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Promoting and protecting the health of the public and the environment
S.C. BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
Agenda
February 11, 2010

Call to Order – 10:00 a.m., Board Room (#3420)
S.C. Department of Health and Environmental Control,
2600 Bull Street, Columbia, S.C.

1. Board Minutes – January 14, 2010 meeting – For Approval
2. Monthly Award for Excellence – February 2010 – C. Earl Hunter
3. Administrative and Consent Orders issued by the Environmental Quality Control – Robert W. King, Jr.
4. Administrative Orders issued by the Bureau of Environmental Health – Lisa F. Waddell, MD

5. **Final Review Conference --**

Docket No. 10-RFR-02, Staff decision to deny a Certificate of Need to Colorectal EndoSurgery Institute of the Carolinas, LLC, for the establishment of a freestanding ambulatory surgical facility with two endoscopy rooms restricted to endoscopy procedures only

Docket No. 10-RFR-03, Staff decision to issue a Certificate of Need to West Ashley Endoscopy Center for the transfer of services from an existing office-based GI endoscopy facility with one procedure room to an existing building adjacent to the facility as an endoscopy only Ambulatory Surgery Facility and expand the current number of patient prep/recovery bays from two to four.

6. Handling of Request for Final Review requiring action by March 11, 2010 (RFR Docket Nos. 10-RFR-04 through 10-RFR- __)

<u>Docket No.</u>	<u>Requestor</u>	<u>Applicant/Permittee/Respondent</u>
10-RFR-04 (WIC)	Brandy Nixon	Same
10-RFR-05	Withdrawn	
10-RFR-06 (BAQ)	Niemitalo, Inc.	Same
10-RFR-07	Withdrawn	
10-RFR-08	Withdrawn	

7. Agency Affairs – C. Earl Hunter
8. Legal Report – Carlisle Roberts

SUMMARY SHEET
 BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
 February 11, 2010

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control (“EQC”).
- II. **SUBJECT:** Administrative and Consent Orders issued during the period December 1, 2009 – December 31, 2009.
- III. **FACTS:** For the periods December 1, 2009 through December 31, 2009 EQC issued thirty (30) Consent Orders with total assessed civil penalties in the amount of \$196,997.00. Three (3) Administrative Orders were also reported during this period with total assessed penalties in the amount of \$40,822.00.

Unless otherwise specified, “Previous Orders” as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

Bureau	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land & Waste				
<u>Management</u>				
UST Program	3	\$ 40,822.00	2	\$ 2,390.00
Solid Waste	0	0	0	0
Hazardous Waste	0	0	1	5,500.00
SUBTOTAL	3	40,822.00	3	\$ 7,890.00
Water				
Drinking Water	0	\$ 0	11	\$ 15,035.00
Water Pollution	0	\$ 0	7	36,172.00
SUBTOTAL	0	\$ 0	18	\$ 51,207.00
Air Quality				
SUBTOTAL	0	\$ 0	9	\$ 137,900.00
TOTAL	3	\$ 40,822.00	30	\$ 196,997.00

ANALYSIS: During the reporting period, Underground Storage Tank Enforcement issued three (3) Administrative Orders for violations of the SUPERB Act and the South Carolina Underground Storage Tank Control Regulations including failure to determine the full extent of a release in accordance

with the schedule provided by the Department. Total civil penalties were assessed in the amount of forty thousand eight hundred twenty-two dollars (\$40,882.00).

Drinking Water Enforcement entered into eleven (11) Consent Orders of which nine (9) were for violations of the Public Swimming Pool Regulations. Total civil penalties were assessed in the amount of twelve thousand eight hundred sixty-five dollars (\$12,865.00).

Water Pollution Enforcement entered into seven (7) Consent Orders of which five (5) were for various violations at wastewater treatment facilities (WWTF). Total civil penalties were assessed in the amount of seventeen thousand one hundred seventy-two dollars (17,172.00).

Air Quality Enforcement entered into a Consent Order with Lafarge Building Materials, Inc. (Respondent) owner and operator of a Portland cement manufacturing plant. The Respondent failed to control fugitive particulate matter emissions from non-enclosed operations and exceeded the established emission rate limit for dioxin/furans during two Department-approved source tests. To comply with the Order, the Respondent must submit a written plan of actions taken to evaluate raw material fly ash fed into the rotary kiln to try and prevent an exceedance of the dioxin/furan emission rate limits. A civil penalty in the amount of one hundred six thousand dollars (\$106,000.00) was assessed.

Submitted by:

Robert W. King, Jr., P.E.
Deputy Commissioner
Environmental Quality Control

**SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
February 11, 2010**

_____ ACTION/DECISION

 X INFORMATION

- I. TITLE: Administrative Orders Issued by the Bureau of Environmental Health (BEH).
- II. SUBJECT: Administrative Orders for the period of October 1, 2009 through December 31, 2009.
- III. FACTS: For the period of October 1, 2009 through December 31, 2009, the BEH issued nine (9) Administrative Orders with total assessed penalties in the amount of \$4,250.00.

Program	Consent Orders	Assessed Penalties	Administrative Orders	Assessed Penalties	Collected Penalties	Waived Penalties
Food Protection	0	0	5	\$ 2,750	\$ 1,500	\$1,250
Onsite Wastewater	0	0	4	\$ 1,500	\$ 1,000	\$ 0
General Sanitation	0	0	0	\$ 0	0	\$ 0
TOTAL	0	\$ 0	9	\$ 4,250	\$ 2,500	\$1,250

IV. ANALYSIS: The BEH utilized only Administrative Orders during this period; there were no cases that presented opportunities for consent orders. The BEH issued five (5) Administrative Orders to retail food establishments for violations of Regulation 61-25, Retail Food Establishments, and four (4) Administrative Orders to individuals for violations of onsite wastewater regulations, including one order to a licensed onsite wastewater system installer for violation of Regulation 61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets.

Of the five Administrative Orders on retail food establishments, all five have been complied with and the enforcement cases closed. Of the four Administrative Orders issued for violations of onsite wastewater regulations, two have been complied with and the cases closed; the other two cases remain open and are yet to be resolved.

Submitted by:

Lisa F. Waddell, MD
Deputy Commissioner
Health Services