have the option to either submit a proposed system layout under one of the system standards established within R.61-56 or give the soils report to a Registered Professional Engineer to design a specialized septic system through the 610 Standard. Subdivision permit applicants may incur additional costs for the third-party work performed by a PSC under this process. Outside of the subdivision context, applicants for conventional systems will retain the option to use a PSC or allow the Department to conduct a soil evaluation and prepare a system layout. The expanded options and enhanced involvement of third-party PSCs will serve to streamline and expedite the permit process for the Department and the regulated community.

Benefits: These amendments upgrade overall quality and practicality, improve clarity and consistency, streamline permitting, and clarify existing definitions.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There is no anticipated negative environmental or public health effect resulting from the proposed amendments of this regulation.

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

The negative effect on the environment and public health if the proposed amendment of this regulation is not implemented would be less efficiency and clarity for industry and reduced effectiveness and efficiency in the Department's oversight of the disposal of septage and sewage.

Statement of Rationale:

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

The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will streamline permitting procedures.

Text:

~~Indicates Matter Stricken~~

Indicates New Matter

61-56. Onsite Wastewater Systems.

Statutory Authority: S.C. Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

Amend Section 101.1, definition of Rippable Rock to read:

Rippable Rock - The rippability of rock material is a measure of its ability to be excavated with conventional excavation equipment (e.g., rubber-tired backhoe ~~or mini-excavator~~).

Amend Section 102.1 to read:

102. Onsite Wastewater System Site Evaluation and Fees.

102.1. Site Evaluations.

(1) An applicant for a permit to construct an onsite wastewater system, nonwater-carried sewage treatment system, wastewater combustion system, or gray water subsurface reuse system shall, at the time an application for a permit to construct is submitted to the Department, pay to the Department the site evaluation fee set forth in Section 102.2.

(2) Soil evaluations shall be conducted only by:

(a) A certified Department staff member;

(b) A licensed Professional Soil Classifier; or other licensed person qualified to practice soil classifying under S.C. Code 40-65-40(7) or otherwise deemed qualified by the Department who has subcontracted with the Department. The subcontractor may not charge a rate more than three (3) times the Department's permit fees; or

(c) ~~Another~~A privately hired licensed Professional Soil Classifier or other licensed person qualified to practice professional soil classifying under S.C. Code Section 40-65-40(7), provided that the burden of documenting qualification under S.C. Code Section 40-65-40(7) is on the licensed professional. The licensed professional shall provide to the Department verification of licensure and confirmation from their licensing board that the person is qualified to practice professional soil classifying within the scope of their license. The Department will disallow a soil evaluation from any person not able to provide verification to the Department's satisfaction.

(3) Except as provided in Section 102.1(4) and 102.1(5), an onsite wastewater system layout in accordance with Section 400, Appendices of Standards for Permitted Systems, may be prepared by:

(a) A certified Department staff member;

(b) A Registered Professional Engineer licensed in South Carolina who is not Department staff and has subcontracted with the Department to prepare onsite wastewater system layouts at a rate not more than three (3) times the Department's permit fee; or

(c) A privately hired Registered Professional Engineer licensed in South Carolina or the same licensed person under Section 102.1(2)(b) or (c) who conducted the soil evaluation for the site.

(4) Only a Registered Professional Engineer may design a system and prepare a system layout for Standard 610/611 – Specialized Onsite Wastewater Systems, Standard 150 – Large and Community Onsite Wastewater Systems, nonwater-carried sewage treatment systems, wastewater combustion systems, and gray water subsurface reuse systems.

(5) The Department will not perform a soil evaluation or prepare a system layout for any subdivision or portion of a subdivision with ten (10) or more lots without access to all available utilities. Soil evaluations for any lots that are part of a subdivision with ten (10) or more lots without access to all available utilities must be conducted by a licensed person meeting the criteria of Section 102.1(2)(b) or (c). Proposed system layouts for any lots that are part of a subdivision must be prepared by a third-party Registered Professional Engineer or Professional Soil Classifier meeting the criteria under Section 102.1(3)(b) or (c). The Soils Report and proposed system layout must be submitted with the onsite wastewater system permit application for the purpose of the Department review and issuance of a permit to construct.

Amend Section 104.4 to read:

104.4. Variances and Exemptions.

(1) The Department may, on a case-by-case basis, approve and issue a variance or exemption from one or more requirements of this regulation upon a finding that:

(a) The granting of the variance or exemption will not compromise protection to human health and the environment.

(b) Because of the characteristics of the site, it is not practical or feasible for the onsite wastewater system to meet the requirements of this regulation without taking into account the current science and best technology available.

(2) A request for variance or exemption must be in writing and include the following:

(a) A detailed description of the regulatory requirements for which the variance or exemption is sought.

(b) Sufficient data to demonstrate to the satisfaction of the Department that compliance with the regulatory requirement will not be practical or feasible.

(3) The Department may request additional information to evaluate the request. A complete variance request will be processed within three (3) business days of receiving the request. If approved, the variance or exemption will be issued in writing and may contain conditions. The Department may revoke issued variances as it deems appropriate to protect human health and the environment.

ATTACHMENT B

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (“Department”) proposes amending R.61-56, Onsite Wastewater Systems. Interested persons may submit comment(s) on the proposed amendments and repeals to David R. Vaughan, Director, Division of Onsite Wastewater Management, Rabies Prevention, Vector Surveillance, and Enforcement, Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201 or via email at vaughadr@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on September 27, 2021, the close of the drafting comment period.

Synopsis:

Pursuant to R.61-56, the Department helps to ensure the safe treatment and disposal of domestic wastewater to protect the health of families and communities. The Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition, update procedures for subdivisions, revise application fees, and amend OSWW system requirements. The amendments will modernize the regulation and streamline permitting procedures to address needed updates in administering the Onsite Wastewater program.

The Department may also include corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeals.

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

December 9, 2021

- (X) ACTION
() INFORMATION

- I. TITLE:** Placement of Substances in Schedule III for Controlled Substances
- II. SUBJECT:** Request for Placement of Substances 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 Department is requesting the Board's approval of three substances to be added to Schedule III of the South Carolina Controlled Substances Act. All three substances are schedule III controlled substances under the federal Controlled Substances Act, 21 U.S.C. 801 et seq., and are not scheduled as controlled substances under the South Carolina Controlled Substances Act.

IV. BACKGROUND

A. Ketamine's Salts, Isomers, and Salts of Isomers

On July 13, 1999, the Drug Enforcement Administration (DEA) published a final rule¹ placing the substance ketamine, including its salts, isomers, and salts of isomers, into schedule III of the federal Controlled Substances Act.

On December 11, 2014, pursuant to S.C. Code Section 44-53-160(B), the Department requested, and the Board adopted², the scheduling of the List of Substances for Inclusion in the South Carolina Controlled Substances Act³ (List), including the placement of ketamine into schedule III. However, the Department's request, and the Board's adoption, did not include ketamine's "salts, isomers, and salts of isomers."

Esketamine (brand name: Spravato) is the enantiomer (isomer) of ketamine, that is indicated for, in conjunction with an oral antidepressant, the treatment of treatment-resistant depression in adults. Esketamine is available only through a restricted program under a Risk Evaluation and Mitigation Strategy

¹ https://www.deadiversion.usdoj.gov/fed_regs/rules/1999/fr0713.htm; <https://www.govinfo.gov/content/pkg/FR-1999-07-13/pdf/99-17803.pdf>.

² <https://scdhec.gov/sites/default/files/docs/Health/docs/BoardOrders/SignedBoardDesignationLettter.pdf>

³ <https://scdhec.gov/sites/default/files/docs/Health/docs/BoardOrders/ListOfSubstances.pdf>.

(REMS) because of the risks of serious adverse outcomes from sedation, dissociation, and abuse and misuse. Even though the substance is subject to abuse and diversion, esketamine is not currently a controlled substance under the South Carolina Controlled Substances Act since it is an enantiomer (isomer) of ketamine.

B. Perampanel, including its Salts, Isomers, and Salts of Isomers

On December 2, 2013, the DEA published a final rule⁴ placing the substance perampanel, [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers, into Schedule III of the federal Controlled Substances Act. Perampanel (brand name: Fycompa) is indicated for the treatment of partial-onset seizures with or without secondarily generalized seizures in patients with epilepsy 4 years of age and older, and for the adjunctive therapy in the treatment of primary generalized tonic-clonic seizures in patients with epilepsy 12 years of age and older.

The DEA placed perampanel into Schedule III of the federal Controlled Substances Act after finding that perampanel has a potential for abuse less than the drugs or other substances in schedules I and II, perampanel has a currently accepted medical use in treatment in the United States, and abuse of perampanel may lead to moderate or low physical dependence or high psychological dependence.

C. Anabolic Steroids

In 1989, Act No. 115 added Article 14 to Chapter 53, Title 44, Code of Laws of South Carolina Act, thereby defining the term “anabolic steroid” in Section 44-53-1510(A).

Effective February 27, 1991, the federal Anabolic Steroids Control Act of 1990 (Title XIX of Pub. L. 101-647) first established and regulated anabolic steroids as a class of drugs under schedule III of the federal Controlled Substances Act.

On December 11, 2014, pursuant to S.C. Code Section 44-53-160(B), the Department requested, and the Board adopted, the scheduling of the List. S.C. Code Section 44-53-1510(A), defining the term “anabolic steroid,” is on the List but without a request to schedule the substance. Therefore, anabolic steroids are not a controlled substance under the South Carolina Controlled Substances Act, but anabolic steroids have been in schedule III under the federal Controlled Substances Act since 1990.

V. RECOMMENDATION

Pursuant to S.C. Code Section 44-53-160(B), the Department recommends the placement of ketamine’s salts, isomers, and salts of isomers; perampanel, including its salts, isomers, and salts of isomers; and anabolic steroids 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:

() ketamine, including its salts, isomers, and salts of isomers

() perampanel, including its salts, isomers, and salts of isomers

⁴ <https://www.govinfo.gov/content/pkg/FR-2013-12-02/pdf/2013-28778.pdf>.

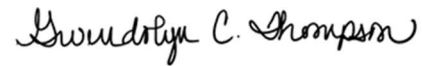
(f) Anabolic Steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

(1) Anabolic steroids

The Department recommends the Board place ketamine, including its salts, isomers, and salts of isomers; perampanel, including its salts, isomers, and salts of isomers; and anabolic steroids, in Schedule III of the South Carolina Controlled Substances Act.



Lisa Thomson
Director
Bureau of Drug Control



Gwen C. Thompson
Director
Healthcare Quality