

EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
April 9, 2009

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Consent Order 07-0670-UST
 Order Date: February 10, 2009
 Respondent: **Jainik, LLC**
 Facility: Money Saver
 Location/Mailing Address: 601 Church St., Conway, SC
 County: Horry
 Previous Orders: None
 Permit/ID Number: 05238
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, (SUPERB Act)
 and the South Carolina Underground Storage Tank Control Regulation
 R.61-92.280.41(b)(ii), and R.61-92.280.34(c).

Summary: Jainik, LLC (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to conduct annual tightness testing on a pressurized line or have monthly monitoring; and, failure to provide records to the Department upon request.

Action: The Respondent is required to: submit a copy of line tightness test results dated after November 5, 2007, for all pressurized lines or submit a copy of the electronic line leak detector manufacturer's position statement certifying that line testing is not required; and, pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

- 2) Order Type and Number: Consent Order 08-0315-UST
 Order Date: February 10, 2009
 Respondent: **Charles H. Odom**
 Facility: McColl Quick Shop
 Location/Mailing Address: 100 West Tatum Avenue, McColl,
 SC/ 130 Highway 79 West,
 Bennettsville, SC 29512-6110

 County: Marlboro
 Previous Orders: None
 Permit/ID Number: 06345

Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, (SUPERB Act) as amended, Section 44-2-60(a), and the South Carolina Underground Storage Tank Control Regulation 61-92.280.31(b) and R. 61-92.280.34(c).

Summary: Charles H. Odom (Respondent) owns and operates underground storage tanks and has violated the SUPERB Act and the South Carolina Underground Storage Tank Control Regulations as follows: failure to pay annual underground storage tank registration fees; failure to maintain adequate release detection methods; failure to operate and maintain corrosion protection; and, failure to provide records to the Department upon request.

Action: The Respondent is required to: pay to the Department annual underground storage tank registration fees in the amount of two thousand, one hundred seventy-eight dollars (\$2,178.00); submit to the Department the results of a current corrosion protection system test with a copy of the current month's entry in the rectifier log; and; pay a civil penalty in the amount of four hundred dollars (\$400.00).

3) Order Type and Number: Consent Order 08-0346-UST
Order Date: February 25, 2009
Respondent: **Mark Foster and Mark Wood**
Facility: 221 Convenience Store
Location/Mailing Address: 3900 South Church Street Ext,
Roebuck, SC/ 308 Wellington Drive,
Moore, SC 29369
County: Spartanburg
Previous Orders: 04-0214-UST (\$500.00)
Permit/ID Number: 10244
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, (SUPERB Act) as amended, and the South Carolina Underground Storage Tank Control Regulation 61-92.280.34(c), R. 61-92.280.31(b) and R. 61-92.280.40(a).

Summary: Mark Foster and Mark Wood (Respondents) operated underground storage tanks and have violated the SUPERB Act and the South Carolina Underground Storage Tank Control Regulations as follows: failure to maintain adequate release detection methods; failure to have the corrosion protection system inspected by a qualified tester every three years; and, failure to provide records to the Department upon request.

Action: The Respondents are required to pay a civil penalty in the amount of six hundred dollars (\$600.00).

- 4) Order Type and Number: Consent Order 08-0505-UST
Order Date: February 10, 2009
Respondent: **Jay Patel**
Facility: One Stop Shop
Location/Mailing Address: 328 Pinewood Rd., Sumter, SC
29150
County: Sumter
Previous Orders: None
Permit/ID Number: 15232
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, (SUPERB Act) as amended,
and the South Carolina Underground Storage Tank Control Regulation 61-
92.280.40(a).

Summary: Jay Patel (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide adequate release detection methods for an underground storage tank system.

Action: The Respondent is required to pay a civil penalty in the amount of three hundred dollars (**\$300.00**).

- 5) Order Type and Number: Consent Order 08-0518-UST
Order Date: February 13, 2009
Respondent: **The Jerry Cox Company**
Facility: Jerry Cox Company
Location/Mailing Address: 3211 S. Kings Hwy., Myrtle Beach,
SC/P.O. Box 89, Conway, SC 29528
County: Horry
Previous Orders: None
Permit/ID Number: 05119
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, (SUPERB Act) as amended,
and the South Carolina Underground Storage Tank Control Regulation 61-
92.280.40(a).

Summary: The Jerry Cox Company (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide adequate release detection methods for an underground storage tank system.

Action: The Respondent is required to pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Hazardous Waste Enforcement

- 6) Order Type and Number: Consent Order 09-01-HW
Order Date: February 4, 2009
Responsible Party: **Comfab, Inc.**
Location/Mailing Address: 4930 Blackstock Road
Spartanburg, South Carolina 29303
County: Spartanburg
Previous Orders: None
Permit Number: SCR 000 770 149
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulation 61-79.270.1, R.61-79.262.34(a)(2), and R.61-79.265.173(a).

Summary: Comfab, Inc. (Respondent) is a metal fabricating facility. The Respondent has violated the Hazardous Waste Management Regulations as follows: accumulating hazardous waste onsite for greater than 90 days without applying for and receiving a permit from the Department for the storage of hazardous wastes or without having interim status; failure to ensure that the date upon which each period of accumulation began is clearly marked and visible for inspection on each container; and, failure to ensure that a container holding hazardous waste always be closed during storage, except when it is necessary to add or remove waste.

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act and Regulations; ensure that containers of hazardous waste are managed onsite for 90 days or less, unless the Respondent has applied for and the Department has issued a permit for hazardous waste storage; ensure that all containers of hazardous waste are managed properly; and, pay a civil penalty in the amount of eight thousand, six hundred ten dollars (**\$8,610.00**) to be paid in twelve equal installments.

- 7) Order Type and Number: Consent Order 09-02-HW
Order Date: February 6, 2009
Respondent: **Heartland Of Lexington**
Facility: Heartland of Lexington
Location/Mailing Address: 2416 Sunset Boulevard
West Columbia, S.C. 29169
County: Lexington
Previous Orders: None
Permit/ID Number: SC32-0071G
Violations Cited: The South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-140 (Rev. 2002), the

Environmental Protection Fund Act, S.C. Code Ann. §48-2-50 et seq. (1993), the South Carolina Infectious Waste Management Regulations 61-105 F (4), and the Environmental Protection Fees Regulations 61-30 G (12).

Summary: Heartland of Lexington (Respondent), located in West Columbia, South Carolina, is a medical clinic that generates infectious waste. The Respondent has violated the South Carolina Infectious Waste Regulations as follows: failure to pay their 2009 Annual Infectious Waste Generator Fees in the amount of one hundred fifty dollars (\$150.00).

Action: The Respondent has agreed to: now and in the future, ensure compliance with the Infectious Waste Generator requirements; pay the 2009 Annual Infectious Waste Fees and outstanding penalties totaling two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of two hundred ninety-three dollars and seventy-five cents (**\$293.75**).

8) Order Type and Number: Consent Order 09-03-HW
Order Date: February 24, 2009
Respondent: **Diversified Coatings Systems**
Facility: Diversified Coatings Systems
Location/Mailing Address: 309 Echelon Road
Greenville, South Carolina 29605
County: Greenville
Previous Orders: 04-15-HW (\$10,000)
Permit/ID Number: SCD 987 596 285
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulation 61-79.262.13(d), R.61-79.262.13(b), R.61-79.265.53(a), R.61-79.265.53(b), R.61-79.265.37(a), R.61-79.265.37(b), R.61-79.265.16(a)(1), R.61-79.265.15(d), R.61-79.265.173(a), R.61-79.262.34(c)(1)(ii), R.61-79.265.35.

Summary: Diversified Coatings Systems (Respondent) is an assembly parts finishing facility. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to submit a revised form DHEC 2701 to update contact information and generator status; failure to submit form DHEC 1965 to add a new Index Number; failure to have a contingency plan available for review by the Department; failure to provide the contingency plan to local authorities; failure to offer appropriate training to all necessary employees; failure to include the date and time of inspections and the name of the inspector on the inspection summary; failure to keep containers closed and properly marked; and, failure to allow adequate aisle space in the hazardous waste storage area.

Action: The Respondent has agreed to now and in the future: ensure that all necessary forms are submitted to the Department whenever previously provided information becomes outdated or inaccurate; ensure that a revised or new Notification Form is submitted to the Department within thirty (30) days of producing a new hazardous waste; ensure that the contingency plan is maintained; ensure that facility personnel successfully complete an appropriate training program; ensure that all required information is included in all storage area inspection logs/summaries; ensure that containers holding hazardous waste are closed during storage, except when it is necessary to add or remove waste; ensure that all hazardous waste containers are marked appropriately; ensure that proper aisle space is maintained in the hazardous waste storage area; and, pay a civil penalty in the amount of thirteen thousand, five hundred dollars (**\$13,500.00**) and will be paid in installments.

Solid Waste Enforcement

- 9) Order Type and Number: Consent Order 08-26-SW
Order Date: February 10, 2009
Respondent: **Tim Fowler**
Facility: Fowler Corporation Wood Chipping Facility
Location/Mailing Address: 122 Moats Fowler Road
Anderson, South Carolina 29626
County: Anderson
Previous Orders: None
Permit/ID Number: Registration # 042786-3001
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, as amended, Solid Waste Management: Yard Trash and Land-Clearing Debris; and Compost Regulation 61-107.4.G.1., and Registration # 042786-3001.

Summary: Tim Fowler (Respondent) has violated the Solid Waste Management: Yard Trash and Land-Clearing Debris; Compost Regulation; and Registration # 042786-3001 as follows: failure to submit to the Department financial assurance prior to accepting wood waste at the Facility.

Action: The Respondent is required to submit financial assurance and pay a civil penalty in the amount of one thousand, one hundred fifty dollars (**\$1,150.00**).

- 10) Order Type and Number: Consent Order 08-29-SW
Order Date: February 10, 2009
Respondent: **Joe Riley**

Facility: Callahan Grading, LLC
Location/Mailing Address: 1366 Filbert Highway
York, South Carolina 29745
County: York
Previous Orders: None
Permit/ID Number: Registration # 462751-3001
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, as amended, Solid Waste Management:
Yard Trash and Land-Clearing Debris; and Compost Regulation 61-
107.4.F.12.b., and Registration # 462751-3001.

Summary: Joe Riley (Respondent) has violated the Solid Waste Management: Yard Trash and Land-Clearing Debris; Compost Regulation, and Registration # 462751-3001 as follows: failure to submit to the Department the Annual Report for Fiscal Year 2008.

Action: The Respondent is required to submit the Annual Report for Fiscal Year 2008 and pay a civil penalty in the amount of three hundred dollars (**\$300.00**).

BUREAU OF WATER

Drinking Water Enforcement

11) Order Type and Number: Consent Order 09-011-DW
Order Date: February 24, 2009
Respondent: **Summerville Lodge, Limited Partnership**
Facility: Comfort Inn
Location/Mailing Address: 8 Cumberland Street
Charleston, S.C. 29401
County: Dorchester
Previous Orders: None
Permit/ID Number: 18-071B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J),
61-51(K)(1)(c) and 61-51(K)(1)(d)

Summary: Summerville Lodge, Limited Partnership (Respondent) owns and is responsible for the proper operation and maintenance of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Pool and re-opened the Pool without Department approval after it had been closed by the Department. The Respondent

had been informed that a re-inspection was necessary prior to the Pool being re-opened.

Action: The Respondent has agreed to: pay a civil penalty in the amount of one thousand nine hundred sixty dollars (**\$1,960.00**). The civil penalty has been paid.

- 12) Order Type and Number: Consent Order 09-012-DW
Order Date: February 6, 2009
Respondent: **Tropical Winds, Inc.**
Facility: Hotel Blue
Location/Mailing Address: 705 South Ocean Boulevard
Myrtle Beach, S.C. 29577
County: Horry
Previous Orders: None
Permit/ID Number: 26-1740B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)
and 61-51(K)(1)(d)

Summary: Tropical Winds, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Pool.

Action: The Respondent has agreed to: pay a civil penalty in the amount of two thousand four hundred dollars (**\$2,400.00**). The civil penalty has been paid.

- 13) Order Type and Number: Consent Order 09-013-DW
Order Date: February 6, 2009
Respondent: **A Place at the Beach – Windy Hill Homeowners Association**
Facility: A Place at the Beach Resort
Location/Mailing Address: 45255 South Ocean Boulevard
Myrtle Beach, S.C. 29577
County: Horry
Previous Orders: None
Permit/ID Number: 26-J38D
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)
and 61-51(K)(1)(d)

Summary: A Place at the Beach – Windy Hill Homeowners Association (Respondent) owns and is responsible for the proper operation and maintenance

of a Spa. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Spa.

Action: The Respondent has agreed to: pay a civil penalty in the amount of one thousand six hundred eighty dollars (**\$1,680.00**).

14) Order Type and Number: Consent Order 09-014-DW
Order Date: February 13, 2009
Respondent: **Amanda Nivens d/b/a Nivens MHP**
Facility: Nivens Mobile Home Park
Location/Mailing Address: P.O. Box 3273
Fort Mill, S.C. 29708
County: York
Previous Orders: None
Permit/ID Number: 4660047
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.1
(K)(1) and 61-58.7

Summary: Amanda Nivens (Respondent) d/b/a Nivens Mobile Home Park owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failed to properly operate and maintain the PWS and failed to obtain final approval to operate from the Department prior to placing a PWS modification into operation.

Action: The Respondent has agreed to: sample Well # 2 for nitrate; perform a 24-hour performance test; correct all deficiencies with Well # 2 and properly abandon Well # 1; pay the balance of State Drinking Water Fees for the 2001 and 2008 fiscal years, which total two hundred thirty-one dollars and eighty-eight cents (\$231.88), and pay a **stipulated penalty** in the amount of six thousand eight hundred dollars (**\$6,800.00**) if it fails to meet any requirement of this Order.

15) Order Type and Number: Consent Order 09-015-DW
Order Date: February 24, 2009
Respondent: **Autumn Chase Magnolia Lakes at Grande Oak Plantation HOA, Inc.**
Facility: Grande Oak Plantation Amenity Center
Location/Mailing Address: 2154 North Center Street,
Suite 204B
North Charleston, S.C. 29406
County: Charleston
Previous Orders: None
Permit/ID Number: 10-622B

Violations Cited:
and 61-51(K)(1)(d)

24A S.C. Code Ann. Regs. 61-51(J)

Summary: Autumn Chase Magnolia Lakes at Grande Oak Plantation Homeowners Association (HOA), Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Pool.

Action: The Respondent has agreed to: pay a civil penalty in the amount of one thousand six hundred eighty dollars (**\$1,680.00**). The civil penalty has been paid.

16) Order Type and Number: Consent Order 09-016-DW
Order Date: February 24, 2009
Respondent: **Clear Blue Pools, Inc.**
Facility: Park Place Apartments
Location/Mailing Address: 133-C Elliana Way
Summerville, S.C. 29483
County: Berkeley
Previous Orders: None
Permit/ID Number: 08-015B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(I)(1)

Summary: Clear Blue Pools, Inc. (Respondent) is responsible for the modification of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to submit a Change Order Request Form prior to modifying the Pool.

Action: The Respondent has agreed to: submit the Change Order Request Form and pay a civil penalty in the amount of three hundred sixty dollars (**\$360.00**).

17) Order Type and Number: Consent Order 09-017-DW
Order Date: February 24, 2009
Respondent: **Palmetto Pointe at Peas Island
Condominium Property Owners
Association, Inc.**
Facility: Palmetto Pointe at Peas Island
Location/Mailing Address: P.O. Box 1672
Folly Beach, S.C. 29439
County: Charleston
Previous Orders: None

Permit/ID Number: 10-1130B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J),
61-51(K)(1)(d)

Summary: Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Pool.

Action: The Respondent has agreed to: pay a civil penalty in the amount of one thousand six hundred eighty dollars (**\$1,680.00**).

18) Type and Number: Consent Order 09-018-DW
Order Date: February 24, 2009
Respondent: **Kalpana, Inc.**
Facility: Best Western
Location/Mailing Address: 600 Church Street
Georgetown, S.C. 29440
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1141B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)
and 61-51(K)(1)(d)

Summary: Kalpana, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Pool.

Action: The Respondent has agreed to: pay a civil penalty in the amount of one thousand six hundred eighty dollars (**\$1,680.00**).

19) Order Type and Number: Consent Order 09-020-DW
Order Date: February 27, 2009
Respondent: **Edisto Research and Education Center**
Facility: Edisto Research and Education Center
Location/Mailing Address: 64 Research Road
Blackville, S.C. 29817
County: Barnwell
Previous Orders: None
Permit/ID Number: 0670900
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.7

Summary: Edisto Research and Education Center (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failed to properly operate and maintain a PWS.

Action: The Respondent has agreed to: ensure the flow meter is operational; maintain all flushing records from the flushing program; provide a sample sitting plan; provide monitoring records; provide a procedures manual and a complete emergency plan; ensure a water distribution system operator is at the facility; and, pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) and a stipulated penalty in the amount of eleven thousand six hundred dollars (\$11,600.00) should it fail to meet any requirements of this Order.

20)	<u>Order Type and Number:</u>	Consent Order 09-021-DW
	<u>Order Date:</u>	February 27, 2009
	<u>Respondent:</u>	Mac's Quick'C, LLC
	<u>Facility:</u>	Quick-C Mart
	<u>Location/Mailing Address:</u>	5463 Vance Road Bowman, S.C. 29018
	<u>County:</u>	Orangeburg
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	3870905
	<u>Violations Cited:</u>	24A S.C. Code Ann. Regs. 61-58.7

Summary: Mac's Quick'C, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failed to properly operate and maintain the PWS.

Action: The Respondent has agreed to: place a lock on the well house and the storage tank; ensure there is cross connection information provided during a survey; correct the sample tap location; install a bypass line to isolate and perform maintenance and repairs on the storage tank; ensure all monitoring records are available at the time of the survey; ensure proper instructions for starting and stopping the well are in the procedures manual; and, pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) if it fails to meet any requirement of this Order.

Water Pollution Enforcement

21)	<u>Order Type and Number:</u>	Consent Order 09-004-W
	<u>Order Date:</u>	February 6, 2009

Respondent: **City of Johnsonville**
Facility: East WWTP
Location/Mailing Address: 110 East Bluff House Road
 Johnsonville, SC 29555
County: Florence
Previous Orders: None
Permit/ID Number: SC0025933
Violations Cited: S.C. Code Ann. §48-1-110(d) (Supp. 2008) and 24 S.C. Code Ann. Regs. 61-9.122.41(a)(Supp. 2007).

Summary: The City of Johnsonville (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment plant (WWTP) serving the residents of Johnsonville in Florence County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: exceeded the effluent quality limit for Whole Effluent Toxicity – Chronic testing. Flows to the 4.5 million gallons per day WWTP had been greatly reduced with the incremental closing of Wellman Industries operations, creating flow fluctuations and confounding wastewater treatment processes and chemical feed rates. An evaluation of the discharge design led to the belief that a more representative sample could be obtained at a location further down the discharge pipe. Supplemental samples collected and analyzed from this location met permitted chronic toxicity (CTOX) limits.

Action: The Respondent has agreed to: initiate an increased effluent sampling program to collect monthly effluent samples for CTOX testing for two (2) quarterly monitoring periods and report the result and pay a **suspended penalty** in the amount of three thousand two hundred dollars (**\$3,200.00**) should the Respondent fail to meet any requirement of the Order.

22) Order Type and Number: Consent Order 09-005-W
Order Date: February 6, 2009
Respondent: **Bulls Bay Village, LLC**
Facility: The Villages at Bulls Bay
Location/Mailing Address: Doar Road
 Awendaw, S.C. 29429
County: Charleston
Previous Orders: None
Permit/ID Number: SCR10G307
Violations Cited: S.C. Code Ann. §48-1-90(a)(2008) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e)(Supp. 2007)

Summary: Bulls Bay Village, LLC (Respondent) owns and is responsible for activities relating to land-disturbance and construction on property located near the Town of Awendaw in Charleston County. The Respondent has violated

the Pollution Control Act and Water Pollution Control Permit Regulations as follows: discharged sediment into waters of the State in contravention of a National Pollutant Discharge Elimination System (NPDES) Permit and failed to properly install all approved storm water Best Management Practices.

Action: The Respondent has agreed to: submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying compliance with the NPDES Permit and Storm Water Pollution Prevention Plan and pay a civil penalty in the amount of six thousand five hundred dollars (**\$6,500.00**).

23) Order Type and Number: Consent Order 09-006-W
Order Date: February 19, 2009
Respondent: **Thrace-LINQ, Inc.**
Facility: Thrace-LINQ, Inc. WWTF
Location/Mailing Address: 2550 West Fifth North Street
Summerville, S.C. 29483
County: Dorchester
Previous Orders: None
Permit/ID Number: SC0003905
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(2008) and 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (d) (Supp. 2007)

Summary: Thrace-LINQ, Inc. (Respondent) is responsible for the operation and maintenance of the wastewater treatment facility (WWTF) serving its manufacturing facility located in Dorchester County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to have an operator of appropriate grade conduct daily inspections of the WWTF as required by its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: submit copies of the WWTF operator logs each month for a period of six (6) months, or until the Department confirms and approves closure of the WWTF and cancels the NPDES Permit, whichever comes first, and pay a civil penalty in the amount of six thousand eight hundred dollars (**\$6,800.00**).

24) Order Type and Number: Consent Order 09-007-W
Order Date: February 25, 2009
Respondent: **The Corburn Company**
Facility: Midtown Meadows Subdivision
Location/Mailing Address: 218 Hunt Street
Greenwood, SC 29649
County: Greenwood
Previous Orders: 08-080-W (\$3060.00)

Permit/ID Number: SCR10B120
Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008)
and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp. 2007)

Summary: The Corburn Company (Respondent) owns and is responsible for land clearing and construction activities at the Midtown Meadows Subdivision located at the intersection of Durst Avenue and Hunt Street (Site) in Greenwood County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with all the conditions of the National Pollutant Discharge Elimination System (NPDES) Permit; failed to install and maintain storm water management and erosion and sediment controls as required by the Permit and discharged sediment into the environment.

Action: The Respondent has agreed to: submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that implementation of the necessary storm water and sediment control devices are complete and in accordance with the approved plans and specifications, or submit a Notice of Termination for the Site in accordance with the NPDES Permit and pay a civil penalty in the amount of five thousand eight hundred and fifty dollars (**\$5,850.00**) and a suspended penalty in the amount of five thousand eight hundred and fifty dollars (\$5,850.00) should the Respondent fail to meet any requirement of the Order. The penalty is to be paid in four (4) quarterly installments of one thousand four hundred and sixty two dollars and fifty cents (\$1,462.50) each.

BUREAU OF AIR QUALITY

25) Order Type and Number: Consent Order 09-003-A
Order Date: February 4, 2009
Respondent: **Mr. Johnny Brown**
Facility: None
Location/Mailing Address: 2346 Santee Dr
Hartsville, SC 29550
County: Darlington
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Air Pollution Control
Regulation 61.62.2, Prohibition of Open Burning

Summary: Mr. Johnny Brown (Respondent) owns property and resides at 2346 Santee Dr. in Hartsville, S.C. The Respondent violated State Regulations in that he burned materials prohibited by the regulation.

Action: The Respondent has agreed to: cease open burning except as in accordance with South Carolina Air Pollution Control Regulation 61-62.2; and pay to the Department a civil penalty in the amount of four hundred dollars (**\$400.00**). The penalty has been paid.

26) Order Type and Number: Consent Order 09-004-A
Order Date: February 4, 2009
Respondent: **J & S, Inc.**
Facility: Plant #2, 5554 Charlotte Hwy
Lancaster, SC 29720
Location/Mailing Address: PO Box 1628
Lancaster, SC 29721
County: Lancaster
Previous Orders: None
Permit/ID Number: GSOP01-9900-0304
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.1, Section II.A.1(a) and Section II.B.1., and S.C. Code
Ann. § 48-1-110(d).

Summary: J & S, Inc. (Respondent) owns and operates a concrete batch plant. The Department issued General State Operating Permit GSOP1-9900-0304 to the Respondent, effective October 16, 2006. The Respondent violated State Regulations as follows: failed to apply for and obtain a Department-issued construction permit prior to installing control devices; and failed to maintain a log of filter bag/cartridge maintenance and replacement. The Department issued Synthetic Minor Construction Permit 9900-0304-CB to the Respondent, effective April 3, 2007. The Respondent violated State Regulations as follows: failed to notify the Department in writing upon the beginning of construction and startup of the 200 yd³/hr concrete plant; and failed to submit a written request to the Department to obtain an operating permit at least fifteen (15) days prior to placing the concrete plant into operation.

Action: The Respondent has agreed to: apply for and obtain Department-issued permits prior to constructing, altering, or adding to any source of air contaminants, including the installation of control devices; submit required written notifications to the Department in accordance with requirements in its permit and the Regulations; maintain a log of filter bag/cartridge maintenance and replacement for Unit ID 04 and Unit ID 05; and pay a civil penalty in the amount of four thousand five hundred dollars (**\$4,500.00**). The penalty has been paid.

27) Order Type and Number: Consent Order 09-005-A
Order Date: February 4, 2009
Respondent: **Constantia Hueck Foils L.L.C.**
Facility: Constantia Hueck Foils L.L.C.

Location/Mailing Address: 1111 Northpoint Blvd
Blythewood, SC 29016
County: Richland
Previous Orders: None
Permit/ID Number: CM-1900-0146
Violations Cited: S.C. Code Ann. § 48-1-110(d)

Summary: Constantia Hueck Foils (Respondent) owns and operates a facility that manufactures thin printed and laminated foils used for packaging. The Department issued Conditional Major Air Quality Permit CM-1900-0146 to the Respondent, effective July 1, 2007. The Respondent violated State Regulations in that it failed to conduct a Department-approved source test once every two years to determine VOC capture and destruction removal efficiency for RTO #1 and RTO #2.

Action: The Respondent has agreed to conduct a Department-approved source test to determine VOC capture and destruction removal efficiency for RTO #1 and RTO #2, and pay to the Department a civil penalty in the amount of eight thousand dollars (**\$8,000.00**).

28) Order Type and Number: Consent Order 09-006-A
Order Date: February 6, 2009
Respondent: **Mr. Jimmy McNair d/b/a Cricket Grading & Landscaping**
Facility: former Dean's Place Bar
Location/Mailing Address: 1006 Alabama St. / 879 Campground Rd.
Chesnee, SC 29323 / Spartanburg, SC 29303
County: Spartanburg
Previous Orders: None
Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(a), 61.145(b)(3)(i), and 61.145(c), and South Carolina Air Pollution Control Regulation 61-86.1, Sections III.A.1. and 2., IV.B.1., IV.B.5., V.D., and XIII.B.1.a.

Summary: Mr. Jimmy McNair d/b/a Cricket Grading & Landscaping (Respondent) is a grading, landscaping, and demolition company. The Respondent violated Federal and State Asbestos regulations as follows: failed to thoroughly inspect a regulated building for the presence of asbestos-containing materials (ACM) prior to commencement of demolition; failed to provide written notice of intent to demolish the building at least 10 working days prior to the demolition; failed to obtain an asbestos project license prior to beginning demolition of the building; failed to obtain an asbestos project license prior to

beginning an asbestos project; failed to use workers licensed by the Department prior to engaging in an asbestos project; and failed to adhere to the required work practice requirements for an asbestos project, including but not limited to wetting, proper removal, and disposal of regulated ACM (RACM).

Action: The Respondent has agreed to: ensure that an asbestos survey is performed, apply for and obtain licenses prior to beginning demolitions and asbestos projects, not engage in asbestos projects involving RACM unless licensed, and adhere to required work practice requirements, in the future; and pay a civil penalty in the amount of one thousand four hundred dollars (**\$1,400.00**) payable in four (4) equal payments of three hundred fifty dollars (\$350.00) each.

29) Order Type and Number: Consent Order 09-007-A
Order Date: February 10, 2009
Respondent: **Testing Technologies, LLC**
Facility: former Dean's Place Bar
Location/Mailing Address: 1006 Alabama St./416 S. Fairview St
Ext
Chesnee, SC 29323 / Spartanburg,
SC 29302
County: Spartanburg
Previous Orders: None
Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(c), and
South Carolina Air Pollution Control Regulation 61-86.1, Sections
IV.B.5., V.B.1.a., and V.D.

Summary: Testing Technologies, LLC (Respondent), is an asbestos abatement contractor licensed by the Department. The Respondent violated Federal and State Asbestos regulations as follows: failed to provide written notice of intent at least 10 working days prior to beginning an asbestos project; failed to obtain an asbestos project license prior to beginning an asbestos project; and failed to adhere to the required work practice requirements for an asbestos project, including but not limited to wetting and proper removal of regulated asbestos-containing materials.

Action: The Respondent has agreed to: apply for and obtain licenses prior to beginning asbestos projects and adhere to required work practice requirements, in the future; and pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**) payable in eight (8) equal payments of two hundred dollars (\$200.00) each.

30) Order Type and Number: Consent Order 09-008-A
Order Date: February 24, 2009

Respondent: **Mr. Monty Phillips d/b/a Phillips Fruit**
Facility: Mr. Monty Phillips d/b/a Phillips Fruit
Location/Mailing Address: 404 West Side St
Livingston, SC 29107
County: Orangeburg
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning.

Summary: Mr. Monty Phillips d/b/a Phillips Fruit (Respondent) owns and operates a fruit stand located at 1982 Edisto Dr, Orangeburg, SC. The Respondent violated State Regulations in that he burned materials in contravention of the Regulations.

Action: The Respondent has agreed to cease open burning except as in compliance with the Regulations and pay to the Department a civil penalty in the amount of five hundred dollars (**\$500.00**). The penalty has been paid.

31) Order Type and Number: Consent Order 09-009-A
Order Date: February 27, 2009
Respondent: **T.B. Asphalt, Inc.**
Facility: T.B. Asphalt, Inc.
Location/Mailing Address: 1579 Edgefield Hwy, Aiken, SC
1034 Asphalt Dr., Aiken, SC 29801
County: Aiken
Previous Orders: None
Permit/ID Number: 9900-0456
Violations Cited: U.S. EPA 40 CFR 60.8(a) and South Carolina Air Pollution Control Regulations 61-62.60 - Subparts A and I, U.S. EPA 40 CFR 60.92(a)(1) and South Carolina Air Pollution Control Regulations 61-62.60, Subpart I, South Carolina Air Pollution Control Regulation 61-62.1, Section II.A.4

Summary: T. B. Asphalt (Respondent) owns and operates an asphalt plant located in Aiken, South Carolina. The Department issued NSPS/Synthetic Minor Construction Permit 9900-0456-CA to the Respondent, effective May 7, 2005. The Respondent has violated Federal and State Regulations as follows: failed to submit a notification of the date construction of the plant commenced; failed to submit a notification of the date of initial startup of the plant; failed to conduct an initial and subsequent biennial source tests for particulate matter (PM) emissions; failed to maintain records of 12-month rolling sums of asphalt production; failed to submit quarterly reports of asphalt production; failed to perform and maintain

documentation of daily visual inspections; failed to perform and maintain documentation of daily pressure drop readings; failed to perform and maintain documentation of weekly operation and maintenance (O&M) checks; failed to maintain a log of baghouse maintenance; failed to demonstrate compliance with PM emission limits as indicated by three Department-approved source tests.

Action: The Respondent has agreed to: maintain and submit quarterly reports of a 12-month rolling sum of asphalt production; perform and document daily visual inspections; conduct daily pressure drop readings and document any corrective action taken; maintain a log of baghouse maintenance; comply with the established PM emissions limits; conduct a Department-approved re-test on the asphalt dryer to demonstrate compliance with the PM emissions limits; immediately cease operations and submit a corrective action plan to the Department if the re-test indicates non-compliance; and pay a civil penalty in the amount of twenty thousand dollars (**\$20,000.00**) payable in ten (10) payments of two thousand dollars (\$2,000.00) each..

32)	<u>Order Type and Number:</u>	Consent Order 09-010-A
	<u>Order Date:</u>	February 27, 2009
	<u>Respondent:</u>	Derrick Asbestos Removal, Inc.
	<u>Facility:</u>	Former Palace Restaurant
	<u>Location/Mailing Address:</u>	1404 Gervais St, Columbia, SC 209 Chapin Road, Chapin, SC 29036
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	None
	<u>Violations Cited:</u>	South Carolina Air Pollution Control Regulations 61-86.1

Summary: Derrick Asbestos Removal, Inc. (Respondent), located in Chapin, SC, is a licensed asbestos abatement contractor. Respondent violated State Asbestos Regulations as follows: failed to notify the Department and pay the appropriate fees after causing asbestos-containing material (ACM) to become regulated-ACM (RACM); failed to conduct the necessary air sampling and analysis procedures associated with the removal of RACM; failed to comply with certain work practice requirements, including but not limited to wetting, proper removal, and storage of RACM; failed to ensure that metal dumpsters used to temporarily store asbestos waste had doors and tops, and were lined with 6-mil polyethylene sheeting to prevent contamination; failed to ensure that bags containing asbestos waste, placed within the dumpsters were free of splits, rips and tears.

Action: The Respondent has agreed to: comply with notification requirements prior to beginning a project involving the removal of RACM; comply with the established work practice requirements associated with the

removal of RACM; and pay a civil penalty in the amount of six hundred dollars (\$600.00).