



Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, as amended, and the Underground Storage Tank Control Regulation 61-92.280.31(a) and R.61-92.280.50(b).

Summary: Frank E. Kitchings (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to operate and maintain corrosion protection equipment continuously and failure to report a suspected release.

Action: The Respondent is required to: submit a copy of the disposal manifest for the removal of the contaminated soil found in the spill bucket on the concrete pad and the contaminated soil removed from under dispenser #3; submit proof that the exposed anode wires have been properly buried; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

3) Order Type and Number: Consent Order 08-0312-UST  
Order Date: March 3, 2009  
Respondent: **P&P Investment, LLC**  
Facility: Foodmart 1  
Location/Mailing Address: 830 Bush River Rd., Columbia, SC/220 Bluemountain Dr., Irmo, SC 29063  
County: Richland  
Previous Orders: None  
Permit/ID Number: 10911  
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) and R.61-92.280.34(c).

Summary: P&P Investment, LLC (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: 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 Respondent is required to: submit current corrosion protection system test results and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

4) Order Type and Number: Consent Order 08-0374-UST  
Order Date: March 18, 2009

Respondent: **Jayesh V. Patel**  
Facility: Jr's Convenience Mart  
Location/Mailing Address: 4010 Highway 501 West, Conway,  
SC 29526  
County: Horry  
Previous Orders: None  
Permit/ID Number: 12753  
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: Jayesh V. 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 and failure to provide records to the Department upon request.

Action: The Respondent is required to: submit line leak detector function check test results; line tightness test results; and, pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

5) Order Type and Number: Consent Order 09-0001-UST  
Order Date: March 3, 2009  
Respondent: **Neil Patel**  
Facility: Cruizers 4  
Location/Mailing Address: 2500 S. Charleston Hwy., Florence,  
SC/700 S. Cashua Dr., Florence, SC  
29501  
County: Darlington  
Previous Orders: AO 07-0347-UST (\$10,800.00)  
Permit/ID Number: 02752  
Violations Cited: State Underground Petroleum  
Environmental Response Bank Act of 1988, as amended, and the  
Underground Storage Tank Control Regulation 61-92.280.10(e).

Summary: Neil Patel (Respondent) owns and operates underground storage tanks and has violated 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 and/or operator did not hold a currently valid registration.

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

- 6) Order Type and Number: Consent Order 09-0030-UST  
Order Date: March 18, 2009  
Respondent: **David & Soliman, LLC**  
Facility: Kenny's Express  
Location/Mailing Address: 302 Society St., Greeleyville, SC  
29056/8452 Old Calvary Dr.,  
Mechanicsville, VA 23111  
  
County: Williamsburg  
Previous Orders: None  
Permit/ID Number: 09128  
Violations Cited: State Underground Petroleum  
Environmental Response Bank Act of 1988, as amended, and the  
Underground Storage Tank Control Regulation 61-92.280.20(c)(1)(ii),  
R.61-92.280.31(b), R.61-92.280.34(c) and R.61-92.280.31(a).

Summary: David & Soliman, 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; failure to have corrosion protection systems inspected every three years; failure to provide records to the Department upon request; and, failure to operate and maintain corrosion protection equipment continuously.

Action: The Respondent is required to: submit acceptable corrosion protection system test results; submit proof that the metal piping under the dispensers is protected from corrosion; and, pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

### **Hazardous Waste Enforcement**

- 7) Order Type and Number: Consent Order 09-04-HW  
Order Date: March 20, 2009  
Responsible Party: **Nutra Manufacturing**  
Location/Mailing Address: 4941 Liberty Highway  
Anderson, South Carolina 29621  
  
County: Anderson  
Previous Orders: 05-057-A (\$0)  
Permit Number: SCR 000 761 049  
Violations Cited: The South Carolina Hazardous  
Waste Management Act §44-56-130(2) and the South Carolina Hazardous  
Waste Management Regulation 61-79.265.16(a)(1), R.61-79.265.16(b),  
R.61-79.265.16(c), R.61-79.265.16(d)(1), R.61-79.265.16(d)(2), R.61-

79.265.16(d)(3), R.61-79.265.16(d)(4), R.61-79.265.16(e), R.61-79.265.35, R.61-79.265.51(a), R.61-79.265.53(b), R.61-79.265.175(b)(1), and, R.61-79.273.13(d)(1).

Summary: Nutra Manufacturing (Respondent) manufactures nutraceuticals. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to ensure that facility personnel complete a program of classroom instruction that teaches them to perform their duties in a way that ensures that the facility remains in compliance; failure to ensure that personnel receive training within six months after the date of their employment; failure to ensure that facility personnel also take part in an annual review of the initial training; failure to maintain documents and records onsite that include job titles for each position related to hazardous waste management and the employee filling each job; failure to have a written job description for each position; failure to have a written description of the type and amount of both introductory and continuing training that will be given to each person filling that position handling hazardous waste; failure to have records that document that the training or job experience required has been given to, and completed by, facility personnel; failure to have training records on current personnel until closure of the facility and the training records of former personnel that were employed within the last three years; failure to maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment and spill control equipment; failure to have a contingency plan for the facility; failure to submit a copy of the contingency plan to the local police department, fire department, hospitals, and State and local emergency response teams; failure to ensure that container storage areas have a containment system that is designed and operated with a base that underlies the containers which is free of cracks or gaps and is sufficiently impervious to contain any leaks, spills or accumulated precipitation; and, failure to contain lamps in containers or packages that are closed.

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act and Regulations; ensure that facility personnel receive training; ensure that the facility is maintained and operated appropriately; ensure that the contingency plan is maintained; ensure that all containers of hazardous waste are managed properly; ensure that all containers or packages of lamps are managed properly; and, pay a civil penalty in the amount of nineteen thousand, eight hundred forty-five dollars (**\$19,845.00**) to be paid in monthly installments.

8) <u>Order Type and Number:</u>	Consent Order 09-05-HW
<u>Order Date:</u>	March 20, 2009
<u>Respondent:</u>	<b>Hubbell Power Systems, Inc.</b>
<u>Facility:</u>	Hubbell Power Systems, Inc.
<u>Location/Mailing Address:</u>	1850 Richland Ave. East Aiken, South Carolina 29801

County: Aiken  
Previous Orders: None  
Permit/ID Number: SCD 054 202 080  
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulation 61-79.265.173(a), R.61-79.265.173(b), R.61-79.265.31, R.61-79.265.15(d), R.61-79.265.16(d)(1), R.61-79.265.16(d)(2), R.61-79.265.16(d)(3), R.61-79.265.16(d)(4), R.61-79.265.52(d), and R.61-79.273.13(d)(1).

Summary: Hubbell Power Systems, Inc. (Respondent) is a manufacturer of surge arrestors for utilities. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to keep a container holding hazardous waste closed during storage; failure to ensure that containers holding hazardous waste were not stored in a manner which may rupture the container or cause it to leak; failure to maintain and operate its facility in a way to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment; failure to record inspections in an inspection log or summary that includes the date and time; failure to maintain documents and records at the facility that include: (1) the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) a written job description for each position listed; (3) a written description of the type and amount of both introductory and continuing training given to each person filling a position listed; and, (4) documentation that training or job experience required has been given to, and completed by, facility personnel; failure to list addresses of all persons qualified to act as emergency coordinator in the facility's contingency plan; and, failure to manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

Action: The Respondent has agreed to now and in the future: ensure containers of hazardous waste are managed properly; ensure the facility is maintained and managed in a way to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment; ensure that the date and time of inspections are included on inspection logs or summary reports; ensure that documents and records are maintained at its facility that include the job title, job description and training records for each position at the facility related to hazardous waste management, and the name of the employee filling each job; ensure that addresses of all persons qualified to act as emergency coordinators are included in the facility's contingency plan; ensure that universal waste is managed in a way that prevents releases of universal waste to the environment; and, pay a civil penalty in the amount of three thousand, eight hundred dollars (**\$3,800.00**).

## Solid Waste Enforcement

- 9)     Order Type and Number:                     Consent Order 09-02-SW  
       Order Date:                                 March 20, 2009  
       Respondent:                                 **Marlon Weaver**  
       Facility:                                     Coastal Reclamation  
       Location/Mailing Address:             825 West Cox Ferry Road  
   Conway, South Carolina 29526  
  
       County:                                     Horry  
       Previous Orders:                         None  
       Permit/ID Number:                     Registration # 262448-3001  
       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 # 262448-3001.

Summary: Marlon Weaver (Respondent) operates a composting facility and has violated the Solid Waste Management: Yard Trash and Land-Clearing Debris; and Compost Regulation 61-107.4.F.12.b. and Registration # 262448-3001 as follows: failure to submit to the Department the Annual Report for Fiscal Year 2008 by the deadline of October 15, 2008.

Action: The Respondent is required to submit the Annual Report for Fiscal Year 2008 and pay a civil penalty of five hundred dollars (**\$500.00**).

- 10)    Order Type and Number:                     Consent Order 09-05-SW  
       Order Date:                                 March 18, 2009  
       Respondent:                                 **Town of Allendale Composting**  
       Facility:                                     Town of Allendale Composting  
       Location/Mailing Address:             P.O. Box 551  
   Allendale, South Carolina 29810  
  
       County:                                     Allendale  
       Previous Orders:                         None  
       Permit/ID Number:                     Registration # 031001-3001  
       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 # 031001-3001.

Summary: Town of Allendale Composting (Respondent) operates a composting facility and has violated the Solid Waste Management: Yard Trash and Land-Clearing Debris; and Compost Regulation 61-107.4.F.12.b. and

Registration # 031001-3001 as follows: failure to submit to the Department the Annual Report for Fiscal Year 2008 by the due date of October 15, 2008.

Action: The Respondent is required to submit the Annual Report for Fiscal Year 2008 and pay a civil penalty of five hundred dollars (**\$500.00**).

### **Joint Orders**

- 11) Order Type and Number: Consent Order 08-06-MSWM  
/09-008-W  
Order Date: March 11, 2009  
Respondent: **Carolina Ceramics, LLC**  
Facility: Dry Branch Mine  
Location/Mailing Address: Koon Rd. and Dry Branch Rd.,  
Elgin, SC/9931 Two Notch Rd.,  
Columbia, SC 29223  
County: Kershaw  
Previous Orders: None  
Permit/ID Number: I-001432  
Violations Cited: South Carolina Mining Act, as  
amended, S.C. Code Ann. Section 48-20-60; Mining Regulation 89-  
120.C.(1); Mine Operating Permit Number I-001432; NPDES General  
Permit SCG730000, Part IV.B.4., and the Pollution Control Act, Section  
48-1-90(a).

Summary: Carolina Ceramics, LLC (Respondent) conducted mining activities outside the permitted area; failed to adhere to the Mine Operations Maps in the Mine Operating Permit; mined sand without a permit; failed to utilize Best Management Practices to prevent the discharge of sediment to waters of the State; and, failed to submit Discharge Monitoring Reports to the Department.

Action: The Respondent is required to: stabilize the Mine site to prevent sediment discharge; submit a remediation plan for portions of the Mine site; modify the Mine Operating Permit to include the area of sand excavation and describe future dewatering practices; and, pay a civil penalty of twelve thousand five hundred dollars (**\$12,500.00**).

### **BUREAU OF WATER**

#### **Drinking Water Enforcement**

- 12) Order Type and Number: Consent Order 09-019-DW

Order Date: March 10, 2009  
Respondent: **American Dream Homes, LLC**  
Facility: Birch N' Coppice Estates  
Location/Mailing Address: 3300 Red Fern Lane  
Murrells Inlet, S.C. 29578  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-1558B  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(B)(7)

Summary: American Dream Homes, LLC (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 obtain written approval to operate prior to operating the Pool.

Action: The Respondent has agreed to: obtain approval to operate the Pool and pay a civil penalty in the amount of two hundred fifty-five dollars (\$255.00). The penalty has been paid.

13) Order Type and Number: Consent Order 09-022-DW  
Order Date: March 3, 2009  
Respondent: **East Shore Athletic Club, LLC**  
Facility: East Shore Athletic Club  
Location/Mailing Address: 910 Johnnie Dodds Boulevard  
Mt. Pleasant, S.C. 29464  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-306B and 10-541D  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J) and 61-51(K)(1)(d)

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

Action: The Respondent has agreed to: pay a civil penalty in the amount of two thousand one hundred dollars (\$2,100.00) and pay a stipulated penalty in the amount of two thousand four hundred dollars (\$2,400.00) if the Respondent fails to meet any requirement of this Order.

14) Order Type and Number: Consent Order 09-023-DW  
Order Date: March 20, 2009

Respondent: **CG Roxane LLC**  
Facility: Crystal Geysers - Roxane, Oconee  
Location/Mailing Address: 55 Francisco Street, Suite 410  
San Francisco, CA 94133  
County: Oconee  
Previous Orders: None  
Permit/ID Number: 3730019 & 3773001  
Violations Cited: S.C. Code Ann. § 44-55-80(A)(2),  
24A S.C. Code Ann. Regs. 61-58.1(B)(1) and 61-58.1(K)(1)

Summary: CG Roxane 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 and the State Safe Drinking Water Act as follows: failed to comply with the special conditions of its construction permit and final approval to operate; failed to obtain a construction permit prior to the modification of the PWS; and failed to obtain final approval to operate prior to placing the modifications into operation.

Action: The Respondent has agreed to: obtain the necessary permits and final approvals before operating the PWS; and, pay a civil penalty in the amount of seven thousand three hundred fifty dollars (**\$7,350.00**). The penalty has been paid.

15) Order Type and Number: Consent Order 09-025-DW  
Order Date: March 10, 2009  
Respondent: **Henry Williams d/b/a Williams Entertainment Center**  
Facility: Williams Entertainment Center  
Location/Mailing Address: P.O. Box 168  
Elko, S.C. 29826  
County: Barnwell  
Previous Orders: None  
Permit/ID Number: 0670911  
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.7

Summary: Henry Williams (Respondent) d/b/a Williams Entertainment Center 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: remove junk cars located in the pollution-free radius around the well; ensure the well and water storage tank are enclosed in lockable structure; ensure cross connection information is available; ensure flushing records are available; ensure system map is available; ensure that

an isolation/bypass valve is present to isolate the storage tank for maintenance and repair; ensure that all monitoring records are available; ensure the standard operating procedures manual is available; and, ensure an emergency plan is available or properly abandon the well. Also, the Respondent must pay the balance of the State Drinking Water Fees for the 2007 fiscal year, which total twenty-three dollars and seventy-five cents (\$23.75) and pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) if the Respondent fails to meet any requirement of this Order.

- 16) Order Type and Number: Consent Order 09-026-DW  
Order Date: March 11, 2009  
Respondent: **Whitley Road Property, LLC**  
Facility: Whitley Estates  
Location/Mailing Address: 2112 Carolina Place  
Fort Mill, S.C. 29708  
County: York  
Previous Orders: None  
Permit/ID Number: 4660055  
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.5(H)(3) and 61-58.5(H)(5)

Summary: Whitley Road Property, 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: the PWS produced running annual average results that exceeded the maximum contaminant level (MCL) for Gross alpha and Uranium.

Action: The Respondent has agreed to: submit a Corrective Action Plan with a schedule of implementation to address the MCL exceedance and pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should the Respondent fail to meet any requirement of this Order.

- 17) Order Type and Number: Consent Order 09-027-DW  
Order Date: March 20, 2009  
Respondent: **Anderson Ocean Club Development, LLC**  
Facility: Anderson Ocean Club  
Location/Mailing Address: 2900 North Ocean Boulevard  
Myrtle Beach, S.C. 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-1615D and 26-1617D  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J) and 61-51(K)(1)(d)

Summary: Anderson Ocean Club Development, LLC (Respondent) owns and is responsible for the proper operation and maintenance of two (2) Spas. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Spas at the above referenced site.

Action: The Respondent has agreed to: pay a civil penalty in the amount of three thousand seven hundred eighty dollars (**\$3,780.00**). The penalty has been paid.

18) Order Type and Number: Consent Order 09-028-DW  
Order Date: March 20, 2009  
Respondent: **Camelot by the Sea Homeowners' Association, Inc.**  
Facility: Camelot by the Sea Resort  
Location/Mailing Address: 2000 North Ocean Boulevard  
Myrtle Beach, S.C. 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-R63C  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)  
and 61-51(K)(1)(d)

Summary: Camelot by the Sea Homeowners' 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 at the above referenced site.

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

19) Order Type and Number: Consent Order 09-029-DW  
Order Date: March 20, 2009  
Respondent: **Atlantic Dunes Rental Management, LLC**  
Facility: Holiday Shores  
Location/Mailing Address: 7501 North Ocean Boulevard  
Myrtle Beach, S.C. 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-088B

Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J),  
61-51(K)(1)(d)

Summary: Atlantic Dunes Rental Management, LLC (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 at the above referenced site.

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

20) Order Type and Number: Consent Order 09-030-DW  
Order Date: March 20, 2009  
Respondent: **Baywatch Resort Homeowners' Association, Inc.**  
Facility: Baywatch Resort  
Location/Mailing Address: 2701 South Ocean Boulevard  
Myrtle Beach, S.C. 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-1140C  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)  
and 61-51(K)(1)(d)

Summary: Baywatch Resort Homeowners' 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 at the above referenced site.

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

21) Order Type and Number: Consent Order 09-031-DW  
Order Date: March 11, 2009  
Respondent: **Low Country Hospitality Group, Inc.**  
Facility: Comfort Suites Hotel  
Location/Mailing Address: 131 Big John Road  
Beaufort, S.C. 29902  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: 07-1109B

Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)  
and 61-51(K)(1)(d)

Summary: Low Country Hospitality Group, 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 forty dollars (**\$2,040.00**).

22) Order Type and Number: Consent Order 09-032-DW  
Order Date: March 20, 2009  
Respondent: **BVM, LLC**  
Facility: Best Western Point South Hotel  
Location/Mailing Address: 3536 Point South Drive  
Yemassee, S.C. 29945  
County: Jasper  
Previous Orders: None  
Permit/ID Number: 27-019B  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)  
and 61-51(K)(1)(d)

Summary: BVM, LLC (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**).

23) Order Type and Number: Consent Order 09-033-DW  
Order Date: March 20, 2009  
Respondent: **Rung, LLC**  
Facility: Country Inn & Suites Hotel  
Location/Mailing Address: P.O. Box 4236  
Beaufort, S.C. 29903  
County: Beaufort  
Previous Orders: 06-080-DW (\$1020.00)  
Permit/ID Number: 07-1018D  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)  
and 61-51(K)(1)(d)

Summary: Rung, LLC (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: submit an Investigative Report and corrective action plan to address its water quality issues and pay a civil penalty in the amount of one thousand two hundred sixty dollars (**\$1,260.00**).

24) Order Type and Number: Consent Order 09-034-DW  
Order Date: March 20, 2009  
Respondent: **Emerald Shores Resorts, LLC**  
Facility: Emerald Shores Resort  
Location/Mailing Address: 404 North Ocean Boulevard  
Myrtle Beach, S.C. 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-L29B  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)  
and 61-51(K)(1)(d)

Summary: Emerald Shores Resorts, LLC (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 at the above referenced site.

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

25) Order Type and Number: Consent Order 09-035-DW  
Order Date: March 20, 2009  
Respondent: **Americana Motel of Myrtle Beach, Inc.**  
Facility: Rainbow Court Motel  
Location/Mailing Address: 405 Flagg Street  
Myrtle Beach, S.C. 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-258C  
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)  
and 61-51(K)(1)(d)

Summary: Americana Motel of Myrtle Beach, 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 at the above referenced site.

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

### Water Pollution Enforcement

26) Order Type and Number: Consent Order 09-009-W  
Order Date: March 03, 2009  
Respondent: **Mr. Dargan Culclasure**  
Site: Wannamaker Swine Farm  
Location/Mailing Address: 1309 Old #6 Highway  
St. Matthews, SC 29135  
County: Calhoun  
Previous Orders: None  
Permit/ID Number: 09843-AG  
Violations Cited: S.C. Code Ann. § 48-1-90(a)(2008)  
and S.C. Code Ann. Regs. 61-43.200.20.A (Supp. 2008)

Summary: Mr. Dargan Culclasure (Respondent) leases and is responsible for the proper operation and maintenance of the Culclasure Hog Farm (facility) located in Calhoun County. The Respondent has violated the Pollution Control Act and Standards for the Permitting of Agricultural Animal Facilities Regulations as follows: failed to properly operate and maintain the facility as required per the South Carolina Department of Health and Environmental Control (Department) Permit and approved Plan; and discharged animal waste into the environment.

Action: The Respondent has agreed to: properly ensure the lagoon levels are sufficient to handle the 25 year/24 hour storm event; properly install the measuring device; properly fill in the area around the intake pipe; permanently disable the pipe/valve located at the rear of the dike so that no discharge may occur; notify the Department district personnel and request an inspection to verify that the deficiencies have been corrected; and pay a civil penalty in the amount of four thousand two hundred fifty dollars (**\$4,250.00**).

27) Order Type and Number: Consent Order 09-010-W  
Order Date: March 17, 2009  
Respondent: **Duke Energy Carolinas, LLC**  
Facility: Catawba Nuclear Station  
Location/Mailing Address: 4800 Concord Road  
York, SC 29745

County: York  
Previous Orders: None  
Permit/ID Number: SC0004278  
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.2008)

Summary: Duke Energy Carolinas, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility that serves the Catawba Nuclear Station, located in York County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent limits contained in its National Pollutant Discharge Elimination System Permit for chronic toxicity.

Action: The Respondent has agreed to: initiate a series of Whole Effluent Toxicity tests; submit a Toxicity Reduction Evaluation Plan; submit reports on the progress made toward attainment of compliance; and pay a civil penalty in the amount of three thousand four hundred dollars (**\$3,400.00**).

28) Order Type and Number: Consent Order 09-011-W  
Order Date: March 18, 2009  
Respondent: **Yokelet, LLC**  
Facility: Regent Park Subdivision  
Location/Mailing Address: 8170 Regent Pkwy.  
Fort Mill, SC 29715  
County: Lancaster  
Previous Orders: None  
Permit/ID Number: SCR10B008, SCR10B651,  
SCR10C271  
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.2008)

Summary: Yokelet, LLC (Respondent) owns and is responsible for the development and construction activities regarding the Regent Park Subdivision, located in Lancaster County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: allowed the unauthorized discharge of sediment into the environment, including waters of the State, in a manner other than in compliance with a permit issued by the South Carolina Department of Health and Environmental Control (Department); and failed to properly install, operate and maintain storm water, sediment and erosion control devices in accordance with the approved Site plan and National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: submit revisions to the Department approved Site plan to address all disturbed areas outside the limits of

disturbance; submit from a S.C. Registered Professional Engineer a report certifying that the revisions to the plan are installed and functioning properly, and a report certifying that all storm water and sediment and erosion control devices are installed and functioning properly; pay a civil penalty in the amount of nine thousand ninety-three dollars (**\$9,093.00**); and, pay a suspended penalty in the amount of twenty-seven thousand two hundred eighty dollars (\$27,280.00) should the Respondent fail to meet any requirement of the Order.

- 29) Order Type and Number: Consent Order 09-012-W  
Order Date: March 20, 2009  
Respondent: **Town of Great Falls**  
Facility: W. C. Childers WWTF  
Location/Mailing Address: P. O. Box 177  
Great Falls, S.C. 29055  
County: Chester  
Previous Orders: None in the last 5 years  
Permit/ID Number: SC0021211  
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. 2008)

Summary: The Town of Great Falls (Respondent) owns and is responsible for the proper operation and maintenance of the W. C. Childers Wastewater Treatment Facility located in Chester County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent limits contained in its National Pollutant Discharge Elimination System Permit for total phosphorous.

Action: The Respondent has agreed to: submit a Corrective Action Plan containing the steps to be taken to prevent future violations; submit an updated Operation and Maintenance Manual to include process controls and other treatment procedures necessary for the reduction of total phosphorous; submit an administratively complete viability study; pay a civil penalty in the amount of six thousand three hundred seventy-five dollars (**\$6,375.00**); and, pay a suspended penalty in the amount of six thousand dollars (\$6,000.00) should the Respondent fail to meet any requirement of the Order.

- 30) Order Type and Number: Consent Order 09-113-W  
Order Date: March 20, 2009  
Respondent: **The Town of Lynchburg**  
Facility: Lynchburg WWTF  
Location/Mailing Address: PO Box 147  
Lynchburg, SC 29080  
County: Lee  
Previous Orders: None in last 5 years

Permit/ID Number: SC0042676  
Violations Cited: S.C. Code Ann. §§ 48-1-110(d), 48-1-90(a)(2008) and 24 S. C. Code Ann. Regs. 61-9.122.41(e) and (L)(6) (Supp.2008)

Summary: The Town of Lynchburg (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF), located in Lee County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: allowed the unauthorized discharge of untreated sewage into the environment, including waters of the State, in a manner other than in compliance with its National Pollutant Discharge Elimination System (NPDES) Permit issued by the South Carolina Department of Health and Environmental Control (Department); failed to properly operate and maintain systems necessary to achieve compliance with conditions of the Permit; and failed to report noncompliant discharges to the Department after becoming aware of the circumstances.

Action: The Respondent has agreed to: submit a Corrective Action Plan (CAP) addressing problems with the WWTF; submit a quarterly summary of corrective actions taken to correct problems with the wastewater collection system (WWCS) and the WWTF; report wastewater spills as required by its NPDES Permit; conduct a capacity, management, operation, and maintenance (cMOM) audit of the WWCS; submit a CAP and schedule to address priority deficiencies in the WWCS; finalize a comprehensive management plan based on the findings of the WWCS audit; submit a complete viability study; and submit a quarterly report summarizing the total funds collected for water and sewer services; provide a detailed account of how these funds were allocated; and, pay a **suspended penalty** in the amount of sixty thousand four hundred dollars (**\$60,400.00**) should the Respondent fail to meet any requirement of the Order.

### **BUREAU OF AIR QUALITY**

31) Order Type and Number: Consent Order 09-011-A  
Order Date: March 18, 2009  
Respondent: **Herbert Anderson, Jr. Construction, Inc.**  
Facility: Herbert Anderson, Jr. Construction, Inc.  
Location/Mailing Address: 2117 Highway 72 West  
Greenwood, SC 29649  
County: Aiken  
Previous Orders: N/A  
Permit/ID Number: N/A

Violations Cited: South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning, Section I.E.1

Summary: Herbert Anderson Construction, Inc. (“Respondent”) is a construction company that performs land-clearing activities. The Respondent has violated State regulations in that it burned land clearing debris within 1000 feet of residential sites.

Action: The Respondent has agreed to: cease open burning, except as provided by the regulations; and pay to the Department a civil penalty in the amount of four thousand three hundred dollars (**\$4,300.00**). The penalty has been paid.

32) Order Type and Number: Consent Order 09-012-A  
Order Date: March 11, 2009  
Respondent: **Darlington Veneer Company**  
Facility: 225 Fourth Street  
Darlington, SC 29532  
Location/Mailing Address: PO Box 1087  
Darlington, SC 29540  
County: Darlington  
Previous Orders: N/A  
Permit/ID Number: CM-0820-001  
Violations Cited: S.C. Code Ann. § 48-1-90(a), and South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 1,

Summary: Darlington Veneer Company (Respondent) manufactures hardwood plywood used for cabinets and paneling. The Department issued Conditional Major Air Quality Operating Permit CM-0820-0011 to the Respondent, effective July 1, 2004. The Respondent violated South Carolina Air Pollution Control Regulations and its Conditional Major Permit as follows: exceeded its opacity limit for its wood-waste boiler during a Method 9 Visual Emissions Observation conducted by the Department.

Action: The Respondent has agreed to: comply with the opacity limit for its wood-waste boiler in accordance with the requirements of its Permit; and pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**). The penalty has been paid.

33) Order Type and Number: Consent Order 09-013-A  
Order Date: March 11, 2009  
Respondent: **Palmetto Pet Crematory, LLC**  
Facility: Palmetto Pet Crematory, LLC  
Location/Mailing Address: 2557 Yosemite Ct

Florence, SC 29505  
County: Florence  
Previous Orders: N/A  
Permit/ID Number: 1040-0122  
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 3, Section III.C.1. and Section IX.A., S.C. Code Ann. § 48-1-90(a), and S.C. Code Ann. § 48-1-110(d)

Summary: Palmetto Pet Crematory, LLC (Respondent) operates a pet cremation facility. The Department issued Air Quality Operating Permit 1040-0122 to the Respondent, effective August 31, 2007. The Respondent violated South Carolina Air Pollution Control Regulations and its Permit as follows: exceeded the 10% opacity limit for the incinerator; and operated the incinerator without a trained operator on site.

Action: The Respondent has agreed to: comply with the opacity limit for its incinerator; ensure that a trained operator is on site while the incinerator is in operation; and pay a civil penalty in the amount of two thousand six hundred dollars (**\$2,600.00**).

34) Order Type and Number: Consent Order 09-014-A  
Order Date: March 18, 2009  
Respondent: **Mr. David Ellison d/b/a Pee Dee Disposal**  
Facility: 1201 Interstate Blvd  
Florence, SC 29501  
Location/Mailing Address: 203 Downs Dr  
Timmonsville, SC 29161  
County: Florence  
Previous Orders: N/A  
Permit/ID Number: N/A  
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning

Summary: Mr. David Ellison d/b/a Pee Dee Disposal (Respondent) owns and operates a materials recovery facility. The Respondent violated South Carolina Air Pollution Control Regulation 61-62.2, 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 a civil penalty in the amount of four hundred eighty dollars (**\$480.00**).

35) Order Type and Number: Consent Order 09-015-A

Order Date: March 18, 2009  
Respondent: **RPM & Associates, Inc.**  
Facility: Food Lion #427  
Location/Mailing Address: 3890 S. Kings Hwy. / 1200  
Mountain Creek Rd., Ste. 470  
Myrtle Beach, SC / Chattanooga, TN  
County: Horry  
Previous Orders: N/A  
Permit/ID Number: N/A  
Violations Cited: U.S. EPA 40 CFR 61.145(b) (3) (i),  
61.145(c), and 61.150(a); and South Carolina Air Pollution Control  
Regulation 61-86.1, Sections III.A.1. and 2.; IV.B.5., V.B.1.a., and V.D.

Summary: RPM & Associates, Inc. (Respondent) is a general contractor. The Respondent violated Federal and State Asbestos regulations as follows: failed to ensure that written notice of intent was provided at least 10 working days prior to beginning a regulated asbestos project; failed to ensure that an asbestos project license was obtained prior to beginning an asbestos project; failed to ensure that licensed workers were used in an asbestos project involving regulated asbestos-containing materials (RACM); failed to ensure that the required work practice requirements were adhered to for an asbestos project involving RACM, including but not limited to wetting, proper removal, and disposal of RACM; and failed to ensure that visible emissions were not discharged to the outside air during the collection of asbestos-containing waste material generated by the source.

Action: The Respondent has agreed to: ensure that licenses are applied for and obtained prior to beginning asbestos projects involving RACM; asbestos projects involving RACM are not engaged unless licensed workers are used; required work practice requirements are adhered to; visible emissions are not discharged to the outside air during collection of asbestos-waste material, in the future; and pay a civil penalty in the amount of sixteen thousand four hundred dollars (**\$16,400.00**).