

EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
August 13, 2009

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Consent Order 08-0148-UST
 Order Date: June 17, 2009
 Respondent: **Kalpesh K. Patel**
 Facility: Pavan Food Store 102
 Location/Mailing Address: 1048 S. Main St., Greenwood,
 SC/310 E. Butler Rd., Mauldin, SC
 29662

 County: Greenwood
 Previous Orders: None
 Permit/ID Number: 04734
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the
 Underground Storage Tank Control Regulation 61-92.280.31(b), R.61-
 92.280.40(a), R.61-92.280.20(e), R.61-92.280.30(a), R.61-92.280.52,
 R.61-92.280.31(c) and R.61-92.280.34(c).

Summary: Kalpesh K. Patel (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to have corrosion protection systems inspected by a qualified tester every three (3) years; failure to provide adequate release detection methods for an underground storage tank system; failure to install piping in accordance with accepted codes and standards; failure to maintain spill prevention equipment; failure to investigate and confirm a suspected release within a reasonable time period; failure to inspect the impressed current system every sixty (60) days; and, failure to provide records to the Department upon request.

Action: The Respondent is required to submit to the Department: current corrosion protection system test results; proof that the premium leak detector has been properly vented; proof that the spill bucket at the kerosene pump has been replaced/repared; test results from soil samples taken from the area around the kerosene spill bucket; rectifier log entry for December 2008; current tank tightness test results for all tanks; and, a civil penalty payment in the amount of one thousand, eight hundred fifty dollars (**\$1,850.00**).

- 2) Order Type and Number: Consent Order 08-0271-UST
Order Date: June 6, 2009
Respondent: **Neil, LLC**
Facility: Neil, LLC
Location/ Mailing Address 1084 Honda Way, Timmonsville,
SC/1084 Honda Way, Timmonsville,
SC 29161
County: Florence
Previous Orders: None
Permit/ID Number: 19091
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, as amended, and the South
Carolina Underground Storage Tank Control Regulation 61-92.280.40(a)
and R.61-92.280.34(c).

Summary: Neil, LLC (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 and failure to provide records to the Department upon request.

Action: The Respondent is required to submit to the Department: tank tightness test results for the premium tank (tank 2); release detection records for the current month for all of the tanks; and, pay a civil penalty in the amount of one thousand, twenty-five dollars (**\$1,025.00**).

- 3) Order Type and Number: Consent Order 08-0291-UST
Order Date: June 24, 2009
Respondent: **Energy Distribution, LLC**
Facility: Energy Distribution, LLC
Location/ Mailing Address 1500 Buncombe Road, Greenville,
SC/4330 Fulton Industrial Blvd SW,
Atlanta, GA 30336
County: Greenville
Previous Orders: None
Permit/ID Number: 10885
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, as amended, and the South
Carolina Underground Storage Tank Control Regulation 61-92.280.93(a)
and R.61-92.280.110(c).

Summary: Energy Distribution, LLC (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility and failure to provide records to the Department upon request.

Action: The Respondent is required to submit to the Department: a Certificate of Financial Responsibility and proof of mechanism, and pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

- 4) Order Type and Number: Consent Order 09-0107-UST
Order Date: June 19, 2009
Respondent: **Lucky Strike Amusements**
Facility: Quick Pantry 16
Location/ Mailing Address 232 Calhoun Ave, Greenwood,
SC/232 Calhoun Ave, Greenwood,
SC 29649
County: Greenwood
Previous Orders: 08-0097-UST (\$750.00)
Permit/ID Number: 10483
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, as amended, and the South
Carolina Underground Storage Tank Control Regulation 61-
92.280.20(c)(1)(ii).

Summary: Lucky Strike Amusements (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to use an adequate overfill prevention system in an underground storage tank.

Action: The Respondent is required to pay a civil penalty in the amount of nine hundred dollars (**\$900.00**).

- 5) Order Type and Number: Consent Order 09-0121-UST
Order Date: June 12, 2009
Respondent: **Harsidhma Varahima Estate, LLC**
Facility: Quick Food Mart 2
Location/Mailing Address: 2555 Dawson St., Chester, SC/4625
Narayan St., Charlotte, NC 28277
County: Chester
Previous Orders: None
Permit/ID Number: 12357
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, as amended, and the South
Carolina Underground Storage Tank Control Regulation 61-92.280.10(e),
R.61-92.280.93(a), and R.61-92.280.110(c).

Summary: Harsidhma Varahima Estate, LLC (Respondent) owns and operates underground storage tanks and has violated the SUPERB Act and the

South Carolina Underground Storage Tank Control Regulations as follows: introduction of petroleum or petroleum products into an underground storage tank system for which the owner/operator did not hold a valid registration; failure to demonstrate financial responsibility for an underground storage tank system; and, failure to provide financial responsibility records to the Department upon request.

Action: The Respondent is required to: submit a Certificate of Financial Responsibility and proof of mechanism; and, pay a civil penalty in the amount of three thousand, four hundred dollars (**\$3,400.00**).

- 6) Order Type and Number: Consent Order 09-0071-UST
Order Date: June 17, 2009
Respondent: **Ambica, LLC 2002**
Facility: Ambica, LLC 2002
Location/Mailing Address: 5831 N. Main St., Columbia, SC/700
S. Cashua Dr. 17-C, Florence, SC
29501
County: Richland
Previous Orders: None
Permit/ID Number: 07712
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, as amended, and the
Underground Storage Tank Control Regulation 61-92.280.40(a) and R.61-
92.280.34(c).

Summary: Ambica, LLC 2002 (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 and failure to provide records to the Department upon request.

Action: The Respondent is required to submit to the Department: acceptable line tightness test results; acceptable line leak detector function test results; and, a civil penalty payment in the amount of eight hundred ten dollars (**\$810.00**).

- 7) Order Type and Number: Consent Order 09-0122-UST
Order Date: June 19, 2009
Respondent: **Swink Quality Oil & Gas**
Facility: Quick Food Mart 2
Location/Mailing Address: 2555 Dawson St., Chester, SC/203
W. Broad Ave., Rockingham, NC
28379
County: Chester

Previous Orders: None
Permit/ID Number: 12357
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, as amended, and the South Carolina Underground Storage Tank Control Regulation 61-92.280.10(e).

Summary: Swink Quality Oil & Gas (Respondent) supplies fuel for underground storage tanks and has violated the SUPERB Act and the South Carolina Underground Storage Tank Control Regulations as follows: introduction of petroleum or petroleum products into an underground storage tank system for which the owner/operator did not hold a valid registration.

Action: The Respondent is required to pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

8) Order Type and Number: Consent Order 09-0039-UST
Order Date: June 19, 2009
Respondent: **Consignment Sales, LLC**
Facility: JR'S Deli & Games
Location/ Mailing Address 10447 Wilson Blvd (US21)
Blythewood, SC/10447 Wilson Blvd
(US21) Blythewood, SC 29016
County: Richland
Previous Orders: 07-0681-UST (\$800)
Permit/ID Number: 10503
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, as amended, and the South Carolina Underground Storage Tank Control Regulation 61-92.280.40(a), R.61-92.280.31(b), R.61-92.280.20(e) and R.61-92.280.34(c).

Summary: Consignment Sales, LLC (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; failure to have the corrosion protection system inspected by a qualified tester every three years; failure to install piping in accordance with accepted codes and standards; and, failure to provide records to the Department upon request.

Action: The Respondent is required to submit to the Department: proof that the corrosion protection system for the premium tank has been repaired, proof that the shear valves are secured and are in proper alignment, copies of the release detection records for all tanks for October of 2008 and November of 2008; **or** the results of a tank tightness, line tightness and line leak detector test dated after December 2008; **or** proof that the tanks contain less than one inch of residue; and,

pay a civil penalty in the amount of one thousand, four hundred dollars (\$1,400.00).

- 9) Order Type and Number: Consent Order 09-0123-UST
Order Date: June 19, 2009
Respondent: **Over the Top Endeavors, LLC**
Facility: Grand Foodstuff
Location/ Mailing Address 2851 North Highway 101, Greer,
SC/3216 North Highway 14, Greer,
SC 29651
County: Greenville
Previous Orders: None
Permit/ID Number: 12516
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988, as amended, and the South
Carolina Underground Storage Tank Control Regulation 61-
92.280.20(c)(1)(ii).

Summary: Over the Top Endeavors, LLC (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to use an adequate overfill prevention system in an underground storage tank.

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

HAZARDOUS WASTE ENFORCEMENT

- 10) Order Type and Number: Consent Order 09-10-HW
Order Date: June 12, 2009
Respondent: **Beazer East, Inc.**
Facility: Beazer East, Inc.
Location/Mailing Address: 1951 Milford Street
North Charleston, South Carolina
29405
County: Charleston
Previous Orders: None
Permit/ID Number: SCD 987 597 663
Violations Cited: The South Carolina Hazardous
Waste Management Act, S.C. Code Ann. §44-56-130(2) and the South
Carolina Hazardous Waste Management Regulation 61-79.265.173(a),
R.61-79.262.34(a), and R.61-79.262.40(b).

Summary: Beazer East, Inc. (Respondent) formerly manufactured treated wood products and now operates a groundwater treatment system at the site. The Respondent has violated the South Carolina Hazardous Waste Management Regulations as follows: failure to keep a container holding hazardous waste closed during storage; failure to accumulate hazardous waste in a 55-gallon drum onsite for 90 days or less; and, failure to maintain records onsite for at least 3 years.

Action: The Respondent has agreed to now and in the future: ensure that containers of hazardous waste are managed in accordance with R.61-79.265 Subpart I – Use and Management of Containers and R.61-79.262 Subpart C – Pre-transport Requirements; ensure that records are maintained in accordance with R.61-79.262 Subpart D – Recordkeeping and Reporting; and, pay a civil penalty in the amount of one thousand, five hundred dollars (**\$1,500.00**).

11) <u>Order Type and Number:</u>	Consent Order 09-11-HW
<u>Order Date:</u>	June 19, 2009
<u>Respondent:</u>	Roy Metal Finishing Company
<u>Facility:</u>	Roy Metal Finishing
<u>Location/Mailing Address:</u>	Post Office Box 38 Conestee, South Carolina 29636
<u>County:</u>	Greenville County
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	SCD 003 341 849
<u>Violations Cited:</u>	The South Carolina Hazardous Waste Management Act § 44-56-130(2) and the South Carolina Hazardous Waste Management Regulation 61-79.265.174, R.61-79.265.16(a)(1), and R.61-79.265.16(c).

Summary: Roy Metal Finishing Company (Respondent) is a metal plating company specializing in plating of corrosion control products for the automotive industry. The Respondent has violated the South Carolina Hazardous Waste Management Regulations as follows: failure to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors; failure to have facility personnel successfully complete a program of classroom or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part; and, failure to ensure that facility personnel take part in an annual review of the initial training.

Action: The Respondent has agreed to now and in the future: ensure compliance with the South Carolina Hazardous Waste Management Act and Regulations; ensure that weekly inspections are performed in accordance with R.61-79.265 Subpart I - Use and Management of Containers; ensure that all employees handling hazardous waste are trained in accordance with R.61-79.265

Subpart B - General Facility Standards; and, pay to the Department a civil penalty in the amount of three thousand, eight hundred twenty-five dollars (**\$3,825.00**) in four (4) equal installments.

RAD WASTE ENFORCEMENT

- 12) Order Type and Number: Consent Order 09-02-RW
Order Date: June 23, 2009
Respondent: **PSE&G Nuclear, LLC**
Facility: PSE&G Nuclear, LLC
Location/ Mailing Address 10220 Old Columbia Road,
Columbia, MD 21046
County: Out of State
Previous Orders: 05-03-RW (\$1,000)
Permit/ID Number: 0018-29-09-X
Violations Cited: South Carolina Radioactive Waste
Transportation and Disposal Act, Section 13-7-140.A.2.; Transportation of
Radioactive Waste Regulation 61-83, Section 1.2, and R. 61-83, Section
7.3.

Summary: PSE&G Nuclear, LLC (Respondent) operates the Salem and Hope Creek Nuclear Generating Stations in Lower Alloways Creek, NJ, and has violated the South Carolina Radioactive Waste Transportation and Disposal Act and Regulation 61-83 as follows: failure to include pertinent documentation with a shipment to the Chem-Nuclear disposal facility in Barnwell, South Carolina. On a separate shipment, the Respondent failed to dewater charcoal and bead resin below the allowable amount of liquid prior to shipping to the Chem-Nuclear disposal facility.

Action: The Respondent is required to: submit written corrective action measures regarding the proper dewatering of charcoal in disposal containers prior to shipment; comply with a permit suspension for a minimum of thirty (30) calendar days from the effective date of the Order until the Respondent has demonstrated to the Department that corrective measures have been implemented that would preclude future violations of a similar nature; and, pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

SOLID WASTE ENFORCEMENT

- 13) Order Type and Number: Consent Order 08-20-SW
Order Date: June 12, 2009
Respondent: **Medina's Hauling, Inc.**
Facility: Summerville site
Location/Mailing Address: 108 Lamplight Cir., Summerville,
SC 29483
County: Dorchester
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, as amended, Solid Waste Management:
Solid Waste Landfills and Structural Fill Regulation 61-107.19, Part I,
Section A.8., and the Pollution Control Act.

Summary: Medina's Hauling, Inc. (Respondent) has violated the South Carolina Solid Waste Policy and Management Act of 1991, the Pollution Control Act, and the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulations as follows: failure to meet the seventy-five percent recycling requirement for exemption as a Materials Recovery Facility and open dumping of miscellaneous solid waste.

Action: The Respondent is required to: ensure adequate fire protection of the Site and that fire lanes are present between all waste piles and property boundaries; remove and properly dispose of all debris at the Site and submit disposal and/or recycling receipts to the Department; upon completion of removal of waste, perform a skim of the surface of the Site down to bare ground; remove and properly dispose of any waste exposed by the skimming process and submit disposal receipts to the Department; and, pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) in accordance with a Promissory Note. The penalty is to be paid in twelve equal installments.

- 14) Order Type and Number: Consent Order 08-27-SW
Order Date: June 17, 2009
Respondent: **Dusty Ray**
Facility: All Metals Recycling, LLC
Location/Mailing Address: 336 Exchange Street
Spartanburg, South Carolina 29306
County: Spartanburg
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, as amended, Solid Waste Management:

Used Oil Regulation 61-107.279.12.h. and R. 61-107.279.22.d.(1), (2), and (3), as amended; and the Pollution Control Act, Section 48-1-90(a), as amended.

Summary: Dusty Ray (Respondent) owns and operates All Metals Recycling, LLC, and has violated the Solid Waste Management: Used Oil Regulations and the Pollution Control Act as follows: failure to manage used oil in a manner that would prevent a discharge onto the ground and failure to manage miscellaneous automotive fluids in a manner that would prevent the contamination of miscellaneous solid wastes at the site.

Action: The Respondent is required to pay a civil penalty of one thousand three hundred dollars (**\$1,300.00**) in accordance with a Promissory Note. The penalty is to be paid in twelve installments.

- 15) Order Type and Number: Consent Order 09-11-SW
Order Date: June 12, 2009
Respondent: **Medina's Hauling, Inc.**
Facility: Gray Court site
Location/Mailing Address: 2300 Quarry Rd., Gray Court, SC 29645
County: Laurens
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, as amended, Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation 61-107.19, Part I, Section A.8., and the Pollution Control Act.

Summary: Medina's Hauling, Inc. (Respondent) has violated the South Carolina Solid Waste Policy and Management Act of 1991, the Pollution Control Act, and the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation as follows: failure to meet the seventy-five percent recycling requirement for exemption as a Materials Recovery Facility and open dumping of miscellaneous solid waste.

Action: The Respondent is required to ensure adequate fire protection of the Site and that fire lanes are present between all waste piles and property boundaries; remove and properly dispose of all debris at the Site and submit disposal and/or recycling receipts to the Department; and, pay a civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) in accordance with a Promissory Note. The penalty is to be paid in twelve equal installments.

- 16) Order Type and Number: Administrative Order 09-17-SW
Order Date: May 28, 2009
Respondent: **Edward R. Egbert, Sr.**
Facility: Edward R. Egbert, Sr.
Location/ Mailing Address 4210 Bethune Road, Bethune, SC
29009
County: Kershaw
Previous Orders: 07-31-SW (\$350.00) stipulated
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, as amended, and the South Carolina Solid
Waste Management: Waste Tires Regulation 61-107.3.E.1. and E.3., and
Consent Order 07-31-SW.

Summary: Edward Egbert, Sr. (Respondent) has violated the Solid Waste Management: Waste Tires Regulation 61-107.3.E.1. and E.3. as follows: failure to obtain a permit prior to the collection and disposal of waste tires at the Site. The Respondent has also violated Consent Order 07-31-SW as follows: failure to remove the waste tires from the Site within sixty (60) days of the execution date of the Consent Order, and failure to pay the civil penalty in accordance with the Promissory Installment Note.

Action: The Administrative Order requires the Respondent to: remove all whole waste tires from the Site; properly dispose of the waste tires at a permitted facility and submit disposal receipts to the Department; and, pay a civil penalty in the amount of three thousand, five hundred dollars (**\$3,500.00**).

BUREAU OF WATER

Drinking Water Enforcement

Joint Orders

- 17) Order Type and Number: Consent Order 09-040-DW and
09-027-W
Order Date: June 8, 2009
Respondent: **Wal-Mart Stores East, LP**
Facility: Wal-Mart Stores # 629 and # 1130
Location/Mailing Address: 702 SW 8th Street
Bentonville, AR 72716
County: Union and Laurens

Previous Orders: None
Permit/ID Number: 24185-WS, 33897-WW, 24320-WS,
and 33812-WW
Violations Cited: S.C. Code Ann. Regs. 61-58.1(K)(1),
and 61-67.100(E)(7)

Summary: Wal-Mart Stores East, LP (Respondent) is responsible for construction activities at the Sites. The Respondent has violated the State Primary Drinking Water Regulations and the Standards for Wastewater Facility Construction as follows: failed to obtain final approval to operate from the Department prior to placing a public water system (PWS) and Wastewater Collection System (WWCS) into operation.

Action: The Respondent is required to: pay a civil penalty in the amount of three thousand, one hundred fifty dollars (\$3,150.00). The civil penalty has been paid.

Water Pollution Enforcement

18) Order Type and Number: Consent Order 09-028-W
Order Date: June 19, 2009
Respondent: **SCDPRT**
Facility: Table Rock State Park
Location/Mailing Address: 1205 Pendleton St Ste 246
Columbia, SC 29201
County: Pickens
Previous Orders: None
Permit/ID Number: SC0024856

Violations Cited: S.C. Code Ann. § 48-1-110(d)
(2008) and 24 S. C. Code Ann. Regs. 61-9.122.21(d) (Supp.2008)

Summary: The South Carolina Department of Parks, Recreation and Tourism (SCDPRT) (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) serving the Table Rock State Park located in Pickens County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to submit a new application for its National Pollutant Discharge Elimination System Permit at least 180 days before the expiration date of the existing permit.

Action: The Respondent is required to: continue to operate the WWTF in accordance with the most recently issued Surface Water Discharge Permit until a

new permit becomes effective; and, pay a civil penalty in the amount of one thousand, seven hundred dollars (**\$1,700.00**).

Joint Orders

(19) Order Type and Number: Consent Order 09-022-W/ 09-08-SW
Order Date: June 8, 2009
Respondent: **Greer Commission of Public Works**
Facility: Greer CPW WTP
Location/Mailing Address: Post Office Box 216
Greer, S.C. 29652-0216
County: Spartanburg
Previous Orders: None
Permit/ID Number: None
Violations Cited: S.C. Code Ann. § 48-1-90 (a) (2008)
and 24 S.C. Code Ann. Regs. 61-9.122.26(c)(1) (Supp. 2008) and 61-107.19, Part I.A.8.

Summary: Greer Commission of Public Works (CPW) (Respondent) owns and is responsible for the proper operation and maintenance of the Greer CPW water treatment plant. The Respondent has violated the Pollution Control Act, Water Pollution Control Permits Regulation, and South Carolina Solid Waste Policy and Management Act of 1991, Solid Waste Management: Solid Waste Landfills and Structural Fill as follows: engaged in the open dumping of waste sludge at the Site in a manner other than in compliance with a permit issued by the Department and initiated land disturbing activities at the Site without the appropriate permits or approvals from the Department.

Action: The Respondent is required to pay a civil penalty in the amount of thirteen thousand, six hundred fifty dollars (**\$13,650.00**).

BUREAU OF AIR QUALITY

20) Order Type and Number: Consent Order 09-020-A
Order Date: June 1, 2009
Respondent: **Federal-Mogul Corp**
Facility: Federal-Mogul Corp
Location/Mailing Address: 2084 Rowesville Rd
Orangeburg, SC 29115
County: Orangeburg
Previous Orders: None
Permit/ID Number: CM-1860-0094

Violations Cited:

S.C. Code Ann. 48-1-110(d)

Summary: Federal-Mogul Corporation (Respondent), owns and operates a brake pad manufacturing facility in Orangeburg, South Carolina. The Department issued Conditional Major Air Quality Permit CM-1860-0094 to Federal-Mogul, effective July 1, 2004. Respondent violated S.C. Code Ann. 48-1-110(d) and its permit as follows: failed to ensure that its Control Device was operating while the associated Production Area equipment was in operation; and, failed to record daily pressure drop readings.

Action: The Respondent has agreed to: ensure that control equipment is operational when associated equipment or processes are operating; record daily pressure drop readings; and pay a civil penalty in the amount of six thousand, five hundred dollars (**\$6,500.00**) payable in two (2) equal payments of three thousand two hundred fifty dollars (\$3,250.00). The penalty has been paid.

- 21) Order Type and Number: Consent Order 09-025-A
Order Date: June 1, 2009
Respondent: **Brown Packing Co, Inc.**
Facility: Brown Packing Co, Inc.
Location/Mailing Address: 116 Willis St
Gaffney, SC 29341
County: Cherokee
Previous Orders: None
Permit/ID Number: 0600-0031
Violations Cited: S.C. Code Ann. § 48-1-110(d); South Carolina Air Pollution Control Regulation 61-62.1, Section II.; South Carolina Air Pollution Control Regulation 61-62.5, Standard 1, Section I.A.C.; and South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 3, Section V.

Summary: Brown Packing Company, Inc. (Respondent) located in Gaffney, South Carolina, slaughters cattle and processes beef. The Department issued Conditional Major Air Quality Operating Permit CM-0600-0031 to the Respondent, effective January 1, 2008. The Respondent violated South Carolina Air Pollution Control Regulations and its permit as follows: failed to obtain Department-issued permits prior to constructing and operating a blood drying unit; failed to maintain a startup and shutdown log for its boilers; failed to conduct a waste analysis for batches of yellow grease burned in the boilers; failed to classify waste streams burned in the boilers as hazardous or non-hazardous; failed to maintain copies of records and reports required to demonstrate compliance with Standard No. 3 limits; failed to calculate facility-wide particulate matter (PM10), sulfur dioxide (SO2), and formaldehyde emissions on a monthly basis and as 12-month rolling sums; failed to establish operational ranges for the monitored parameters of its scrubbers; failed to maintain measurements for

continuous monitoring system or monitoring device performance; and failed to submit a semiannual report of facility-wide PM10 emissions.

Action: The Respondent has agreed to: obtain Department-issued permits, maintain a startup and shutdown log for the boilers, maintain copies of records and reports required to demonstrate compliance with Standard No. 3 limits, calculate facility-wide PM10, SO2, and formaldehyde emissions, maintain operational ranges for the monitored parameters of the scrubbers, maintain measurements, and submit periodic reports in the future; and pay a civil penalty in the amount of sixteen thousand, four hundred dollars (**\$16,400.00**). The penalty has been paid.

22) <u>Order Type and Number:</u>	Consent Order 09-028-A
<u>Order Date:</u>	June 8, 2009
<u>Respondent:</u>	Roseburg Forest Products South Limited Partnership
<u>Facility:</u>	Roseburg Forest Products South Limited Partnership
<u>Location/Mailing Address:</u>	625 Five Chop Rd Orangeburg, SC 29115
<u>County:</u>	Orangeburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	TV-1860-0003
<u>Violations Cited:</u>	S.C. Code Ann. Section 48-1-110(d)

Summary: Roseburg Forest Products South Limited Partnership (Respondent) manufactures building materials and specialty products that include lumber, hardwood and softwood plywood, engineered wood products, decorative melamine, particleboard, and specialty panels in Orangeburg, South Carolina. The Department issued Part 70 (Title V) Air Quality Permit 1860-0003 (TV Permit) to the Respondent, effective April 1, 2004. The Respondent has violated the Pollution Control Act and its TV Permit as follows: failed to ensure that all pressure drop gauges were installed, operating, and maintained; failed to record weekly pressure drop readings on the baghouse; failed to perform monthly inspections and maintenance on the ductwork systems, dust collection hoppers, and conveying systems for proper operation; failed to perform quarterly visual inspections on applicable equipment; failed to perform weekly inspections on applicable equipment; failed to list current personnel by name and job description that are required to be trained according to its written implementation plan; and failed to perform monthly visual inspections on all equipment used to transfer or apply coatings, adhesives, or organic hazardous air pollutant (HAP) solvents.

Action: The Respondent has agreed to: install, operate, and maintain all pressure drop gauges on the baghouse; record weekly pressure drop readings on the baghouse; conduct inspections and maintenance and keep records on all

applicable equipment; and pay a civil penalty in the amount of six thousand four hundred dollars (**\$6,400.00**). The penalty has been paid.

- 23) Order Type and Number: Consent Order 09-029-A
Order Date: June 1, 2009
Respondent: **New South Lumber Co, Inc.**
Facility: 1100 Chesterfield Dr
Darlington, SC 29532
Location/Mailing Address: PO Box 16
Darlington, SC 29532
County: Darlington
Previous Orders: None
Permit/ID Number: TV-0820-0045
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 1, Section I.A., S.C. Code Ann. § 48-1-90(a), and S.C. Code Ann. § 48-1-110(d) .

Summary: New South Lumber Company, Inc. (Respondent) located in Darlington, South Carolina, owns and operates a sawmill that produces dimensional southern yellow pine lumber. The Department issued Part 70 (Title V) Air Quality Operating Permit TV-0820-0045 to the Respondent, effective October 10, 2000. The Respondent violated South Carolina Air Pollution Control Regulation, and the Pollution Control Act, and its Title V Permit as follows: failed to limit the opacity from Boiler 1 to 20%; and failed to properly document daily pressure drop readings on the multiclones associated with Boiler 1 and Boiler 3.

Action: The Respondent has agreed to: comply with the opacity limit for Boiler 1; conduct and maintain daily pressure drop readings on the multiclones associated with Boiler 1 and Boiler 3; and pay to the Department a civil penalty in the amount of three thousand, dollars (**\$3,000.00**). The penalty has been paid.

- 24) Order Type and Number: Consent Order 09-030-A
Order Date: June 1, 2009
Respondent: **University of South Carolina**
Facility: University of South Carolina
Location/Mailing Address: 743 Green S
Columbia, SC 29201
County: Richland
Previous Orders: None
Permit/ID Number: TV-1900-0143
Violations Cited: S.C. Code Ann. Section 48-1-110(d) and South Carolina Air Pollution Control Regulation 61-62.70.5(a)(1)(iii).

Summary: The University of South Carolina (Respondent) owns and operates a central energy facility located at 306 Benson School in Columbia, South Carolina. The Department issued Part 70 (Title V) Air Quality Permit TV-1900-0143 to the Respondent, effective October 1, 2003. The Respondent violated South Carolina Air Pollution Control Regulations and its Title V Permit as follows: failed to submit a Title V Permit renewal application to the Department at least six (6) months prior to the permit expiration date.

Action: The Respondent has agreed to: comply with all terms and conditions of Title V Permit TV-1900-0143, until such time as the Department takes final action on its application for renewal; and submit timely and complete Title V Permit renewal applications to the Department in accordance with the Regulations and the Title V Permit.

25) <u>Order Type and Number:</u>	Consent Order 09-031-A
<u>Order Date:</u>	June 1, 2009
<u>Respondent:</u>	Albemarle Corp
<u>Facility:</u>	Albemarle Corp
<u>Location/Mailing Address:</u>	725 Cannon Bridge Rd Orangeburg, SC 29116
<u>County:</u>	Orangeburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	TV-1860-0004
<u>Violations Cited:</u>	U.S. EPA 40 CFR 61.145 and South Carolina Air Pollution Control Regulation 61-86.1

Summary: Albemarle Corporation (Respondent) manufactures specialty chemicals and pharmaceuticals at its facility located at 725 Cannon Bridge Road in Orangeburg, South Carolina. On July 23, 2008, the Department received a letter from Albemarle disclosing it had performed asbestos removal work in January of 2007 and July of 2008 in violation of the Department's Asbestos Regulations. The Respondent violated Federal and State Regulations as follows: failed to ensure that a building inspection was performed to identify the presence of asbestos prior to beginning renovation activities; failed to notify the Department within 10 working days prior to beginning a NESHAP project; failed to notify the Department within four working days prior to beginning a small project; failed to use licensed workers for both the small and the NESHAP project; failed to comply with the applicable work practice requirements for both the small and the NESHAP project; failed to provide the Department with a copy of the completed waste shipment record within 45 working days of completion of both the small and the NESHAP project; failed to obtain a project license from the Department prior to beginning both the small and the NESHAP project; and failed to pay all applicable fees for both the small and NESHAP project.

Action: The Respondent has agreed to: submit an asbestos project license application for both the small and the NESHAP project and pay all applicable fees; submit copies of the waste shipment records for the small and NESHAP project; henceforth comply with all prescribed work practices and other requirements for any regulated asbestos project; and, pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**). The penalty has been paid.

26) Order Type and Number: Consent Order 09-032-A
Order Date: June 6, 2009
Respondent: **Anderson Hardwood Floors, Inc.**
Facility: Walterboro Facility
3463 Green Pond Hwy.
Walterboro, SC 29488 /
Tyger River Facility
200 Prison Rd
Enoree, SC 29335
Location/Mailing Address: Mail Drop 021-01
PO Box 2128
Dalton, GA 30722-2128
County: Colleton /Spartanburg
Previous Orders: None
Permit/ID Number: 0740-0005 /
2060-0299
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.1, *Permit Requirements*, and S.C. Code Ann. § 48-1-110
(d)

Summary: Anderson Hardwood Floors Inc., (Respondent) owns and operates hardwood veneer and flooring product facilities in Walterboro, South Carolina and at the Tyger River Correctional Institute in Enoree South Carolina. The Department issued Air Quality Operating Permit 0740-0005 to the Walterboro Facility effective October 12, 2007. The Respondent violated South Carolina Air Pollution Control Regulations and its permit as follows: it installed and operated a dryer prior to obtaining Department-issued permits. The Department issued Conditional Major Operating Permit 2060-0299 to the Tyger River Correctional Institute Facility effective January 1, 2008. The Respondent violated South Carolina Air Pollution Control Regulations as follow: failed to establish operational ranges for the pressure drop gauges on a baghouse; failed to maintain start-up and shutdown records for a boiler; failed to maintain pressure drop readings on site and make these records available to the Department upon request; failed to control fugitive dust emissions through proper housekeeping; and failed to maintain the On Site Implementation Log.

Action: The Respondent has agreed to: obtain all necessary permits in the future before adding sources to the facility; establish operational ranges for the

pressure drop gauges on the baghouse; maintain start-up and shutdown records for the boiler; maintain pressure drop readings and make those readings available upon Department request; control fugitive emissions through proper housekeeping; maintain the On Site Implementation Log; and, pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**). The penalty has been paid.

- 27) Order Type and Number: Consent Order 09-033-A
Order Date: June 19, 2009
Respondent: **Ergle Development, LLC**
Facility: Ergle Development, LLC
Location/Mailing Address: 1760 Richland Ave
Aiken, SC 29801
County: Aiken
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.2, Section I.E.1

Summary: Ergle Development, LLC (Respondent) located in Aiken, South Carolina develops residential architectural plans. The Respondent violated South Carolina Air Pollution Control Regulations in that it burned land clearing debris less than 1000 feet of a public roadway.

Action: The Respondent has agreed to: cease open burning except as in compliance with the regulations; and, pay a civil penalty in the amount of three thousand dollars of (**\$3,000**). The penalty has been paid.

- 28) Order Type and Number: Consent Order 09-034-A
Order Date: June 12, 2009
Respondent: **Gibbs International, Inc.**
Facility: Avondale Mills -Gregg Plant
Location/Mailing Address: 9855 Warren H. Abernathy Hwy
Spartanburg, SC 29301
County: Aiken
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: U.S. EPA 40 CFR 61.145 and South Carolina Air Pollution Control Regulation 61-86.1 (2002)

Summary: Gibbs International, Inc., located in Spartanburg, South Carolina (Respondent) wholesales industrial machinery and equipment. Gibbs contracted MRS Wind Up, Inc. to purchase, remove, and recycle textile equipment from the facility formerly known as Avondale Mills-Gregg Plant located at 168 Marshall Street in Graniteville, South Carolina ("Site"). The

Respondent violated U.S. EPA 40 CFR 61.145 and South Carolina Air Pollution Control Regulations as follows: failed to ensure that a building inspection was performed prior to conducting renovation activities; failed to provide the Department with written notification at least 10 working days prior to beginning a asbestos project; failed to obtain an asbestos project license; failed to use a licensed asbestos contractor; and failed to ensure all applicable projects fees were paid.

Action: The Respondent has agreed to: ensure that all regulated asbestos containing material at the Site is properly and completely cleaned up, managed, and disposed and pay a civil penalty in the amount of eight thousand, five hundred dollars (**\$8,500.00**). The penalty has been paid.

29) Order Type and Number: Consent Order 09-036-A
Order Date: June 17, 2009
Respondent: **Conel, LLC d/b/a McElrath Trailers**
Facility: Conel, LLC d/b/a McElrath Trailers
Location/Mailing Address: 3375 Chesnee Hwy. / PO Box 4409
Chesnee, SC 29323 / Spartanburg,
SC 29305
County: Spartanburg
Previous Orders: None
Permit/ID Number: 2060-0483
Violations Cited: South Carolina Air Pollution Control
Regulations 61-62.1, Section II, Permit Requirements

Summary: Conel, LLC d/b/a McElrath Trailers (Respondent), located in Chesnee, South Carolina, manufactures trailers and truck beds. On May 14, 2009, the Department issued Air Quality Operating Permit 2060-0483 to the Respondent. The Respondent failed to obtain permits prior to constructing and operating sources of air contaminants associated with the trailer and truck bed manufacturing process.

Action: The Respondent has agreed to: obtain permits in the future, prior to constructing, operating, altering or adding to a source of air contaminants, including installation of any device for the control of air contaminant discharges; and, pay a civil penalty in the amount of nine thousand dollars (**\$9,000.00**) payable in four (4) equal installments.