

EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
June 10, 2010

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Administrative Order 09-0219-UST
 Order Date: February 24, 2010
 Respondent: **Martha Marmolejo d.b.a. R&W**
 Enterprises of Myrtle Beach, LLC
 Facility: R&W Enterprises of Myrtle Beach,
 LLC
 Location/Mailing Address: 7133 Hwy. 908, Brittons Neck,
 SC/1000 Mistletoe Ct., Myrtle
 Beach, SC 29579

 County: Marion
 Previous Orders: AO 08-0180-UST (\$1,875)
 Permit/ID Number: 12181
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988, as amended, and the South
 Carolina Underground Storage Tank Control Regulation R.61-
 92.280.93(a), R.61-92.280.110(c), and SUPERB Act, Section 44-2-60(A),
 and Administrative Order 08-0180-UST.

Summary: Martha Marmolejo d.b.a. R&W Enterprises of Myrtle Beach, LLC (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide financial responsibility for an underground storage tank system; failure to provide financial responsibility records to the Department upon request; failure to pay the annual underground storage tank registration fees for fiscal year 2010 by the required date, July 31, 2009; and the Respondent failed to submit to the Department: current corrosion protection system test results; fiscal year 2009 annual underground storage tank registration fees; and, failed to pay a civil penalty in accordance with the terms of Administrative Order 08-0180-UST.

Action: The Respondent is required to: submit a completed Certificate of Financial Responsibility and proof of mechanism; pay FY 2010 annual underground storage tank registration fees in the amount of three hundred sixty three dollars (\$363.00); pay a civil penalty in the amount of three thousand, one hundred dollars (**\$3,100.00**); and immediately comply with the requirements of Administrative Order 08-0180-UST.

2) Order Type and Number: Administrative Order 09-0215-UST
Order Date: March 19, 2010
Respondent: **Robert E. Bible**
Facility: Former Bob Bible Honda/BMW
Location/Mailing Address: 1100 3rd Ave. S., Myrtle Beach, SC/7 Grove Park Ct., Taylors, SC 29687

County: Horry
Previous Orders: None
Permit/ID Number: 05219
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988, as amended, and the South Carolina Underground Storage Tank Control Regulation 61-92.280.65, and R.61-92.280.34(c).

Summary: Robert E. Bible (Respondent) owned and operated underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to determine the full extent of a release in accordance with a schedule established by the Department and failure to provide records to the Department upon request.

Action: The Respondent is required to: submit a Tier II Plan for a reported release at the Facility; and, pay a civil penalty in the amount of twenty-eight thousand, seven hundred fifty dollars (**\$28,750.00**).

3) Order Type and Number: Administrative Order 09-0186-UST
Order Date: April 13, 2010
Respondent: **James E. Patterson, Jr.**
Facility: Little Pat's Store
Location/Mailing Address: 1053 Hwy. 1 South, Lugoff, SC 29568/P.O. Box 98, Lugoff, SC 29078

County: Kershaw
Previous Orders: None
Permit/ID Number: 11786
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), as amended, and the South Carolina Underground Storage Tank Control Regulation 61-92.280.20(e), R.61-92.280.31(c), R.61-92.280.34(c), R.61-92.280.40(a) and SUPERB Act, Section 44-2-60(A).

Summary: James E. Patterson, Jr. (Respondent) owns underground storage tanks (USTs) and has violated the SUPERB Act and the South Carolina Underground Storage Tank Control Regulations as follows: failure to install a

UST in accordance with accepted codes and standards; failure to inspect the impressed current system every sixty (60) days; failure to provide records to the Department upon request; failure to provide an adequate release detection method; and, failure to pay to the Department annual underground storage tank registration fees.

Action: The Respondent is required to submit to the Department: proof that the shear valve on the diesel dispenser has been repaired/replaced; a copy of the most recent rectifier log; twelve months of Statistical Inventory Reconciliation (SIR) records (June 2008 through May 2009) or tank tightness, line tightness, and line leak detector test results for all USTs (no line leak detector test is required for the kerosene tank due to European suction) or proof that the tanks have been emptied to within one inch of residue; payment of annual UST registration fees in the amount of six hundred five dollars (\$605.00); and, payment of a civil penalty in the amount of six thousand, seventy-five dollars (**\$6,075.00**).

- 4) Order Type and Number: Consent Order 10-0022-UST
Order Date: April 14, 2010
Respondent: **Loofa, Inc.**
Facility: Money Saver Food Mart
Location/Mailing Address: 4062 Highway 378, Conway, SC 29527
County: Horry
Previous Orders: None
Permit/ID Number: 04958
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) and R.61-92.280.40(a).

Summary: Loofa, Inc. (Respondent) owns underground storage tanks (USTs) and has violated the SUPERB Act and the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide records to the Department upon request; and, failure to provide an adequate release detection method for a UST system.

Action: The Respondent is required to submit to the Department a civil penalty in the amount of six hundred dollars (**\$600.00**). The overflow prevention equipment violation was corrected before the Order was issued.

- 5) Order Type and Number: Consent Order 10-0035-UST
Order Date: April 15, 2010
Respondent: **Collum's Lumber Mill, Inc.**
Facility: Collum's Lumber Mill, Inc.

Location/Mailing Address: 1723 Barnwell Hwy., Allendale, SC
29810
County: Allendale
Previous Orders: None
Permit/ID Number: 10715
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act), as amended,
and the South Carolina Underground Storage Tank Control Regulation
61-92.280.20(c)(1)(ii).

Summary: Collum's Lumber Mill, Inc. (Respondent) owns underground storage tanks (USTs) and has violated the SUPERB Act and the South Carolina Underground Storage Tank Control Regulations as follows: failure to use an adequate overfill prevention system in a UST.

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

6) Order Type and Number: Consent Order 10-0037-UST
Order Date: April 1, 2010
Respondent: **Sky Group, Inc.**
Facility: Country Corner Express
Location/Mailing Address: 7604 Highway 25 North, Ware
Shoals, SC 29692
County: Greenwood
Previous Orders: None
Permit/ID Number: 17141
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act), as amended,
and the South Carolina Underground Storage Tank Control Regulation
61-92.280.20(e).

Summary: Sky Group, Inc. (Respondent) owns underground storage tanks (USTs) and has violated the SUPERB Act and the South Carolina Underground Storage Tank Control Regulations as follows: failure to install USTs in accordance with accepted codes and standards.

Action: The Respondent is required to submit to the Department a civil penalty in the amount of four hundred dollars (**\$400.00**).

HAZARDOUS WASTE ENFORCEMENT

7) Order Type and Number: Consent Order 10-08-HW

Order Date: April 15, 2010
Responsible Party: **Metal Trades, Inc.**
Location/Mailing Address: 4194 Highway 165
Yonges Island, South Carolina
29449
County: Charleston
Previous Orders: None
Permit Number: SCD 003 361 805
Violations Cited: The South Carolina Hazardous
Waste Management Act §44-56-130(2); The South Carolina Hazardous
Waste Management Regulation 61-79.265.173(a); and, R.61-
79.265.16(d)(1-4).

Summary: Metal Trades, Inc. (Respondent) fabricates industrial components from steel and sheet metal. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste; failure to maintain documents and records related to: the job title for each position at the facility where hazardous waste is managed, the name of the employee filling that position, a written description of the job duties and type and amount of both introductory and continuing training that will be given, and records that document that the training or job experience has been given to and completed by personnel filling the position.

Action: The Respondent has agreed to: ensure that all containers of hazardous waste are managed and stored as required; ensure that all personnel documents are maintained; and, pay a civil penalty in the amount of seventeen thousand dollars (**\$17,000.00**).

8) Order Type and Number: Consent Order 10-09-HW
Order Date: April 22, 2010
Responsible Party: **Koppers Inc.**
Location/Mailing Address: 280 Koppers Street
Florence, South Carolina 29053
County: Florence
Previous Orders: 08-12-HW (5,000)
Permit Number: SCD 003 353 026
Violations Cited: The South Carolina Hazardous
Waste Management Act §44-56-130(2); the South Carolina Hazardous
Waste Management Regulation 61-79.262.34(a)(2), and R.61-
79.265.444(b)(3).

Summary: Koppers Inc. (Respondent) manufactures treated wood products in Florence, South Carolina. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to ensure that the

date upon which each accumulation period begins is clearly marked and visible on each container of hazardous waste; and, failure to inspect drip pads weekly and after storms to detect evidence of deterioration or cracking of the drip pad surface.

Action: The Respondent has agreed to: submit to the Department evidence of implementation of an environmental management system to include inspection and maintenance of the drip pads; develop and submit to the Department a written inspection protocol designed to document compliance with the drip pad requirements and to include photo documentation of inspections and repairs; perform semiannual personnel training specific to inspection and maintenance of the drip pads, and submit to the Department related training records within 30 days of each training event; perform semiannual evaluations of the drip pads and provide a written assessment of each evaluation within 30 days of its completion; and, pay a civil penalty in the amount of six thousand, eight hundred fifty-nine dollars (**\$6,859.00**).

INFECTIOUS WASTE ENFORCEMENT

- 9) Order Type and Number: Consent Order 10-02-IW
Order Date: April 12, 2010
Responsible Party: **Saluda Nursing Center**
Location/Mailing Address: Post Office Box 398
Saluda, South Carolina 29138-0398
County: Saluda
Previous Orders: None
Permit Number: SC41-0007G
Violations Cited: The South Carolina Infectious Waste Management Act §44-93-30; the South Carolina Infectious Waste Regulation 61-105.K(2); R.61-105.K(4); R.61-105.I(8); R.61-105.J(2)(b); and, R.61-105.J(2)(e).

Summary: Saluda Nursing Center (Respondent) is a county owned nursing care facility and Emergency Medical Services (EMS) unit located in Saluda, South Carolina. The Respondent has violated the Infectious Waste Management Regulations as follows: failure to ensure that outdoor storage areas are locked; failure to ensure that storage areas are labeled with the universal biohazard symbol sign and the words, “Infectious Waste,” “Medical Waste,” or “Biohazardous Waste;” failure to ensure that infectious waste is contained in disposable or reusable containers that are closed tightly and securely; failure to ensure that containers of infectious waste offered for transport offsite be labeled on outside surfaces so that they are readily visible with the name or Department issued number of the in-state generator and the date the container was placed in storage or sent offsite, if not stored.

Action: The Respondent has agreed to: ensure that outdoor infectious waste storage areas are locked and labeled; ensure that containers of infectious waste are labeled and managed in accordance with the requirements; and, pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**).

- 10) Order Type and Number: Consent Order 10-03-IW
Order Date: April 12, 2010
Responsible Party: **Fishbach Family Medicine & Ophthalmology**
Location/Mailing Address: 127 Trafalgar Street
Aiken, South Carolina 29801
County: Aiken County
Previous Orders: None
Permit Number: SC02-0163G
Violations Cited: The South Carolina Infectious Waste Management Act §44-93-30; The South Carolina Infectious Waste Management Regulation 61-105.F(2); R.61-105.F(6)(h); R.61-105.F(7); R.61-105.I(2); R.61-105.J(2)(e); R.61-105.K(3); R.61-105.K(4); R.61-105.K(5)(a); R.61-105.F(6)(g); R.61-105.N(1); and R.61-105.M(1)(a).

Summary: Fishbach Family Medicine & Ophthalmology (Respondent) is a medical clinic. The Respondent has violated the Infectious Waste Management Regulations as follows: failure to notify the Department in writing within 30 days when changes occurred in the notification information; failure to either treat infectious waste onsite or transport offsite for treatment at a permitted treatment facility; failure to ensure that when the site of generation relocates, closes or ceases to generate infectious waste, all infectious waste be disposed; failure to ensure that all sharps are placed and maintained in a rigid, leak resistant, and puncture resistant container which is secured tightly to preclude loss of the contents and which are designed for the safe containment of sharps; failure to ensure that containers of infectious waste offered for transport offsite are labeled on outside surfaces so that it is readily visible with the date the container was placed in storage or sent offsite; failure to ensure that storage areas allow access to authorized personnel only; failure to ensure that storage areas are labeled with the universal biohazard symbol sign and the words, “Infectious Waste”, “Medical Waste”, or “Biohazardous Waste”; failure to ensure that infectious waste is maintained in a nonputrescent state using refrigeration when necessary; failure to ensure that the facility manage infectious waste in a manner which prevents exposure to the public or release to the environment; failure to register with the Department prior to transporting infectious waste within South Carolina; and, failure to prepare a manifest on a form approved by the Department and filled out in a legible manner according to the instructions for that form.

Action: The Respondent has agreed to: ensure that the Department is notified in writing within 30 days of changes occurring in its registration; ensure that all infectious wastes are labeled, managed and stored in accordance with the regulations; ensure that waste storage areas are maintained in accordance with the regulations; ensure that infectious waste is not transported without a permit; ensure that the facility utilizes and maintains manifests in accordance with the regulations; and, pay a civil penalty in the amount of sixteen thousand, five hundred dollars (**\$16,500.00**).

SOLID WASTE ENFORCEMENT

11) Order Type and Number: Administrative Order 09-34-SW
Order Date: March 12, 2010
Respondent: **Mickey Eugene Phillips and Edward Blankenship**
Facility: APB Material Recovery Facility
Location/Mailing Address: 9469 S. Hwy. 905., N. Myrtle Beach, SC/206 13th Ave. N., N. Myrtle Beach, SC 29582 and 4503 Poinsett St., N. Myrtle Beach, SC 29582
County: Horry
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: Waste Tires Regulation 61-107.3.E.1. and E.3., and Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation 61-107.19, Part I.A.8.

Summary: Mickey Eugene Phillips and Edward Blankenship (Respondents) owned and operated a material recovery facility and have violated: the Solid Waste Management: Waste Tires Regulations, in that the Respondents operated an unpermitted waste tire disposal facility on the Site; and, the Solid Waste Landfills and Structural Fill Regulations, in that the Respondents engaged in open dumping.

Action: The Respondents are required to: 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 thirty-five thousand, nine dollars (**\$35,009.00**).

12) Order Type and Number: Consent Order 09-36-SW
Order Date: April 6, 2010
Respondent: **Town of Great Falls**
Facility: Town of Great Falls Composting Facility
Location/Mailing Address: 5083 Brooklyn Road/P.O. Box 177
Great Falls, South Carolina 29055
County: Chester
Previous Orders: None
Permit/ID Number: 121002-3001
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, as amended, Section E.2., and Sections F.1., F.2, and F.3; Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation 61-107.19, Part I.A.8.; and, Registration Number 121002-3001.

Summary: Town of Great Falls (Respondent) owns and operates a composting facility. The Respondent failed to maintain a layout of the facility that matched the Department-approved plans, and the Respondent failed to comply with the Registration and Regulatory requirements for operation of the Composting/Wood-Chipping Facility.

Action: The Respondent is required to: remove and properly dispose of the land-clearing debris (LCD) located at the bottom of the hill; screen the remaining wood waste; dispose of the co-mingled unauthorized waste at a permitted facility; windrow the screened LCD in accordance with the approved drawings and permitted capacity of the registration; submit all disposal receipts; and, pay a civil penalty in the amount of four thousand, two hundred dollars (**\$4,200.00**), in accordance with a Promissory Installment Note.

13) Order Type and Number: Consent Order 10-04-SW
Order Date: April 12, 2010
Respondent: **Christine and Chris Shaner d.b.a. Interstate Towing and Recovery**
Facility: Interstate Towing and Recovery
Location/Mailing Address: 2225 Porter Road/P.O. Box 84
Rock Hill, South Carolina 29731
County: York
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: Lead-Acid Batteries Regulation 61-107.8, as amended, Sections C.2.a.,b.,c., and d., and Solid Waste Management: Used Oil, Regulation

61-107.279.12.h and R. 61-107.279.22.d(1), (2), and (3); and, the Pollution Control Act.

Summary: Christine and Chris Shaner d.b.a. Interstate Towing and Recovery (Respondent) failed to comply with the South Carolina Solid Waste Policy and Management Act of 1991 (Act), Lead-Acid Batteries, Regulation 61-107.8, as amended; Used Oil, Regulation 61-107.279, as amended; and, the Pollution Control Act, S.C. Code Ann. § 48-1-90(a), as amended, as follows: failed to properly manage lead-acid batteries in that there were crushed lead-acid batteries at the facility; knowingly discharged used oil into the environment, and failed to clean up the used oil as required by the Regulation; and, directly or indirectly, discharged automotive fluids into the environment without first obtaining a permit.

Action: The Respondent is required to: complete removal of the pile of contaminated soil co-mingled with waste tires, rims, and automobile bumpers from the Facility; properly dispose of/recycle the contaminated soil and co-mingled waste at a permitted facility; submit documentation and receipts of disposal; and, pay a civil penalty in the amount of thirteen thousand, five hundred ninety-three dollars (**\$13,593.00**) in accordance with a Promissory Installment Note.

- 14) Order Type and Number: Consent Order 10-12-SW
Order Date: April 22, 2010
Respondent: **Marion County**
Facility: Marion County
Location/Mailing Address: 1855 Old Stage Road/P.O. Box 183
Marion, South Carolina 29571
County: Marion
Previous Orders: None
Permit/ID Number: 341002-1201
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, as amended, Solid Waste Management: Construction, Demolition and Land-Clearing Debris Landfills Regulation 61-107.11, as amended, Part IV.G.1. and G.2., and, Permit Number 341002-1201, Special Condition A.3.

Summary: Marion County (Respondent) owns and operates a landfill. The Respondent failed to comply with the South Carolina Solid Waste Policy and Management Act of 1991 (Act), Solid Waste Management: Construction, Demolition and Land-Clearing Debris Landfills Regulation 61-107.11 and Permit Number 341002-1201 as follows: failure to complete and maintain final cover within 6 months of the last receipt of waste, in that exposed waste and significant erosion had occurred; failure to achieve seventy-five percent (75%) coverage of vegetative ground cover; and, failure to comply with Special Condition A.3. of the Permit in that Post-Closure Care was not properly conducted.

Action: The Respondent is required to: complete closure of the landfill in accordance with the Regulations and pay a civil penalty in the amount of five thousand, nine hundred forty dollars (**\$5,940.00**), in accordance with a Promissory Installment Note.

BUREAU OF WATER

Drinking Water Enforcement

15) Order Type and Number: Consent Order 10-031-DW
Order Date: April 14, 2010
Respondent: **Joseph E. Swearingen, Sr.,
Individually and d/b/a
Perry Water System**
Facility: Perry Water System
Location/Mailing Address: 3701 Highway 6
Lexington, S.C. 29073
County: Saluda
Previous Orders: None
Permit/ID Number: 4150007
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.5
(F) and (G)(2)

Summary: Joseph E. Swearingen, Sr. (Respondent) individually and d/b/a Perry Water System 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 collect the required number of repeat total coliform samples as a result of a total coliform maximum contaminant level (MCL) exceedance in March 2009 and exceeded the MCL for total coliform during the September, October, November and December 2009 monitoring periods.

Action: The Respondent is required to: submit for approval, an investigative report to determine the causes of the MCL exceedances for total coliform at the PWS and a corrective action plan (CAP) to include proposed steps to address those causes; and pay a **stipulated penalty** in the amount of eight thousand one hundred dollars (**\$8,100.00**) should the Respondent fail to meet any requirement of the Order.

16) Order Type and Number: Consent Order 10-032-DW
Order Date: April 14, 2010

Respondent: **Portrait Homes-Westridge, LLC**
Facility: Westridge Subdivision
Location/Mailing Address: 7455 Cross Country Road
Suite 1, Charleston, S.C. 29418
County: Charleston
Previous Orders: None
Permit/ID Number: 26-1556B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)
and 61-51(k)(1)(c)

Summary: Portrait Homes-Westridge, 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: the chlorine level was not within the acceptable range of water quality standards; the emergency telephone was not operational; the bound and numbered log book was not available for review; a current operating permit was not posted; and failure to contact the Department for an inspection of the pool prior to re-opening after Department closure.

Action: The Respondent is required to: properly operate and maintain the pool and pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**). The civil penalty has been paid.

17) Order Type and Number: Consent Order 10-033-DW
Order Date: April 2, 2010
Respondent: **Highway 98 Business Park, LLC**
Facility: Highway 98 Business Park
Location/Mailing Address: 2072 Willbrook Lane
Mt. Pleasant, S.C. 29466
County: Berkeley
Previous Orders: None
Permit/ID Number: 0874002
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.5(B)(2)(f)

Summary: Highway 98 Business Park, 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 exceeded the maximum contaminant level (MCL) for Fluoride.

Action: The Respondent is required to: submit for approval, a corrective action plan (CAP) to include proposed steps to address the Fluoride exceedances at the PWS and pay a **stipulated penalty** in the amount of two thousand dollars (**\$2,000.00**) should the Respondent fail to meet any requirement of the Order.

- 18) Order Type and Number: Consent Order 10-036-DW
Order Date: April 12, 2010
Respondent: **Town of Blackville**
Facility: Town of Blackville PWS
Location/Mailing Address: 5983 Lartigue Street
Blackville, S.C. 29817
County: Barnwell
Previous Orders: None
Permit/ID Number: 0610003
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.7

Summary: The Town of Blackville (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 for failure to properly operate and maintain the PWS as follows: the wellhead piping showed signs of significant deterioration at all three (3) wells; the PWS was experiencing a high percentage of unaccounted water loss; there was no monitoring of total phosphate residues; and the certified treatment operator was not visiting the PWS daily.

Action: The Respondent is required to: repair the wellhead piping; perform a water audit; monitor total phosphate residues; perform certified operator duties as required; pay a civil penalty in the amount of six hundred dollars (**\$600.00**); and, pay a stipulated penalty in the amount of three thousand four hundred dollars (\$3,400.00) should the Respondent fail to meet any requirement of the Order.

- 19) Order Type and Number: Consent Order 10-037-DW
Order Date: April 22, 2010
Respondent: **S.C. Department of Parks, Recreation & Tourism**
Facility: Colleton State Park
Location/Mailing Address: 1205 Pendleton Street
Columbia, S.C. 29201
County: Colleton
Previous Orders: None
Permit/ID Number: 1570600
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.5(F)

Summary: S.C. Department of Parks, Recreation & Tourism (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 exceeded the MCL for total

coliform during the January - March 2009, July - September 2009, and October - December 2009 monitoring periods.

Action: The Respondent is required to: submit for approval, an investigative report to determine the causes of the MCL exceedances for total coliform at the PWS and a corrective action plan (CAP) to include proposed steps to address those causes; and, pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should the Respondent fail to meet any requirement of the Order.

20) <u>Order Type and Number:</u>	Consent Order 10-038-DW
<u>Order Date:</u>	April 22, 2010
<u>Respondent:</u>	Lonell Phaire, individually and d/b/a Phaire's Adult Care
<u>Facility:</u>	Phaire's Adult Care
<u>Location/Mailing Address:</u>	167 Benthomp Road Orangeburg, S.C. 29115
<u>County:</u>	Orangeburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	3870001
<u>Violations Cited:</u>	24A S.C. Code Ann. Regs. 61-58.7

Summary: Lonell Phaire (Respondent) individually and d/b/a Phaire's Adult Care 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 for failure to properly operate and maintain the PWS as follows: the sanitary seal was not caulked properly and the check valve needed to be replaced; the well house was not locked; the wellhead piping lacked a blow-off valve and air release valve; the system map, system records and emergency plan were not available for review.

Action: The Respondent is required to: properly caulk the sanitary seal and replace the check valve; correct the wellhead piping deficiencies, ensure that a system map, system records and emergency plan are available; and, pay a **stipulated penalty** in the amount of six thousand dollars (**\$6,000.00**) should the Respondent fail to meet any requirement of the Order.

21) <u>Order Type and Number:</u>	Consent Order 10-039-DW
<u>Order Date:</u>	April 22, 2010
<u>Respondent:</u>	Town of Eutawville
<u>Facility:</u>	Town of Eutawville
<u>Location/Mailing Address:</u>	P.O. Box 372 Eutawville, S.C. 29048
<u>County:</u>	Orangeburg

Previous Orders: 07-154-DW(\$2,100 & \$2,100 stipulated)
Permit/ID Number: 3810006
Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: The Town of Eutawville (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 for failure to properly operate and maintain the PWS as follows: there was not a flushing program or a leak detection and repair program and the certified treatment operator did not visit the PWS on a daily basis.

Action: The Respondent is required to: develop programs for flushing and leak detection and repair; employ a certified treatment operator to visit the PWS on a daily basis; and, pay a **stipulated penalty** in the amount of six thousand dollars (**\$6,000.00**) should the Respondent fail to meet any requirement of the Order.

22) Order Type and Number: Consent Order 10-040-DW
Order Date: April 22, 2010
Respondent: **Jonathan Hamilton, individually and d/b/a LJ's Convenience Store**
Facility: LJ's Convenience Store
Location/Mailing Address: P.O. Box 33
Adams Run, S.C. 29426
County: Charleston
Previous Orders: None
Permit/ID Number: 1072007
Violations Cited: 24A S.C. Code Ann. Regs. 61-58.7

Summary: Jonathan Hamilton (Respondent) individually and d/b/a LJ's Convenience Store 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 for failure to properly operate and maintain the PWS as follows: the concrete pad was severely cracked; the well was not enclosed in a secure well house; the wellhead piping leading from the jet pump had broken loose and was spraying water; the pump pressure switch cover was missing; no emergency plan was available for review; and, the area surrounding the well house was covered in debris.

Action: The Respondent is required to: replace the concrete pad; enclose the well within a secure/lockable well house; replace the leaking wellhead piping; replace the pump pressure switch cover; develop an emergency plan; maintain the area surrounding the well house; and, pay a **stipulated penalty** in the amount of

four thousand dollars (**\$4,000.00**) should the Respondent fail to meet any requirement of the Order.

Water Pollution Enforcement

23) Order Type and Number: Consent Order 10-018-W
 Order Date: April 27, 2010
 Respondent: **Forest Hills-Elbo, Inc.**
 Facility: Forest Hills SD WWTF
 Location/Mailing Address: P.O. Box 2
 Prosperity SC 29127

 County: Newberry
 Previous Orders: None
 Permit/ID Number: SC0024571
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (2008); S.C. Reg. 61-9.122.41 (a) and (l)(4) (Supp. 2009)

Summary: Forest Hills-Elbo, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the Forest Hill Subdivision Waste Water Treatment Facility (WWTF). The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulation by failing to have an operator of proper certification operating the facility and by failing to perform and report required monitoring, including failure to properly complete and submit sample results.

Action: The Respondent is required to: meet Department conditions necessary to modify the Permit to require weekly rather than daily operator inspections; transfer ownership of WWTF to the Town of Prosperity, if the Town receives funding and is willing to accept ownership and eliminate the WWTF; if the Town does not receive funding, then within thirty (30) days of notification, install a high water alarm for the lagoon with telemetry capable of notifying the operator of high water levels; if the Town eliminates the WWTF but does not accept responsibility and ownership of the lagoon, close out the lagoon within one hundred eighty (180) days of eliminating the WWTF; and, pay a civil penalty in the amount of two thousand four hundred and twenty-five dollars (**\$2,425.00**) in quarterly installments.

24) Order Type and Number: Consent Order 10-020-W
 Order Date: April 27, 2010
 Respondent: **U.S. Army Corps of Engineers**
 Facility: St. Stephen Power Plant
 Location/Mailing Address: P.O. Box 940
 Saint Stephen, SC 29479

County: Berkeley
Previous Orders: 07-180-W (\$0)
Permit/ID Number: SC0047937
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(2008); S.C. Reg. 61-9.122.21 (d) (Supp. 2009)

Summary: The U.S. Army Corps of Engineers (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) serving the St. Stephen Power Plant. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulation in that it failed to submit an administratively complete application for its National Pollutant Discharge Elimination System (NPDES) Permit at least 180 days before the expiration date of the existing permit.

Action: The Respondent is required to: submit an administratively complete permit application; continue to operate the WWTF in accordance with the most recently issued NPDES Permit until a new permit becomes effective; and, pay a civil penalty in the amount of two thousand dollars (\$2,000.00).

25) Order Type and Number: Consent Order 10-021-W
Order Date: April 27, 2010
Respondent: **United Utility Companies, Inc.**
Facility: Highland Forest Subdivision
Location/Mailing Address: P.O. Box 4509
West Columbia, SC 29171-4509
County: Greenwood
Previous Orders: None
Permit/ID Number: SC0034444
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(2008); S.C. Reg. 61-9.122.41 (a) and (e) (Supp. 2009)

Summary: United Utility Companies, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) serving the residents of Highland Forest Subdivision. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulation by failing to comply with the effluent limits for total copper contained in its National Pollutant Discharge Elimination System (NPDES) Permit for the facility.

Action: The Respondent is required to: submit the results of a water effects ratio (WER) study to determine if Permit limits are appropriate for the receiving stream; if WER indicates Permit limits are not appropriate, submit application for modification of Permit effluent limits; if the WER indicates that current Permit limits are appropriate or if modified Permit limits cannot be met, submit a preliminary engineering report (PER) for upgrades to ensure compliance

with the Permit; provide a written response to PER comments from the Department within thirty (30) days of receipt; within thirty (30) days of PER approval, submit plans, specifications and an application for a permit to construct upgrades to comply with NPDES Permit; begin construction within sixty (60) days of issuance of permit to construct upgrades; complete construction of upgrades and request final approval within one hundred eighty (180) days of beginning construction; pay a civil penalty in the amount of three thousand four hundred dollars (**\$3,400.00**); and, pay a stipulated penalty of five thousand dollars (\$5,000.00) if the Respondent fails to meet a schedule date plus five thousand dollars (\$5,000.00) for each and every additional month the Respondent fails to meet that schedule date, unless extended by mutual agreement through further amendment of the Consent Order.

BUREAU OF AIR QUALITY

26)	<u>Order Type and Number:</u>	Consent Order 10-018-A
	<u>Order Date:</u>	April 2, 2010
	<u>Respondent:</u>	Montenay Charleston Resource Recovery, Inc.
	<u>Facility:</u>	Montenay Charleston Resource Recovery, Inc.
	<u>Location/Mailing Address:</u>	1801 Shipyard Creek Road North Charleston, S.C. 29405
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	06-048-A (\$9,000)
	<u>Permit/ID Number:</u>	TV-0560-0196
	<u>Violations Cited:</u>	U.S. EPA Regulations at 40 CFR 33b(a)(2)(i), SC Code Ann. 48-1-90(a), South Carolina Air Pollution Control Regulation 61-62.60 - Subpart Cb

Summary: Montenay Charleston Resource Recovery, Inc. (Respondent) was a resource recovery facility that recaptures energy by burning municipal solid waste generated in Charleston County. The Department issued Part 70 (TitleV) Air Quality Permit TV-0560-0196 to Respondent, effective May 1, 2001. The Respondent violated Federal and State Regulations and its Permit in that it exceeded its emissions limits for cadmium and lead during a November 18, 2008 Department-approved source test on Boiler B2.

Action: The Respondent has agreed to pay to the Department a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**). The penalty has been paid.

27)	<u>Order Type and Number:</u>	Consent Order 10-019-A
-----	-------------------------------	------------------------

<u>Order Date:</u>	April 12, 2010
<u>Respondent:</u>	University of South Carolina
<u>Facility:</u>	University of South Carolina
<u>Location/Mailing Address:</u>	306 Benson School Columbia, S.C.
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	N/A
<u>Violations Cited:</u>	U.S. EPA Regulations 40 CFR Part 61.145 and 61.150; and South Carolina Air Pollution Control Regulation 61-86.1, Sections IV, V, VI, and X.

Summary: The University of South Carolina (Respondent) is a public higher-education institution. The Respondent violated U.S. EPA Regulations at 40 CFR Part 61, and South Carolina Air Pollution Control Regulations as follows: failed to ensure that a thorough building inspection was performed prior to beginning renovation activities; failed to submit a written notice of intent to renovate to the Department; failed to ensure that all asbestos-containing materials were removed in accordance with the applicable work practice requirements while engaged in a renovation project involving regulated asbestos-containing material ("RACM"); failed to ensure that all asbestos-containing materials were properly disposed of; failed to use licensed workers while engaged in an asbestos project involving RACM; failed to obtain a Department-issued asbestos project license prior to beginning a renovation project involving RACM; failed to properly collect a sufficient number of bulk samples while performing an asbestos survey; and, failed to ensure that all preparation and cleanup requirements were followed while engaged in a renovation project involving RACM.

Action: The Respondent is required to: ensure that a thorough building inspection is performed prior to engaging in any future renovation or demolition operations; submit all applicable notifications to the Department in accordance with the state and federal regulations; ensure that all workers are licensed by the Department prior to engaging in projects involving RACM; ensure that all future work practice, cleanup, disposal, and air sampling and analysis procedures are followed and performed in accordance with state and federal regulations; and, pay a civil penalty in the amount of seventeen thousand five hundred dollars (**\$17,500.00**). The penalty has been paid.

28)	<u>Order Type and Number:</u>	Consent Order 10-020-A
	<u>Order Date:</u>	April 2, 2010
	<u>Respondent:</u>	Elite Customs Inc.
	<u>Facility:</u>	Elite Customs Inc.
	<u>Location/Mailing Address:</u>	290 Alice Street, Spartanburg, S.C./

1504 Asheville Hwy, Spartanburg,
S.C.

County: Spartanburg
Previous Orders: None
Permit/ID Number: 2060-0464
Violations Cited: South Carolina Air Pollution
Control Regulation 61-61.1; South Carolina Air Pollution Control
Regulation 61-61.6; SC Code Ann 48-1-110(d)

Summary: Elite Customs Inc. (Respondent) is an automobile restoration operation. The Department issued State Air Quality Permit 2060-0464 to Respondent, effective August 27, 2008. The Respondent violated State Regulations and its Permit in that it caused excessive fugitive PM emissions and failed to: obtain a construction permit prior to installing sources of air contaminants; obtain an operating permit prior to placing the sources into operation; implement a daily inspection schedule for its control device(s); and document daily operating times for the painting and blasting operations.

Action: The Respondent has agreed to: obtain all necessary Department-issued permits; control fugitive PM emissions from its operations; ensure that process and control equipment are operated in a manner consistent with good practices of minimizing emissions; comply with the terms and conditions of its Permit; and, pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**) in five equal installments in the amount of seven hundred dollars (\$700.00).

29) Order Type and Number: Consent Order 10-023-A
Order Date: April 12, 2010
Respondent: **Mr. Tim Odom**
Facility: Mr. Tim Odom
Location/Mailing Address: 9 Ruby Street
Gloversville, S.C. 29828
County: Aiken
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Air Control
Regulation 61-62.2, Prohibition of Open Burning

Summary: Mr. Tim Odom (Respondent) owns residential property located at 9 Ruby Street in Gloversville, South Carolina. The Respondent violated South Carolina Air Control Regulations in that he allowed materials to be burned other than those allowed by the regulations.

Action: The Respondent is required to: cease all open burning, except as in compliance with South Carolina Air Pollution Control Regulation 61-62.2; pay

a civil penalty of three hundred dollars (**\$300.00**) in two equal installments of one hundred fifty dollars (\$150.00); and, pay a suspended penalty in the amount of two thousand seven hundred dollars (\$2,700.00) should the Respondent fail to meet the requirements of the Order. The first payment has been paid.

- 30) Order Type and Number: Consent Order 10-024-A
Order Date: April 12, 2010
Respondent: **Ivey's Home Furnishings, Inc.**
Facility: Ivey's Home Furnishings, Inc.
Location/Mailing Address: 3618 Lockhart Highway
Union, S.C. 29379
County: Union
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning

Summary: Ivey's Home Furnishings, Inc. (Respondent) owns and operates a retail furniture store in Union, South Carolina. Respondent burned materials prohibited by the regulation.

Action: Respondent is required to cease open burning, except as in compliance with South Carolina Air Pollution Control Regulation 61-62.2; pay a civil penalty in the amount five hundred dollars (**\$500.00**); and, pay a suspended penalty in the amount of four thousand five hundred dollars (\$4,500.00) should the Respondent fail to meet the requirements of the Order.

- 31) Order Type and Number: Consent Order 10-025-A
Order Date: April 12, 2010
Respondent: **Target Contractors, LLC**
Facility: Target Contractors, LLC
Location/Mailing Address: 16011 Samar Ct.
Tega Cay, S.C. 29708
County: Chester
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: U.S. EPA Regulations 40 CFR Part 61.145; and South Carolina Air Pollution Control Regulation 61-86.1, Sections IV, V, VI, and XVI.

Summary: Target Contractors, LLC (Respondent) is a demolition contractor specializing in industrial mill demolition. The Respondent violated U.S. EPA Regulations at 40 CFR Part 61, and South Carolina Air Pollution Control Regulations as follows: failed to ensure that a building inspection was

performed prior to beginning demolition operations; failed to submit a written notice of intent to demolish; failed to ensure that all asbestos-containing materials were removed prior to engaging in a demolition asbestos project; failed to obtain a Department-issued asbestos project license prior to beginning demolition operations; and, failed to use workers licensed by the Department while engaging in an asbestos project involving regulated asbestos-containing material ("RACM").

Action: The Respondent is required to: ensure that a building inspection is performed prior to engaging in any future renovation or demolition operations; submit all applicable notifications to the Department in accordance with the state and federal regulations; obtain the applicable license prior to engaging in projects involving RACM; remove and dispose of all RACM and contaminated debris at the Site in accordance with the regulations and Department-approved asbestos removal project design; secure the Site and restrict access to authorized personnel only; securely cover the berm at the Site and ensure that the berm is covered at all times until all RACM has been properly removed from the Site; submit semiannual asbestos abatement progress reports; and, pay a civil penalty in the amount of seven thousand five hundred dollars (\$7,500.00).

32) <u>Order Type and Number:</u>	Consent Order 10-026-A
<u>Order Date:</u>	April 12, 2010
<u>Respondent:</u>	South Carolina Public Service Authority
<u>Facility:</u>	Santee Cooper Cross Generating Station
<u>Location/Mailing Address:</u>	553 Cross Station, Pineville, SC/ P.O. Box 2946101 Moncks Corner, S.C. 29461
<u>County:</u>	Berkeley
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	TV-0420-0030
<u>Violations Cited:</u>	SC Code Ann. 48-1-90(a)

Summary: South Carolina Public Service Authority (Respondent), also known as Santee Cooper, is a state-owned electric and water utility. The Department issued Part 70 (TitleV) Air Quality Permit TV-0420-0030 to Respondent, effective January 1, 2007. The Respondent violated its Permit in that it exceeded the following emission limits for sulfuric acid, carbon monoxide, manganese, nickel, and lead.

Action: The Respondent has agreed to: submit a plan for Department approval that specifies an interim methodology for establishing parametric monitoring for sulfuric acid emissions; conduct additional testing on each boiler to determine the appropriateness of the current sulfuric acid limits; conduct any

additional Bureau-approved source tests if determined necessary after review of test results; and, pay a civil penalty in the amount of forty-seven thousand five hundred dollars (**\$47,500.00**).

- 33) Order Type and Number: Consent Order 10-027-A
Order Date: April 12, 2010
Respondent: **Central Packaging & Crating, Inc.**
Facility: Central Packaging & Crating, Inc.
Location/Mailing Address: 102 Joe Bernat Drive
Greenwood, S.C.
County: Greenwood
Previous Orders: None
Permit/ID Number: CM-1240-0102
Violations Cited: S.C. Code Ann. Section 48-1-110(d)
and South Carolina Air Pollution Control Regulation 61-62.1

Summary: Central Packaging & Crating, Inc. (Respondent) manufactures wooden shipping crates and pallets. The Department issued to the Respondent Conditional Major Permit 1240-0102, effective January 1, 2009 (Permit). The Respondent violated the Pollution Control Act in that it failed to document weekly operation and maintenance checks of the cyclones, ductwork, dust collection hoppers, and conveying systems as required by its Permit. The Respondent also violated South Carolina Air Pollution Control Regulations in that it failed to: obtain a construction permit prior to installing additional sources; and request an operating permit within 15 days after the actual date of initial startup of air emission sources as required by its Permit.

Action: The Respondent is required to: obtain a construction permit prior to constructing, altering, or adding to a source of air contaminants and request to obtain an operating permit no later than 15 days following the initial startup; document inspections and maintenance and keep records on all applicable equipment as required by its Permit; and, pay a civil penalty of four thousand eight hundred dollars (**\$4,800.00**) in two payments of two thousand four hundred dollars (\$2,400.00). The first payment has been received.

- 34) Order Type and Number: Consent Order 10-031-A
Order Date: April 22, 2010
Respondent: **LVI Environmental Services of North Carolina**
Facility: Naval Weapons Station
Location/Mailing Address: Knutson Street, Charleston, SC
1201 Childers Rd, OrangeTX 77630
County: Charleston
Previous Orders: 07-010-A (\$20,000)

Permit/ID Number: N0806428
Violations Cited: US EPA 40 CFR Part 61 and South Carolina Air Pollution Control Regulation 61-86.1

Summary: LVI Environmental Services of North Carolina (Respondent) is an asbestos abatement contractor. The Department issued Asbestos Abatement Project License N0806428 for asbestos removal activities taking place within the military housing units at the Naval Weapons Station. The Respondent violated US EPA Regulations, South Carolina Air Pollution Control Regulations and Consent Order 07-010-A as follows: failed to perform background air monitoring prior to the start of abatement activities; failed to perform daily air monitoring once abatement activities began; failed to ensure that all asbestos waste bags were properly labeled; failed to ensure that metal dumpsters were lined and remained closed and locked while loading and unloading was not occurring; failed to ensure bags within transport vehicle were leak-tight and free of splits, rips, and tears; failed to ensure that critical barriers for electrical outlets and around negative air exhaust area remained leak-tight for the duration of the asbestos abatement; failed to ensure that all movable objects were cleaned and removed from the work area; failed to ensure that all non-movable objects were cleaned and covered; failed to ensure that sheeting to isolate the contaminated areas was maintained at all times; failed to ensure that walls not included in the abatement project were covered; failed to have the necessary air locks in the decontamination enclosure system; failed to ensure that a clear view port was constructed in an external wall of the work area; and, allowed RACM to accumulate and become dry during removal.

Action: The Respondent is required to: adhere to all applicable asbestos abatement notification, licensing, monitoring, work practice and disposal requirements and pay a civil penalty in the amount of thirty-three thousand five hundred dollars (**\$33,500.00**).