

SUMMARY SHEET  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

February 10, 2022

- ( ) ACTION/DECISION  
(X) INFORMATION

- I. TITLE:** Healthcare Quality Administrative and Consent Orders.
- II. SUBJECT:** Healthcare Quality Administrative Orders and Consent Orders for the period of December 1, 2021, through December 31, 2021.
- III. FACTS:** For the period of December 1, 2021, through December 31, 2021, Healthcare Quality reports five (5) Consent Orders totaling \$18,100 in assessed monetary penalties.

Name of Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Community Residential Care Facility (CRCF)	0	3	\$15,300	\$15,300
Healthcare Systems and Services	Emergency Medical Services (EMS) Agency	0	1	\$2,500	\$2,500
	Emergency Medical Technician (EMT)	0	1	\$300	\$300
<b>TOTAL</b>		<b>0</b>	<b>5</b>	<b>\$18,100</b>	<b>\$18,100</b>

Submitted By:

*Gwendolyn C. Thompson*

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Gwen C. Thompson  
Deputy Director  
Healthcare Quality

HEALTHCARE QUALITY ENFORCEMENT REPORT  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

February 10, 2022

**Bureau of Community Care**

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Community Residential Care Facility (CRCF)	482	22,122

**1. Benton House of Bluffton – Bluffton, SC**

Inspections and Investigations: The Department conducted complaint investigations in March 2021 and May 2021 and found the facility violated regulatory requirements.

Violations: The Department found the facility violated Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*, by failing to ensure a resident’s safety and the supervision of a resident in accordance with the individual care plan. Moreover, the facility failed to ensure that residents were protected from physical abuse as outlined in the Bill of Rights for Residents of Long-Term Care Facilities.

Enforcement Action: The parties agreed to resolve the matter with a consent order. The parties executed a consent order imposing a civil monetary penalty of five thousand dollars (\$5,000) against the facility. The facility was required to pay the full amount of the assessed monetary penalty within thirty (30) days of the execution of the Consent Order. The facility also agreed to schedule and attend a compliance assistance meeting with the Department within forty-five (45) days of executing the Consent Order.

Remedial Action: The facility has paid the full amount of the assessed monetary penalty, totaling \$5,000. The compliance assistance meeting was scheduled to take place February 2, 2022.

Prior Actions: None in the past five (5) years.

## **2. Palmetto Ridge Assisted Living and Memory Care – Cheraw, SC**

Inspections and Investigations: The Department conducted several complaint investigations in March 2021 and July 2021, a routine inspection in April 2021, a routine follow-up inspection in July 2021, and issued two (2) citations-by-mail to the facility in June 2021.

Violations: The Department found the facility violated Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*, by failing to submit two (2) acceptable plans of correction for violations cited from two (2) investigations. The Department further found the facility failed to administer medications in accordance with physicians' orders, failed to have residents' physician-ordered medications available for administration, failed to properly initial residents' medication administration records (MARs) as the medications were administered, failed to have documented reviews of the MARs at each shift change by outgoing staff with incoming staff, failed to ensure medication were kept in original containers or packaging, and failed to ensure expired and/or discontinued medications were not stored with current medications. Moreover, the facility failed to document review of the controlled substance sheets at each shift change by outgoing staff with incoming staff.

Enforcement Action: The parties agreed to resolve the matter with a consent order. The parties executed a consent order imposing a civil monetary penalty of ten thousand three hundred dollars (\$10,300) against the facility. The facility was required to pay the assessed monetary penalty in four (4) monthly payments of two thousand five hundred seventy-five dollars (\$2,575) each. The facility also agreed to schedule and attend a compliance assistance meeting with the Department within forty-five (45) days of executing the Consent Order.

Remedial Action: The facility paid the first monthly payment, totaling \$2,575. The compliance assistance meeting was held on January 27, 2022.

Prior Actions: None in the past five (5) years.

## **3. Hannah Residential Manor – Pamplico, SC**

Inspections and Investigations: The Department conducted a complaint investigation in December 2021, and found the facility violated regulatory requirements.

Violations: The Department found the facility violated Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*, by failing to maintain its main building in good repair and operating condition. The Department found the facility did not maintain the roof in good repair and was affecting the structural integrity of the roof and the safety of the building's electrical system.

Enforcement Action: The parties agreed to resolve the matter with a consent order. The facility agreed to immediately cease occupying and utilizing its main building which includes, but is not limited to, all administrative areas, resident rooms, and the kitchen and dining areas, until the following conditions have been fulfilled, as determined by the Department:

- (1) The facility will have an engineer, licensed in South Carolina, inspect its roof, and issue a written report that details any repairs necessary to ensure the structural integrity of the roof.
- (2) The facility will have an electrician, licensed in South Carolina, inspect its electrical system, and issue a written report that details any repairs necessary to ensure a safe electrical system.

- (3) The facility will send both reports to the Department.
- (4) The facility will complete any necessary repairs, as described in the reports. To the extent repairs are required, the facility will notify and coordinate with the Department pursuant to S.C. Code Section 44-7-320 and Regulation 61-84, Section 301.
- (5) Upon completion of the necessary repairs and any applicable construction requirement, the Department will issue a letter allowing the facility to occupy and utilize the main building.
- (6) The facility agreed to implement its emergency evacuation plan and relocate the residents who reside in the main building by December 27, 2021. The facility is required to coordinate with the residents' responsible patients and appropriate agencies for relocation of the residents.
- (7) The facility agreed to limit operations to its smaller building, which has a licensed bed capacity of eight (8) beds, and provide the Department with a written plan for the continuity care for the remaining residents including food service, activities, and medication storage.
- (8) The facility agreed to provide the Department with a weekly e-mail addressing the relocation of the residents in the main building, the continuity of care of the residents in the smaller building, and the inspection and repair of the main building's roof.

Remedial Action: As of January 31, 2022, the facility has not fulfilled conditions (1), (2), (3), (4) and (5). The facility has fulfilled conditions (6) and (7), and is currently fulfilling condition (8) as of January 31, 2022. The actions that fulfilled conditions (6) and (7) included the relocation of fifty-two (52) residents to other facilities and eight (8) residents to the facility's smaller building. In addition, Department staff conducted an inspection on January 25, 2022 and found the large main building of facility was vacated, locked, and not accessible to residents or staff.

Prior Actions: None in the past five (5) years.

**Bureau of Healthcare Systems and Services**

License Type	Total Number of EMS Agencies
Emergency Medical Services (EMS) Agency	273

**4. Lifeline Ambulance – Lugoff, SC**

Inspections and Investigations: The Department conducted an investigation beginning in May 2021, and found the agency was in violation of a regulatory requirement.

Violations: The Department found the agency was in violation of Regulation 61-7, *Emergency Medical Services*, because the agency allowed an emergency medical technician with an expired certification to provide patient care for 43 patient encounters. The Department concluded that the agency violated S.C.

Code Section 44-61-50 and Regulation 61-7 because they require all ambulance attendants to have a valid emergency medical technician certificate, and require all persons providing patient care within the scope of an emergency medical technician to have the proper South Carolina certification from the Department.

Enforcement Action: The parties agreed to resolve the matter with a consent order. The parties executed a consent order assessing a monetary penalty of two thousand five hundred dollars (\$2,500) against the agency. The agency is required to pay the assessed monetary penalty within thirty (30) days of the execution of the Consent Order. The agency is required to submit a written plan of correction within forty-five (45) days of execution of the Consent Order. The Department will conduct a follow-up inspection within sixty (60) days of execution of the Consent Order.

Remedial Action: The agency made the required payment, in full, totaling \$2,500. The agency submitted a written plan of correction. The Department is scheduling the follow-up inspection.

Prior Actions: None in the past five (5) years.

Level of Certification	Total Number of Certified EMTs
Emergency Medical Technician (EMT)	7,178

## 5. Thomas Davis – EMT

Inspections and Investigations: The Department received a complaint in January 2021, and after conducting an investigation, found that the EMT was in violation of regulatory requirements.

Violations: The Department determined that the EMT was in violation of Regulation 61-7, *Emergency Medical Services*, for committing misconduct as defined in S.C. Code Section 44-61-80(F) for performing an advanced skill above the level for which he was certified or trained. The Department found that the EMT operated outside of his scope of practice and training as an EMT by transporting a patient with a medicated intravenous (IV) solution.

Enforcement Action: The parties agreed to resolve the matter with a consent order. The parties executed a consent order assessing a monetary penalty of three hundred dollars (\$300) against the EMT. The EMT is required to pay the full amount of the assessed monetary penalty within thirty (30) days of execution of the Consent Order.

Remedial Action: The EMT made the required payment, in full, totaling \$300.

Prior Actions: None in past five (5) years.

SUMMARY SHEET  
 BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
 February 10, 2022

\_\_\_\_\_ ACTION/DECISION

  X   INFORMATION

1. **TITLE:** Administrative and Consent Orders issued by the Office of Environmental Affairs.
2. **SUBJECT:** Administrative and Consent Orders issued by the Office of Environmental Affairs during the period December 1, 2021, through December 31, 2021.
3. **FACTS:** For the reporting period of December 1, 2021, through December 31, 2021, the Office of Environmental Affairs issued forty-six (46) Consent Orders with total assessed civil penalties in the amount of one hundred seventy-three thousand, sixty dollars (\$173,060.00). Also, one (1) Administrative Order with total assessed civil penalties in the amount of one thousand, four hundred ten dollars (\$1,410.00) was reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
<b>Land and Waste Management</b>				
UST Program	0	0	3	\$30,850.00
Aboveground Tanks	0	0	0	0
Solid Waste	1	\$1,410.00	2	\$18,300.00
Hazardous Waste	0	0	2	\$19,500.00
Infectious Waste	0	0	0	0
Mining	0	0	0	0
<b>SUBTOTAL</b>	<b>1</b>	<b>\$1,410.00</b>	<b>7</b>	<b>\$68,650.00</b>
<b>Water</b>				
Recreational Water	0	0	21	\$27,460.00
Drinking Water	0	0	3	\$8,100.00
Water Pollution	0	0	5	\$23,050.00
Dam Safety	0	0	0	0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>\$58,610.00</b>
<b>Air Quality</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>\$32,000.00</b>
<b>Environmental Health Services</b>				
Food Safety	0	0	8	\$13,800.00
Onsite Wastewater	0	0	0	0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>\$13,800.00</b>
<b>OCRM</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>1</b>	<b>\$1,410.00</b>	<b>46</b>	<b>\$173,060.00</b>

Submitted by:

Myra C. Reece  
 Myra C. Reece  
 Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
February 10, 2022**

**BUREAU OF LAND AND WASTE MANAGEMENT**

**Underground Storage Tank Enforcement**

- 1) Order Type and Number: Consent Order 21-0417-UST  
Order Date: December 15, 2021  
Individual/Entity: **Bahuchar Mata, LLC**  
Facility: Quickway 8  
Location: 1003 Reynolds Avenue  
Greenwood, SC 29649  
Mailing Address: Bahuchar Mata, LLC  
311 Oakmonte Circle  
Greenville, SC 29649  
County: Greenwood  
Previous Orders: None  
Permit/ID Number: 04671  
Violations Cited: The State Underground Petroleum  
Environmental Response Bank Act of 1988 (SUPERB Act), and South Carolina  
Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92,  
280.20(a)(2)(iv), 31(b)(1), 34(c), 70(a), and 70(c) (2012 and Supp. 2020).

Summary: Bahuchar Mata, LLC, (Individual/Entity) is the owner of underground storage tanks (USTs) located in Greenwood County, South Carolina. On June 11, 2021, the Department issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to conduct a triennial cathodic protection test on the UST system.

Action: The Individual/Entity is required to: submit a completed Tank and Sludge Disposal Form for the permanent closure of the USTs by January 27, 2022, and within sixty (60) days of the Department's approval of the UST Tank and Sludge Disposal Form, permanently close the USTs and submit an UST Closure and Assessment Report to the Department. The Department has assessed a total civil penalty in the amount of twenty thousand, two hundred fifty dollars (\$20,250.00). The Individual/Entity shall pay a civil penalty in the amount of twenty thousand, two hundred fifty dollars (**\$20,250.00**) by January 27, 2022.

Update: The Tank and Sludge Disposal Form was received by the Department on December 10, 2021.

- 2) Order Type and Number: Consent Order 21-0504-UST  
Order Date: December 16, 2021  
Individual/Entity: **Shree-Ji Bishopville, LLC**  
Facility: B&H Mini Mart  
Location: 2457 Sumter Highway  
Bishopville, SC 29010  
Mailing Address: Same

County: Lee  
Previous Orders: None  
Permit/ID Number: 18078  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-60(A) et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.93(a), 280.110(c), 280.243(a) (2012 & Supp 2020).

Summary: Shree-Ji Bishopville, LLC (Individual/Entity) owns and operates underground storage tanks in Lee County, South Carolina. The Department conducted an inspection and issued a Notice of Alleged Violation on July 12, 2021. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; failed to obtain supplemental Class A/B Operator training before May 26, 2020; and failed to pay to the Department annual UST registration fees.

Action: The Individual/Entity is required to: pay annual tank registration fees and associated late fees for fiscal year 2022 in the amount of one hundred twenty-one dollars (\$121.00); submit a completed Certificate of Financial Responsibility form and evidence of financial assurance; and submit proof that all Class A/B Operators have completed supplemental training by January 31, 2022. The Department has assessed a civil penalty in the amount of one thousand, eight hundred fifty dollars (\$1,850.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, eight hundred fifty dollars (**\$1,850.00**) by January 31, 2022.

Update: The Class A/B Operator completed supplemental training on December 8, 2021.

3) Order Type and Number: Consent Order 21-0541-UST  
Order Date: December 16, 2021  
Individual/Entity: **Bahuchar Mata, LLC**  
Facility: Quick Pantry 19  
Location: 1802 South Main Street  
Greenwood, SC 29646  
Mailing Address: 311 Oakmonte Circle  
Greenwood, SC 29649  
County: Greenwood  
Previous Orders: 21-0041-UST (\$7,000.00)  
Permit/ID Number: 04785  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.26(f) (2012 and Supp. 2020).

Summary: Bahuchar Mata, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) in Greenwood County, South Carolina. On September 29, 2021, the Department issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: delivered fuel into an UST which was under Delivery Prohibition.



Action: The Individual/Entity corrected all violations prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of eight thousand, seven hundred fifty dollars (\$8,750.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand, seven hundred fifty dollars (**\$8,750.00**) by January 31, 2022.

Update: None.

### **Solid Waste Enforcement**

- 4) Order Type and Number: Administrative Order 21-08-SW  
Order Date: December 13, 2021  
Individual/Entity: **James Bob Caddell, II**  
Facility: Residence  
Location: 135 Tabernacle Church Road  
McBee, SC 29101  
Mailing Address: Same  
County: Chesterfield  
Previous Orders: None  
Permit/ID Number: None  
Violations Cited: The South Carolina Solid Waste Policy and Management Act of 1991 (Rev.2018 & Supp. 2019), and South Carolina Solid Waste Management: Waste Tires, 8 S.C. Code Ann. Regs., R. 61-107.3 Part III.A.1 (Rev. 2015).

Summary: James Bob Caddell, II (Individual/Entity) owns property located in Chesterfield County, South Carolina. On April 12, 2021, the Department issued a Notice of Alleged Violation in response to a complaint. The Individual/Entity has violated the Solid Waste and Management Act and the South Carolina Solid Waste Management: Waste Tires Regulations as follows: operated a waste tire collection facility without a department issued permit.

Action: The Individual/Entity is required to: remove and properly dispose of the waste tires exceeding the amount of one hundred twenty (120) and provide disposal receipts to the Department by February 14, 2022. The Department has assessed a total civil penalty in the amount of one thousand, four hundred ten dollars (\$1,410.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, four hundred ten dollars (**\$1,410.00**) by February 14, 2022.

Update: No RFR was filed. Tires have been removed and properly disposed.

- 5) Order Type and Number: Consent Order 21-12-SW  
Order Date: December 13, 2021  
Individual/Entity: **Oconee County**  
Facilities: Seneca Transfer Station  
Seneca Class 2 Landfill  
Location: 15026 Wells Highway/  
15031 Wells Highway  
Seneca, SC 29678

Mailing Address: 15026 Wells Highway  
Seneca, SC 29678

County: Oconee

Previous Orders: 18-17-SW (\$1,800.00 – Transfer Station)  
and 18-18-SW (\$3,600.00 – Class 2  
Landfill)

Permit/ID Number: 371001-6001 and 371001-1202 respectively

Violations Cited: South Carolina Solid Waste Policy and  
Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp.  
2018); Solid Waste Management: Transfer of Solid Waste Regulation, C.2. and  
F.3. (2012); Solid Waste Management: Solid Waste Landfills and Structural Fill  
Regulation, R.61-107.19, Part IV.C.5, Part IV.C.6, Part IV.C.7, and Part IV.C.9  
(Rev. 2008 and Supp. 2016); and the Permit #371001-1202, Section A.3.

Summary: Oconee County (Individual/Entity), operates a Transfer Station and a Class 2 Landfill located in Oconee County, South Carolina. The Department conducted inspections of the Transfer Station on August 30, 2021, and September 30, 2021. Inspections were also conducted at the Landfill on July 26, 2021, August 30, 2021, and September 30, 2021. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, the Solid Waste Management: Transfer of Solid Waste Regulation, the Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation and the Permit, as follows: failed to properly manage leachate at the Transfer Facility; failed to cover waste debris at least once every thirty (30) days at the Class 2 Landfill; failed to contain the working face to as small an area as equipment can safely and efficiently work at the Class 2 Landfill; failed to maintain slopes of 3:1 at the Class 2 Landfill; and failed to compact all waste to the smallest practicable volume at the Class 2 Landfill; and disposed of more waste than their permitted disposal rate of thirty-seven thousand, six hundred and fifteen (37,615) tons per fiscal year at the Class 2 Landfill.

Action: The Individual/Entity is required to at the Landfill: reduce the size of the working face to as small an area as the equipment can safely and efficiently operate; reduce the slopes to 3:1 and maintain slopes at 3:1; improve compaction of solid waste to maintain the appropriate slopes; and place no less than six (6) inches of suitable cover material over all exposed waste material at least every thirty (30) days by February 11, 2022.

The Individual/Entity is also required to at the Transfer Station: complete all construction of the stormwater retention pond in accordance with the NPDES permit by February 11, 2022; and, prior to completion of the stormwater retention pond, manage leachate to prevent leachate from entering the environment and/or leaving the Transfer Station.

The Department has assessed a civil penalty of twelve thousand, three hundred dollars (\$12,300.00) for violations of R.61-107.19 and the Permit, and a civil penalty of five thousand dollars (\$5,000.00) for violations of R.61-107.7. The Individual/Entity shall pay a combined civil penalty of seventeen thousand, three hundred dollars (\$17,300.00) for violations at both Facilities by January 27, 2022.

Update: Based on an inspection conducted on December 6, 2021, the Class 2 Landfill has met the compliance requirements of the Order. The civil penalty has been paid in full.

6) Order Type and Number: Consent Order 21-14-SW  
Order Date: December 15, 2021

Individual/Entity: **B&W Excavating, Inc.**  
Facility: B&W Excavating, Inc.  
Location: 1134 Mount Arthur Drive  
Graniteville, SC  
Mailing Address: P. O. Box 792  
New Ellenton, SC 29809  
County: Aiken  
Previous Orders: None  
Permit/ID Number: 022740-1701  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (Rev. 2002 and Supp. 2019) (Act), Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation (2002 & Supp. 2016) (Regulation), R.61-107.19, Part I.9.b., and Permit # 022740-1701 (Permit).

Summary: B&W Excavating, Inc. (Individual/Entity), owns a Class 1 Landfill located in Aiken County, South Carolina. Based on an annual report received on August 30, 2021 and the enforcement conference, the Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation and Permit 022740-1701 as follows: exceeded the annual permitted amount of solid waste.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by January 31, 2022.

Update: The Individual/Entity has paid the civil penalty. The Order is closed.

### **Hazardous Waste Enforcement**

7) Order Type and Number: Consent Order 21-14-HW  
Order Date: December 8, 2021  
Individual/Entity: **Contec, Inc.**  
Facility: Contec, Inc.  
Location: 252 Locust Grove  
Spartanburg, SC 29303  
Mailing Address: P.O. Box 530  
Spartanburg, SC 29304  
County: Spartanburg  
Previous Orders: 16-02-HW (\$6,180.00)  
Permit/ID Number: SCR 000 073 528  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2018).

Summary: Contec, Inc. (Individual/Entity), specializes in the manufacturing of contamination control products for mission-critical cleaning located in Spartanburg County, South Carolina. The Department conducted an inspection on January 25, 2021.

The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to accumulate hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste; failed to attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility; failed to maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency; failed to ensure that facility personnel must take part in an annual review of the initial training as required; failed to record a description, the EPA hazardous waste number, DOT hazardous class, and quantity of each hazardous waste shipped offsite for shipments to a treatment, storage, or disposal facility within the United States and this information must be listed by the EPA identification number of each such facility to which waste was shipped; failed to record the types and quantities of such wastes shipped for offsite treatment and disposal; failed to submit the information on a form designated by the Department and according to the instructions included with such form; failed to describe in the contingency plan arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee; failed to include in the contingency plan, a list of all emergency equipment at the facility, where this equipment is required; failed to include in the contingency plan and evacuation plan for generator personnel where there is a possibility that evacuation could be necessary; failed to submit a copy of the contingency plan and all revisions to all local emergency responders; failed to include the types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time in the quick reference guide; failed to have the identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff in the quick reference guide; failed to have the identification of on-site notification systems, the name of the emergency coordinator(s) and twenty-four (24) hour, seven (7)-days-a-week emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator in the contingency plan; failed to ensure that containers holding hazardous waste must be closed at all times during accumulation, except: when adding, removing, or consolidating waste; and failed to maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste for at least three (3) years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

Action: The Individual/Entity has corrected all violations. The Department assessed a total civil penalty in the amount of seven thousand, five hundred dollars (\$7,500.00). The Individual/Entity shall pay a civil penalty in the amount of seven thousand, five hundred dollars (**\$7,500.00**) by January 7, 2022.

Update: The Individual/Entity has paid the civil penalty. This Order is closed.

8)	<u>Order Type and Number:</u>	Consent Order 21-13-HW
	<u>Order Date:</u>	December 9, 2021
	<u>Individual/Entity:</u>	Univar Solutions USA, Inc.
	<u>Facility:</u>	Univar Solutions USA, Inc.
	<u>Location:</u>	2750 Southport Road Spartanburg, SC 29302

Mailing Address: Same  
County: Spartanburg  
Previous Orders: N/A  
Permit/ID Number: SCD 008 941 619  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2020).

Summary: Univar Solutions USA, Inc. (Individual/Entity) operates a wholesale bulk chemical distribution facility located in Spartanburg County, South Carolina. The Department conducted an inspection at a facility on February 26, 2021. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to maintain records to document its hazardous waste determinations; failed to file a revised or new Notification Form with the Department within thirty (30) days after first producing a new hazardous waste and when the company's Hazardous Waste Generator Index Form became inaccurate; failed to close containers during accumulation, except when adding and removing hazardous waste; failed to mark or label its containers with the words "Hazardous Waste" and an indication of the hazards of the contents; failed to submit Quarterly Reports to the Department that included a description, the EPA hazardous waste number, DOT hazardous class, and the types and quantities of such wastes as required by the instructions included with the form; failed to clean up any hazardous waste spillage that occurred during processing; failed to submit a copy of the contingency plan and all revisions along with a quick reference guide to all local emergency responders; and failed to maintain lamps in a manner to prevent a release and to keep such containers closed.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of twelve thousand dollars (\$12,000.00). The Individual/Entity is required to pay the total civil penalty in the amount of twelve thousand dollars (**\$12,000.00**) by January 10, 2022.

Update: The Individual/Entity submitted documentation between October 21, 2021, and November 11, 2021 that included waste profiles, copies of the contingency plan and the quick reference guide along with documentation of submittal to local responders, corrected Quarterly Reports, and an updated Waste Index Form as evidence of the corrective actions taken to correct the violations noted during the inspection. The civil penalty has been paid. The Order is closed.

## **BUREAU OF WATER**

### **Recreational Waters Enforcement**

9) Order Type and Number: Consent Order 21-215-RW  
Order Date: December 3, 2021  
Individual/Entity: **Rock Hill Holdings 124, LLC**  
Facility: Yorktowne Village Apartments  
Location: 2172 Ebinport Road  
Rock Hill, SC 29732

Mailing Address: Same  
County: York  
Previous Orders: None  
Permit/ID Number: 46-062-1 & 46-063-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Rock Hill Holdings 124, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in York County, South Carolina. The Department conducted inspections on July 1, 2021, and August 11, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail and a ladder were not tight and secure; there was no flow meter; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operational; the pool rules sign did not have all of the required rules; only one “Shallow Water – No Diving Allowed” sign was posted; there were no “No Lifeguard On Duty – Swim At Your Own Risk” signs posted; the current pool operator of record information was not posted to the public; the bound and numbered log book was not available for review at the pool and kiddie pool on the first inspections; and the bound and numbered log book was not maintained on a daily basis and the cyanuric acid level was not recorded on a weekly basis at the pool on the second inspection.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by December 30, 2021.

Update: The civil penalty has been paid.

10) Order Type and Number: Consent Order 21-216-RW  
Order Date: December 6, 2021  
Individual/Entity: **Westgate Plantation Community Association, Inc.**  
Facility: Westgate Plantation  
Location: Brisbane Way  
Spartanburg, SC 29301  
Mailing Address: Same  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: 42-1050B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Westgate Plantation Community Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Spartanburg County, South Carolina. The Department conducted inspections on June 14, 2021, and July 13, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: algae was present on the walls of the pool; there was debris in the skimmer baskets; the drinking water fountain was not operating properly; a water hose was left unattended in the pool; the flow meter was not operational; the chlorine and pH levels were not within the acceptable range of water quality standards; and the facility address was not posted at the emergency notification device.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 20, 2021.

Update: The civil penalty has been paid.

11) Order Type and Number: Consent Order 21-217-RW  
Order Date: December 7, 2021  
Individual/Entity: **Bluffton Investment, LLC**  
Facility: Comfort Suites  
Location: 23 Towne Drive  
Bluffton, SC 29910  
Mailing Address: Same  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: 07-1064B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Bluffton Investment, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on July 9, 2021, and August 11, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool deck was not clean; there was debris in the skimmer baskets; skimmer baskets were floating; the pool gate did not have a latch; a section of the perimeter fencing had openings greater than four inches; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope and the grabline on the life ring was deteriorated; the life ring was not hung in its designated location; the shepherd's crook was not properly mounted in its designated location; the facility address was not posted at the emergency notification device; the "Shallow Water – No Diving Allowed" signs posted and the "No Lifeguard On Duty – Swim At Your Own Risk" signs posted were in disrepair on the first inspection; and the "Shallow Water – No Diving Allowed" signs and the "No Lifeguard On Duty – Swim At Your Own Risk" signs were obstructed on the second inspection.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 27, 2021.

Update: The civil penalty has been paid.

12) Order Type and Number: Consent Order 21-218-RW  
Order Date: December 7, 2021  
Individual/Entity: **Waterway Landing Homeowner's Association II, Inc.**  
Facility: Waterway Landing  
Location: 201 2<sup>nd</sup> Ave Extension  
North Myrtle Beach, SC 29582

Mailing Address: P.O. Box 769  
North Myrtle Beach, SC 29597  
County: Horry  
Previous Orders: 18-183-RW (\$2,240.00)  
Permit/ID Number: 26-I02-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Waterway Landing Homeowner's Association II, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa located in Horry County, South Carolina. The Department conducted inspections on May 26, 2021, July 6, 2021, and September 27, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of four thousand, eight hundred dollars (\$4,800.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, eight hundred dollars **(\$4,800.00)** by December 25, 2021.

Update: The civil penalty has been paid.

13) Order Type and Number: Consent Order 21-219-RW  
Order Date: December 7, 2021  
Individual/Entity: **Greenwood at Ashley River DE, LLC**  
Facility: Greenwood at Ashley River  
Location: 6520 Dorchester Road  
North Charleston, SC 29418  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-113-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Greenwood at Ashley River DE, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 8, 2021, and July 13, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers and rungs; the drinking water fountain was not operating properly; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated; the emergency notification device was not operational; the current pool operator of record information was not posted to the public; the bound and numbered log book was not available for review on the first inspection; the log book was not properly bound and numbered and was not maintained on a daily basis on the second inspection; and the cyanuric acid level was not recorded on a weekly basis in the log book on the second inspection.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The



Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 22, 2021.

Update: The civil penalty has been paid.

- 14) Order Type and Number: Consent Order 21-220-RW  
Order Date: December 8, 2021  
Individual/Entity: **Wahoo Aquatic Club, Inc.**  
Facility: Live to Play  
Location: 1513 Mathis Ferry Road  
Mt. Pleasant, SC 29464  
Mailing Address: 164 Market Street, Suite 307  
Charleston, SC 29401  
County: Charleston  
Previous Orders: 20-141-RW (\$680.00)  
Permit/ID Number: 10-1196B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Wahoo Aquatic Club, Inc. (Individual/Entity) manages and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 25, 2021, and August 2, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was a hole on the pool deck posing a trip hazard; there was debris in the skimmer baskets; a gate was propped open; a gate did not self-close and latch; the emergency notification device was not operational; and the cyanuric acid level was not recorded on a weekly basis in the bound and numbered log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, six hundred dollars (**\$1,600.00**) by December 8, 2021.

Update: The civil penalty has been paid.

- 15) Order Type and Number: Consent Order 21-223-RW  
Order Date: December 13, 2021  
Individual/Entity: **MIG Ocean Sands, LLC**  
Facility: Best Western Ocean Sands  
Location: 1525 S Ocean Boulevard  
N Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-380-1 & 26-G33-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: MIG Ocean Sands, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool located in Horry County, South Carolina. The Department conducted inspections on June 8, 2021, July 12, 2021, and November 16, 2021, and violations were issued for failure to properly operate

and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the drinking water fountain was not operating; the foot rinse shower was not operating; the pool walls were dirty; the chlorine and pH levels were not within the acceptable range of water quality standards; a skimmer basket was floating; the waterline tiles were dirty; a skimmer was missing a weir; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, three hundred sixty dollars (\$1,360.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**) by December 22, 2021.

Update: The civil penalty has been paid.

16) <u>Order Type and Number:</u>	Consent Order 21-224-RW
<u>Order Date:</u>	December 13, 2021
<u>Individual/Entity:</u>	<b>Bellegrove Preserve Property Owners Association, Inc.</b>
<u>Facility:</u>	Bellegrove Amenity Center
<u>Location:</u>	840 Ashleaf Drive Myrtle Beach, SC 29579
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-1256B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Bellegrove Preserve Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 16, 2021, and July 21, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool floor was dirty; skimmer baskets were floating; a gate did not self-close and latch; the pool rules sign was not completely filled out; there were no “Shallow Water – No Diving Allowed” signs posted; only one “No Lifeguard On Duty - Swim At Your Own Risk” sign was posted; the current pool operator of record information was not posted to the public; the bound and numbered log book was not available for Department review; a lifeline with floats was not attached to the pool wall; and the chlorine level was not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by November 22, 2021.

Update: The civil penalty has been paid.

17) <u>Order Type and Number:</u>	Consent Order 21-225-RW
<u>Order Date:</u>	December 13, 2021
<u>Individual/Entity:</u>	<b>River Bluff Providence, LLC</b>
<u>Facility:</u>	River Bluff

Location: 300 Palmetto Park Boulevard  
Lexington, SC 29072  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit/ID Number: 32-168-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: River Bluff Providence, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Lexington County, South Carolina. The Department conducted inspections on July 6, 2021, and August 2, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: depth marker tiles were loose; the chlorine and pH levels were not within the acceptable range of water quality standards; only one “No Lifeguard On Duty - Swim At Your Own Risk” sign was posted during the first inspection; the “No Lifeguard On Duty – Swim At Your Own Risk” signs posted on the second inspection did not have the correct wording; the bathrooms did not have paper towels or a hand dryer; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 23, 2021.

Update: The civil penalty has been paid.

18) Order Type and Number: Consent Order 21-221-RW  
Order Date: December 14, 2021  
Individual/Entity: **Deer Meadow Village Apartments, LLC**  
Facility: Deer Meadow Village Apartments  
Location: 8100 Garners Ferry Road  
Columbia, SC 29209  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit/ID Number: 40-1056B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Deer Meadow Village Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 15, 2021, and August 10, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the pool plaster was deteriorated; frost-proof tiles were missing on the pool wall; pavers on the pool deck had settled; skimmers were missing weirs; the chlorine level was not within the acceptable range of water quality standards; the life ring was missing a buoy; the bolts on the shepherd's crook were reversed; the emergency notification device was not operational; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by December 12, 2021.

Update: The civil penalty has been paid.

19) Order Type and Number: Consent Order 21-222-RW  
Order Date: December 14, 2021  
Individual/Entity: **M and M Corporation of South Carolina**  
Facility: Baymont Inn  
Location: 240 E. Exchange Boulevard  
Columbia, SC 29634  
Mailing Address: Same  
County: Richland  
Previous Orders: 18-086-RW (\$680.00)  
19-040-RW (\$2,000.00)  
Permit/ID Number: 40-428-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & (K)(1)(c)

Summary: M and M Corporation of South Carolina (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Richland County, South Carolina. The Department conducted inspections on June 10, 2021, August 9, 2021, and August 11, 2021, and violations were issued for failure to properly operate and maintain; and on August 11, 2021, a follow-up inspection was conducted, and a violation was issued for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: skimmers were missing weirs; there was no life ring on the first inspection; the life ring did not have a permanently attached rope on the second and third inspections; the bound and numbered log book was not available for review; the pool walls were dirty; the chlorine level was not within the acceptable range of water quality standards; a main drain grate was broken; the designated closing time for the pool on the pool rules sign was not accurate; and the pool was re-opened prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) in installments. Payments are due December 1, 2021, and January 1, 2022.

Update: The civil penalty has been paid.

20) Order Type and Number: Consent Order 21-226-RW  
Order Date: December 14, 2021  
Individual/Entity: **Shaftesbury Horizontal Property Regime**  
Facility: Shaftesbury Woods  
Location: 929 East Estate Boulevard  
Charleston, SC 29407  
Mailing Address: 2409 Mall Drive, Suite A  
North Charleston, SC 29406  
County: Charleston  
Previous Orders: None

Permit/ID Number: 10-342-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Shaftesbury Horizontal Property Regime (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 7, 2021, and July 22, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was algae on the pool wall and floor; there was debris in the skimmer baskets; the chlorine and pH levels were not within the acceptable range of water quality standards; the pool rules sign was not completely filled out; and the current pool operator of record information was not posted to the public.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by January 4, 2022.

Update: The civil penalty has been paid.

21) Order Type and Number: Consent Order 21-227-RW  
Order Date: December 14, 2021  
Individual/Entity: **Bryant at Summerville, LP**  
Facility: Bryant at Summerville  
Location: 325 Marymeade Drive  
Summerville, SC 29483  
Mailing Address: Same  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: 08-1019B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Bryant at Summerville, LP (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Berkeley County, South Carolina. The Department conducted inspections on June 21, 2021, August 6, 2021, and August 27, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; skimmers were missing weirs; the pool rules sign did not have all of the required rules; the bound and numbered log book was not maintained on a daily basis; the cyanuric acid level was not checked weekly; depth marker tiles were broken; there was debris in the skimmer baskets; the “Shallow Water – No Diving Allowed” signs posted did not have the correct wording; a ladder was not tight and secure; the foot rinse shower was not operating properly; the life ring was deteriorated; and the facility address was not posted at the emergency notification device.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of two thousand, forty dollars (\$2,040.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, forty dollars (**\$2,040.00**) by January 1, 2022.

Update: The civil penalty has been paid.

22)	<u>Order Type and Number:</u>	Consent Order 21-228-RW
	<u>Order Date:</u>	December 17, 2021
	<u>Individual/Entity:</u>	<b>Charleston Properties I, LLC</b>
	<u>Facility:</u>	Nomo Student Housing (930 Nomo)
	<u>Location:</u>	930 Morrison Drive Charleston, SC 29414
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	18-107-RW (\$340.00)
	<u>Permit/ID Number:</u>	10-1251B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Charleston Properties I, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 2, 2021, and July 23, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: skimmers were missing weirs; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the log book was not properly bound or numbered; the log book was not maintained by the pool operator of record; and the cyanuric acid level was not recorded on a weekly basis in the log book.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, six hundred dollars (**\$1,600.00**) by January 4, 2022.

Update: The civil penalty has been paid.

23)	<u>Order Type and Number:</u>	Consent Order 21-229-RW
	<u>Order Date:</u>	December 17, 2021
	<u>Individual/Entity:</u>	<b>Bermuda Pointe Owners' Association, Inc.</b>
	<u>Facility:</u>	Bermuda Pointe
	<u>Location:</u>	41 Bermuda Pointe Circle Hilton Head Island, SC 29926
	<u>Mailing Address:</u>	P.O. Drawer 5 Hilton Head Island, SC 29938
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-521-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Bermuda Pointe Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department conducted inspections on June 7, 2021, and July 29, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the backwash pit did not have a grate; there were non-pool

related items stored in the equipment room; the chlorine level was not within the acceptable range of water quality standards; the life ring was not United States Coast Guard approved; the emergency notification device was not operational on the first inspection, and the facility address was not posted at the emergency notification device on the second inspection; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; and the disinfection equipment was not in operable condition.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by January 6, 2022.

Update: The civil penalty has been paid.

24)	<u>Order Type and Number:</u>	Consent Order 21-230-RW
	<u>Order Date:</u>	December 17, 2021
	<u>Individual/Entity:</u>	<b>Raleigh Krishna, Inc.</b>
	<u>Facility:</u>	Hampton Inn - Northwood
	<u>Location:</u>	620 75 <sup>th</sup> Ave N Myrtle Beach, SC 29572
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	18-279-RW (\$4,080.00)
	<u>Permit/ID Number:</u>	26-K88-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Raleigh Krishna, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on June 8, 2021, July 15, 2021, and November 30, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis, and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of four thousand, eight hundred dollars (\$4,800.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, eight hundred dollars (**\$4,800.00**) by January 3, 2022.

Update: The civil penalty has been paid.

25)	<u>Order Type and Number:</u>	Consent Order 21-231-RW
	<u>Order Date:</u>	December 22, 2021
	<u>Individual/Entity:</u>	<b>Sunroad Verdier Apartments, LLC</b>
	<u>Facility:</u>	Verdier Pointe
	<u>Location:</u>	3930 Verdier Boulevard Charleston, SC 29414

Mailing Address: 8620 Spectrum Center Boulevard, Suite 1100  
San Diego, CA 92123  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-290-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sunroad Verdier Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on May 27, 2021, and August 5, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool floor was dirty; the waterline tiles were dirty; the plaster on the pool floor was delaminated; there was algae on the walls and floor of the pool; there was debris in the skimmer baskets; skimmers were missing weirs; the drinking water fountain was not operating properly; the pool equipment room was not locked; the life ring was not United States Coast Guard approved; the cyanuric acid level was above the water quality standards acceptable limit; the cyanuric acid level was not recorded in the bound and numbered log book on a weekly basis; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by January 2, 2022.

Update: The civil penalty has been paid.

26) Order Type and Number: Consent Order 21-232-RW  
Order Date: December 22, 2021  
Individual/Entity: **Dockside Association, Inc.**  
Facility: Dockside Condominiums  
Location: 330 Concord Street  
Charleston, SC 29401  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-120-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Dockside Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Charleston County, South Carolina. The Department conducted inspections on June 2, 2021, and July 26, 2021, and violations were issued for failure to properly operate and maintain; and on July 26, 2021, a violation was issued for re-opening the pool prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; a skimmer was missing a weir; the pool equipment room was not accessible; the emergency notification device was not operational; the bound and numbered log book was not available for review on the first inspection; the bound and numbered log book was not maintained on a daily basis and was not maintained a



minimum of three times per week by the pool operator of record on the second inspection; and the pool was operating prior to receiving Department approval.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, twenty dollars (\$1,020.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, twenty dollars (**\$1,020.00**) by December 27, 2021.

Update: The civil penalty has been paid.

27) Order Type and Number: Consent Order 21-233-RW  
Order Date: December 22, 2021  
Individual/Entity: **Douglas A. Curtis and Jason Williams, Individually and d.b.a. Chesterfield Community Pool**  
Facility: Chesterfield Community Pool  
Location: 110 Jessamine Drive  
Chesterfield, SC 29709  
Mailing Address: 1310 West Main Street  
Chesterfield, SC 29709  
County: Chesterfield  
Previous Orders: None  
Permit/ID Number: 13-004-1 & 13-004-2  
Violations Cited: S.C. Code Ann. Regs. 61-51.J.22

Summary: Douglas A. Curtis and Jason Williams, Individually and d.b.a. Chesterfield Community Pool (Individual/Entity) own and are responsible for the proper operation and maintenance of a pool and a kiddie pool located in Chesterfield County, South Carolina. The Department issued a Notice of Enforcement Conference on November 1, 2021, as a result of a review of inspection records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to fill in or remove the pool and kiddie pool, which have been permanently closed for a period in excess of twenty-four consecutive months.

Action: The Individual/Entity is required to: immediately post closed signs on the fence surrounding the pool and kiddie pool and drain the pool and kiddie pool or cover them with a commercially manufactured cover by January 15, 2022; submit to the Department for review and approval, a plan detailing the procedure and materials to be used to properly fill in or remove the pool and kiddie pool by January 15, 2022; and complete the procedure in accordance with the plan and contact the Department to schedule an inspection to verify the completed work by November 1, 2022. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight hundred dollars (**\$800.00**) should any requirement of the Order not be met.

Update: Closed signs have been posted, the pool and kiddie pool have been drained of stagnant water, and a plan has been submitted and approved.

28) Order Type and Number: Consent Order 21-234-RW  
Order Date: December 31, 2021  
Individual/Entity: **Synergy Group Enterprises, LLC**

Facility: Lifequest Swim & Fitness  
Location: 4390 Spa Drive  
Little River, SC 29566  
Mailing Address: 1950 Arundel Road  
Myrtle Beach, SC 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-F59-1 & 26-R74-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Synergy Group Enterprises, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a spa located in Horry County, South Carolina. The Department conducted inspections on June 14, 2021, and July 22, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one hundred sixty dollars (\$160.00). The Individual/Entity shall pay a civil penalty in the amount of one hundred sixty dollars (**\$160.00**) by January 10, 2022.

Update: The civil penalty has been paid.

29) Order Type and Number: Consent Order 21-235-RW  
Order Date: December 31, 2021  
Individual/Entity: **Sea Bridge Homeowner's Association, Inc.**  
Facility: Sea Bridge  
Location: 112 B 12<sup>th</sup> Avenue North  
Surfside Beach, SC 29577  
Mailing Address: 113 South Ocean Boulevard  
Surfside Beach, SC 29575  
County: Horry  
Previous Orders: 20-006-RW (\$680.00)  
Permit/ID Number: 26-F09-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sea Bridge Homeowner's Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on April 12, 2021, and October 21, 2021, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool deck was uneven with sharp edges; skimmers were missing weirs; the gate did not self-close and latch; the pH level was not within the acceptable range of water quality standards; the main drain grates were broken; the 911 facility address was not correct; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; and the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of one thousand, six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, six hundred dollars (**\$1,600.00**) by January 20, 2022.

Update: The civil penalty has been paid.

### **Drinking Water Enforcement**

30) Order Type and Number: Consent Order 21-046-DW  
Order Date: December 8, 2021  
Individual/Entity: **West Side Estates Holdings, LLC**  
Facility: Westside Estates Apartments  
Location: 996 South Arant Street  
Pageland, SC 29728  
Mailing Address: Same  
County: Chesterfield  
Previous Orders: None  
Permit/ID Number: 1370300  
Violations Cited: S.C. Code Ann. Regs. 61-58.7 & 61-58.7.E(1)(b)

Summary: West Side Estates Holdings, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Chesterfield County, South Carolina. The Department conducted an inspection of the PWS on October 12, 2021, and it was rated unsatisfactory for failure to properly operate and maintain, and failure to designate a distribution operator of the appropriate grade. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: a complete procedures manual with written programs and logs was not provided for Department review; the well houses were in disrepair; the well house doors did not have locks; there was a leak at the pressure storage tank; a sign with emergency contact information was not posted at the pressure storage tank; and an operator of the appropriate grade was not designated to be responsible for monitoring the distribution system.

Action: The Individual/Entity is required to: correct the deficiencies and submit to the Department for review and approval a complete procedures manual by March 8, 2022. The Department has assessed a total civil penalty in the amount of seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**) by January 7, 2022 and pay a stipulated penalty in the amount of four thousand dollars (\$4,000.00) should any requirement of the Order not be met.

Update: The Individual/Entity designated a distribution operator of the appropriate grade prior to the conference. The civil penalty has been paid.

31) Order Type and Number: Consent Order 21-047-DW  
Order Date: December 13, 2021  
Individual/Entity: **Clarendon County**

<u>Facility:</u>	Highway 260 System, Lake Marion Shores System, and Wyboo Pointe System
<u>Location:</u>	411 Sunset Drive Manning, SC 29102
<u>Mailing Address:</u>	Same
<u>County:</u>	Clarendon
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	1450013, 1450009, & 1450002
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.7 & 61-58.7.D.2

Summary: Clarendon County (Individual/Entity) owns and is responsible for the proper operation and maintenance of three public water systems (PWSs) located in Clarendon County, South Carolina. The Department conducted inspections of the PWSs on August 25, 2021, and they were rated unsatisfactory for failure to properly operate and maintain, and failure to provide for daily monitoring of the groundwater treatment plants by an operator of the appropriate grade. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: an operator of the appropriate grade was not monitoring the three groundwater treatment plants daily to ensure proper operation; reliable capacity could not be determined because documentation was not available indicating if the Highway 260 System connection to the City of Manning was open and automatic; the well casing and the sanitary seal at the Wyboo Pointe System were rusted; the wellhead piping at the Wyboo Pointe System was rusted and leaking; both of the wells at the Wyboo Pointe System were not enclosed in a lockable well house and one of the wells was off-line; the chlorine pump at the Wyboo Pointe treatment plant was removed; and the exterior of the twenty-five thousand gallon pressure storage tank at the Wyboo Pointe System was rusted.

Action: The Individual/Entity is required to: submit to the Department for review and approval a corrective action plan to address the reliable capacity deficiency at the Highway 260 System and correct the deficiencies by June 12, 2022. The Department has assessed a total civil penalty in the amount of fourteen thousand dollars (\$14,000.00). The Individual/Entity shall pay an assessed penalty in the amount of five thousand, one hundred dollars (**\$5,100.00**) by February 12, 2022, and pay a stipulated penalty in the amount of eight thousand, nine hundred dollars (\$8,900.00) should any requirement of the Order not be met.

Update: On September 1, 2021, the Individual/Entity provided for daily monitoring of all three groundwater treatment plants by an operator of the appropriate grade. The civil penalty has been paid.

32) <u>Order Type and Number:</u>	Consent Order 21-048-DW
<u>Order Date:</u>	December 13, 2021
<u>Individual/Entity:</u>	<b>MMBF Properties, LLC</b>
<u>Facility:</u>	The Bent Rod
<u>Location:</u>	10024 Highway 17 North McClellanville, SC 29458
<u>Mailing Address:</u>	1605 Pin Oak Cut Mt. Pleasant, SC 29466
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	1070236

Violations Cited:  
58.8.B(3)

S.C. Code Ann. Regs. 61-58.7 & 61-

Summary: MMBF Properties, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Charleston County, South Carolina. The Department conducted an inspection of the PWS on September 15, 2021, and it was rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: the concrete pad surrounding Well 2 was in disrepair; the well seal did not have a screened vent; the well house did not have a door; the blow-off pipe was in disrepair; there was exposed electrical wiring; there was a submersible pump installed and in use that was not the originally permitted jet pump; and a system map, sample siting plan, and emergency plan were not provided for Department review.

Action: The Individual/Entity is required to: correct all of the deficiencies by December 31, 2021; and pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

### **Water Pollution Enforcement**

33) Order Type and Number: Consent Order 21-074-W  
Order Date: December 15, 2021  
Individual/Entity: McEntire Joint National Guard Base  
Facility: McEntire WWTF  
Location: Hwy 378  
Eastover, SC  
Richland County, SC  
Mailing Address: 1325 South Carolina Road  
Eastover, SC 29044  
County: Richland  
Previous Orders: 20-026-W (Stipulated \$2,800.00)  
Permit/ID Number: NPDES Permit SC0000701  
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d) (2008 & Supp. 2020); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a) (2011).

Summary: McEntire Joint National Guard Base (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Richland County, South Carolina. On August 26, 2021, a Notice of Violation was issued as a result of violations of Escherichia coli (E. coli) reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits of the National Pollutant Discharge Elimination System Permit for E. coli.

Action: The Individual/Entity is required to eliminate the discharge from the WWTF by connection to Richland County's municipal sewer system by April 1, 2022. The Department has assessed a total civil penalty in the amount of two thousand eight hundred dollars (\$2,800.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of two thousand eight hundred dollars (**\$2,800.00**) should any requirement of the Order not be met.

Update: None.

34) Order Type and Number: Consent Order 21-075-W  
Order Date: December 31, 2021  
Individual/Entity: **Victor Mills**  
Facility: County Line Investors/Poplar Grove B Mine  
Location: County Line Road  
Ravenel, SC 29470  
Mailing Address: 2743 Perimeter Pkwy Bldg. 100 Ste. 370  
Augusta, GA 30909-6429  
County: Dorchester  
Previous Orders: None  
Permit/ID Number: SCG731050  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) (2008 & Supp. 2019) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a) (2011), and NPDES SCG0731050

Summary: County Line Investors (Individual/Entity) owns and is responsible for the proper operation and maintenance of a mine dewatering facility (MDWF) in Dorchester County, South Carolina. On October 8, 2020, a Notice of Violation was issued as a result of pH and total suspended solids (TSS) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the pH and TSS effluent limitations of its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by January 31, 2022; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of eight thousand three hundred thirty dollars (\$8,330.00). The Individual/Entity shall pay a civil penalty in the amount of eight thousand three hundred thirty dollars (**\$8,330.00**) by January 31, 2022.

Update: The Individual/Entity has not fulfilled the required actions. Department staff is in contact with the Individual/Entity in effort to facilitate compliance.

35) Order Type and Number: Consent Order 21-076-W  
Order Date: December 31, 2021  
Individual/Entity: **Clarence Windham**  
Facility: Windham Farms  
Location: River Bend Drive  
Timmonsville, SC 29069  
Mailing Address: 1028 E Lynches River Road  
Lamar SC 29069  
County: Darlington  
Previous Orders: None  
Permit/ID Number: ND0086941

Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) (2008 & Supp. 2019) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a) (2011), and ND0086941

Summary: Windham Farms (Individual/Entity) owns and is responsible for an animal agriculture facility in Darlington County, South Carolina. On June 25, 2021, a Notice of Alleged Violation (NOAV) based on field inspections conducted by the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with requirements of Permit ND0086941 for stockpiled uncovered manure, not on a concrete or other approved pad, for more than three (3) days.

Action: The Individual/Entity is required to: immediately ensure that any manure stored at the Site is properly covered and that any land application of manure is performed by a permitted Department-registered broker and submit an updated waste management plan, a manure transfer contract, and written notification that manure at the Site has been properly covered, removed, or land applied by January 30, 2022. The Department has assessed a total civil penalty in the amount of one thousand eight hundred dollars (\$1,800.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, eight hundred dollars (**\$1,800.00**) as follows: three equal payments of \$600.00 by November 30, 2021, December 31, 2021, and January 30, 2022.

Update: On December 29, 2021, the civil penalty was paid in full. The Individual/Entity has not fulfilled the remaining requirements. Department staff is internally verifying the requirements have not been fulfilled and will contact the Individual/Entity to facilitate compliance.

36) Order Type and Number: Consent Order 21-077-W  
Order Date: December 31, 2021  
Individual/Entity: **Ty Schaffer**  
Facility: Town of Ridgeland/Jimmy Mixson WRF  
Location: Preacher Street  
Ridgeland, SC 29936  
Mailing Address: One Town Square  
Ridgeland, SC 29936  
County: Jasper  
Previous Orders: None  
Permit/ID Number: SC0049158  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) (2008 & Supp. 2020) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a) (2011), and NPDES SC0049158

Summary: The Town of Ridgeland (Individual/Entity) owns and is responsible for the proper operation and maintenance of a water reclamation facility in Jasper County, South Carolina. On December 10, 2020 and April 7, 2021, Notices of Violation were issued as a result of E. coli and Carbonaceous Biochemical Oxygen Demand (CBOD) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the E.coli and CBOD effluent limitations of its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by January 31, 2022; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of seven thousand eight hundred forty dollars (\$7,840.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand nine hundred twenty dollars (**\$3,920.00**) by January 31, 2022. and pay a suspended penalty in the amount of three thousand nine hundred twenty dollars (\$3,920.00) should any requirement of the Order not be met.

Update: The Individual/Entity has submitted notification of its corrective action completion date and has paid the civil penalty.

37) Order Type and Number: Consent Order 21-078-W  
Order Date: December 31, 2021  
Individual/Entity: **Town of Bowman**  
Facility: Town of Bowman WWTF  
Location: Secondary Road #36  
Bowman, SC 29018  
Mailing Address: P.O. Box 37  
Bowman, SC 29018  
County: Orangeburg  
Previous Orders: 20-003-W (\$5,600.00)  
21-040-W (\$3,000.00)  
Permit/ID Number: SC0040037  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (2008 & Supp. 2021), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a) (2011), and NPDES Permit SC0040037.

Summary: Town of Bowman (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Orangeburg County, South Carolina. On September 29, 2021, a Notice of Violation was issued as a result of E.coli and ammonia-nitrogen (ammonia) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with the E.coli and ammonia effluent limitations of its National Pollutant Discharge Elimination System (NPDES) permit.

Action: The Individual/Entity is required to: submit notarized documents certifying that Bowman has a detailed plan for securing funding for necessary improvements to the WWTF by January 30, 2022; submit three (3) copies of a Preliminary Engineering Report (PER) by March 31, 2022; submit three (3) copies of plans, specifications, an application and any other necessary documents for a Permit to Construct upgrades to the WWTF necessary to comply with the limits contained in NPDES Permit SC0040037 within ninety (90) days of approval of the PER; begin construction of all upgrades detailed within the Construction Permit within sixty (60) days from the issuance of the Construction permit; and complete construction subject of the Construction Permit within one hundred eighty (180) days and request Approval to Place into Operation the required upgrades. The Department has assessed a total civil penalty in the amount of nine thousand dollars (\$9,000.00). The Individual/Entity shall



pay a civil penalty in the amount of nine thousand dollars (**\$9,000.00**) by January 30, 2022.

Update: The Individual/Entity has submitted documentation certifying that a funding plan has been developed for improvements to the WWTF and has paid the civil penalty.

### **BUREAU OF AIR QUALITY**

38) Order Type and Number: Consent Order 21-028-A  
Order Date: December 17, 2021  
Individual/Entity: **Lauscha Fiber International Corporation**  
Facility: Lauscha Fiber International Corporation  
Location: 105 Eastport Lane  
Summerville, SC 29483  
Mailing Address: Same  
County: Dorchester  
Previous Orders: 18-016-A; \$28,000,  
20-001-A; \$4,000.00  
Permit/ID Number: 0900-0050  
Violations Cited: S.C. Code Ann. Regs. 61-62.5, Standard No. 4, Section VIII, and S.C. Code Ann. Regs. 61-62.1, Section II, Permit Requirements

Summary: Lauscha Fiber International Corporation, (Individual/Entity), manufactures glass microfibers by processing glass pellets using flame attenuation at its facility located in Dorchester County, South Carolina. On April 10, 2019, the Individual/Entity conducted a department approved source test to demonstrate compliance with its particulate matter (PM) emission limits. The Individual/Entity violated South Carolina Air Pollution Control Regulations, as follows: failed to limit PM emissions during source tests conducted on April 10, 2019. In March of 2020, the Individual/Entity discontinued operations at the facility.

Action: The Individual/Entity is required to: submit to the Department a notification of the anticipated date of resumption of operations of the facility for production purposes; within thirty (30) days of resumption of operations of the facility, schedule a department-approved source test for PM; within ninety (90) days of resumption of operations of the facility, conduct a department-approved source test for PM emissions. The Department has assessed a total civil penalty in the amount of ten thousand dollars (\$10,000.00). The Individual/Entity shall pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**) by January 17, 2022.

Update: The Individual/Entity submitted notification of resumption of operations.

39) Order Type and Number: Consent Order 21-029-A  
Order Date: December 30, 2021  
Individual/Entity: **Century Aluminum of South Carolina, Inc.**  
Facility: Century Aluminum of South Carolina, Inc.  
Location: 3575 Highway 52

Mailing Address: Goose Creek, SC 29445  
P.O. Box 1000  
Goose Creek, SC 29445

County: Berkeley

Previous Orders: None

Permit/ID Number: 0420-0015

Violations Cited: EPA Regulations at 40 CFR Part 63 and S.C. Code Ann. Regs. 61-62.63 (Supp. 2020), National Emission Standards For Hazardous Air Pollutants, Subpart LL

Summary: Century Aluminum (Individual/Entity) produces high grade aluminum at its facility located in Berkeley County, South Carolina. The Individual/Entity conducted a department-approved source test and two subsequent Department-approved re-tests. The Department issued Notices of Violation on September 23, 2019, and January 5, 2021. The Individual/Entity has violated U.S EPA Regulations and South Carolina Air Pollution Control Regulations, as follows: exceeded its particulate matter (PM) emission limits for the anode bake ovens during Department-approved source tests; and failed to comply with its PM emission limits for the anode bake ovens.

Action: The Individual/Entity has corrected the violations. The Department has assessed a total civil penalty in the amount of twenty-two thousand dollars (\$22,000.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-two thousand dollars (**\$22,000.00**) by January 31, 2022.

Update: None.

## **BUREAU OF ENVIRONMENTAL HEALTH SERVICES**

### **Food Safety Enforcement**

40) Order Type and Number: Consent Order 21-09-FOOD

Order Date: December 1, 2021

Individual/Entity: **Brother Shuckers Seafood**

Facility: Brother Shuckers Seafood

Location: 4999-4 Carolina Forest Boulevard  
Myrtle Beach, SC 29579

Mailing Address: Same as Location

County: Horry

Previous Orders: None

Permit Number: 26-206-13691

Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Brother Shuckers Seafood (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on August 25, 2021, September 2, 2021, September 9, 2021, September 16, 2021, and September 22, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand, two hundred dollars (\$1,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

Update: The Individual/Entity has submitted all requirements of the Order. This Order has been closed.

41) Order Type and Number: Consent Order 21-20-FOOD  
Order Date: December 1, 2021  
Individual/Entity: **Pizza Hut #22513**  
Facility: Pizza Hut #22513  
Location: 1070 Sumter Highway  
Bishopville, SC 29010  
Mailing Address: P. O. Box 49099  
Greenwood, SC 29649  
County: Lee  
Previous Orders: None  
Permit Number: 31-206-06015  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pizza Hut #22513 (Individual/Entity) operates a restaurant located in Lee County, South Carolina. The Department conducted inspections on September 27, 2021, October 7, 2021, October 14, 2021, and October 22, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand, six hundred dollars (\$1,600.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, six hundred dollars (**\$1,600.00**).

Update: The Individual/Entity has submitted all requirements of the Order. This Order has been closed.

42) Order Type and Number: Consent Order 21-26-FOOD  
Order Date: December 2, 2021  
Individual/Entity: **Zorba's of St. Andrews**  
Facility: Zorba's of St. Andrews  
Location: 6169 St. Andrews Road  
Columbia, SC 29210  
Mailing Address: Same  
County: Lexington  
Previous Orders: 2018-206-03-111 (\$800.00);  
2018-206-03-134 (\$800.00);  
2020-206-03-009 (\$1,500.00)  
Permit Number: 32-206-00882  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Zorba's of St. Andrews (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on October 6, 2021, October 15, 2021, October 25, 2021, and November 4, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

Update: The Individual/Entity has submitted all requirements of the Order. This Order has been closed.

43) Order Type and Number: Consent Order 21-27-FOOD  
Order Date: December 2, 2021  
Individual/Entity: **American Eagle 2**  
Facility: American Eagle 2  
Location: 5394 US Highway 176  
Pomaria, SC 29126  
Mailing Address: Same  
County: Newberry  
Previous Orders: None  
Permit Number: 36-206-01379  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: American Eagle 2 (Individual/Entity) operates a restaurant located in Newberry County, South Carolina. The Department conducted inspections on September 20, 2021, September 30, 2021, October 8, 2021, October 18, 2021, and October 28, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand, two hundred dollars (\$1,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

Update: The Individual/Entity has requested a payment plan from the Department. A payment plan has been entered into with the Individual/Entity.

44) Order Type and Number: Consent Order 21-08-FOOD  
Order Date: December 13, 2021  
Individual/Entity: **Johnny Nguyen**  
Facility: Mekong Restaurant  
Location: 2013 Wade Hampton Boulevard  
Greenville, SC 29615  
Mailing Address: Same

County: Greenville  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Johnny Nguyen (Individual/Entity) operates a restaurant in Greenville County, South Carolina. The Department issued Official Notices on August 11, 2021, and September 21, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: providing food to the public without a valid permit issued by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand dollars (\$2,000.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand dollars **(\$2,000.00)**.

Update: The Individual/Entity has submitted all requirements of the Order. This Order has been closed.

45) Order Type and Number: Consent Order 21-17-FOOD  
Order Date: December 13, 2021  
Individual/Entity: **Super Mart**  
Facility: Super Mart  
Location: 90 South Harper Street Extension  
Laurens, SC 29360  
Mailing Address: Same  
County: Laurens  
Previous Orders: None  
Permit Number: 30-206-01558  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Super Mart (Individual/Entity) is a convenience store in Laurens County, South Carolina. The Department conducted inspections on August 9, 2021, August 12, 2021, September 3, 2021, September 21, 2021, September 22, 2021, and September 30, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to provide equipment sufficient in number and capacity to maintain food temperatures for cooling and heating food and holding cold and hot food.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand, nine hundred dollars (\$1,900.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, nine hundred dollars **(\$1,900.00)**.

Update: The Individual/Entity is currently making payments on a payment plan.

46) Order Type and Number: Consent Order 21-10-FOOD  
Order Date: December 20, 2021

<u>Individual/Entity:</u>	<b>Publico Kitchen &amp; Tap</b>
<u>Facility:</u>	Publico Kitchen & Tap
<u>Location:</u>	2013 Greene Street Columbia, SC 29205
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	40-206-07683
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Publico Kitchen & Tap (Individual/Entity) operates a restaurant located in Richland County, South Carolina. The Department conducted inspections on July 28, 2021, August 6, 2021, September 3, 2021, October 1, 2021, and October 8, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests and failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand, one hundred fifty dollars (\$2,150.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, one hundred fifty dollars (**\$2,150.00**).

Update: The Individual/Entity has submitted all requirements of the Order. This Order has been closed.

47) <u>Order Type and Number:</u>	Consent Order 21-28-FOOD
<u>Order Date:</u>	December 21, 2021
<u>Individual/Entity:</u>	<b>Flaming Grill Supreme Buffet</b>
<u>Facility:</u>	Flaming Grill Supreme Buffet
<u>Location:</u>	115 Afton Court Columbia, SC 29212
<u>Mailing Address:</u>	Same
<u>County:</u>	Lexington
<u>Previous Orders:</u>	2017-206-03-010 (\$800.00); 2017-206-03-101 (\$1,200.00); 2018-206-03-137 (\$2,000.00); 2019-206-03-006 (\$1,250.00); 2019-206-03-018 (\$1,250.00); 21-12-FOOD (\$1,000.00)
<u>Permit Number:</u>	32-206-06518
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Flaming Grill Supreme Buffet (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on June 9, 2021, September 28, 2021, November 10, 2021, and November 18, 2021. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; failed to use effective methods to cool cooked time/temperature control for safety foods; failed to ensure written procedures were in place and made available to the

Department when the facility uses time as a public health control; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand, seven hundred fifty dollars (\$2,750.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, seven hundred fifty dollars **(\$2,750.00)**.

Update: The Individual/Entity has submitted all requirements of the Order. This Order has been closed.

\* Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Affairs Programs within the last five (5) years.

Date: February 10, 2022

To: S.C. Board of Health and Environmental Control

From: Bureau of Environmental Health Services

**Re: Public Hearing for Notice of Final Regulation for Amending R.61-56, Onsite Wastewater Systems, Document No. 5103**

## **I. Introduction**

The Bureau of Environmental Health Services (“Bureau”) proposes the attached Notice of Final Regulation for amending R.61-56, Onsite Wastewater Systems. Legal authority resides in S.C. Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq., which enable the Department of Health and Environmental Control (“Department”) to promulgate regulations related to the disposal of sewage. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

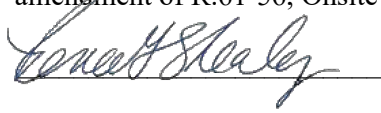
## **II. Facts**

1. Pursuant to R.61-56, Onsite Wastewater Systems, the Department provides oversight for safe treatment and disposal of domestic wastewater to protect the health of the citizens and communities in South Carolina. The Department also issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).
2. The Department is amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to ripplable rock and update procedures for processing applications associated with subdivisions and variances. The proposed amendments will bring clarity to the regulation and streamline the permitting procedures.
3. The Department had a Notice of Drafting published in the August 27, 2021, State Register.
4. Appropriate Department staff conducted an internal review of the proposed amendments on November 29, 2021.
7. Upon receiving approval during the December 9, 2021, Board meeting, the Bureau had a Notice of Proposed Regulation published in the December 24, 2021, State Register. The Department received public comments from twelve people by the close of the public comment period on January 24, 2022. Attachment B presents a summary of these public comments received and Department responses.

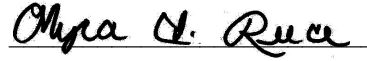


### III. Request for Approval

The Bureau respectfully requests the Board to find need and reasonableness of the attached proposed amendment of R.61-56, Onsite Wastewater Systems, for submission to the General Assembly.



Renee Shealy  
Bureau Chief, Bureau of Environmental  
Health Services



Myra Reece  
Director, Environmental Affairs

Attachments:

- A. Notice of Final Regulation
- B. Summary of Public Comments and Department Responses

**ATTACHMENT A**

**STATE REGISTER NOTICE OF FINAL REGULATION  
FOR R.61-56, *Onsite Wastewater Systems***

**February 10, 2022**

Document No. 5103

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

61-56. Onsite Wastewater Systems.

**Synopsis:**

Pursuant to R.61-56, Onsite Wastewater Systems, the Department of Health and Environmental Control (“Department”) provides oversight for safe treatment and disposal of domestic wastewater to protect the health of the citizens and communities in South Carolina. In accordance with R.61-56, Onsite Wastewater Systems, the Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department amends R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for processing applications associated with subdivisions and variances as well as expands the provision for who is allowed to perform soil evaluations and prepare onsite wastewater system layouts. The amendments will bring clarity to the regulation and streamline permitting procedures.

The Department had a Notice of Drafting published in the August 27, 2021, South Carolina State Register.

**Section-by-Section Discussion of Amendments:**

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
101.1 - Rippable Rock	Deletion	Amended definition of Rippable Rock to remove the reference pertaining to mini excavator.
102.1 (2)(b-c) & 102.1 (3)(b-c)	Addition	Amended language to allow the subcontractors of the Department to perform soil evaluations and prepare system layouts at a rate limited by the regulation.
102.1 (5)	Addition/Deletion	Amended wording to establish a clear threshold when the Department will not perform soil evaluations or system layouts for a subdivision or portion thereof.
104.4 (3)	Addition	Amended wording pertaining to a variance request to include a

		processing time. Amended wording to reiterate the importance of protecting human health and the environment.
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**Instructions:** Amend R.61-56, Onsite Wastewater Systems, pursuant to each individual instruction provided with the text of the amendments below.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

61-56. Onsite Wastewater Systems.

(Statutory Authority: S.C. Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.)

**Amend Section 101.1, definition of Rippable Rock, to read:**

Rippable Rock - The rippability of rock material is a measure of its ability to be excavated with conventional excavation equipment (e.g., rubber-tired backhoe ~~or mini excavator~~).

**Amend Section 102.1 to read:**

**102. Onsite Wastewater System Site Evaluation and Fees.**

102.1. Site Evaluations.

(1) An applicant for a permit to construct an onsite wastewater system, nonwater-carried sewage treatment system, wastewater combustion system, or gray water subsurface reuse system shall, at the time an application for a permit to construct is submitted to the Department, pay to the Department the site evaluation fee set forth in Section 102.2.

(2) Soil evaluations shall be conducted only by:

(a) A certified Department staff member;

(b) A licensed Professional Soil Classifier; or other licensed person qualified to practice soil classifying under S.C. Code 40-65-40(7) or otherwise deemed qualified by the Department who has subcontracted with the Department. The subcontractor may not charge a rate more than three (3) times the Department's permit fees; or

(c) ~~Another~~ A privately hired licensed Professional Soil Classifier or other licensed person qualified to practice professional soil classifying under S.C. Code Section 40-65-40(7), provided that the burden of documenting qualification under S.C. Code Section 40-65-40(7) is on the licensed professional. The licensed professional shall provide to the Department verification of licensure and confirmation from their licensing board that the person is qualified to practice professional soil classifying within the scope of their license. The Department will disallow a soil evaluation from any person not able to provide verification to the Department's satisfaction.

(3) Except as provided in Section 102.1(4) and 102.1(5), an onsite wastewater system layout in accordance with Section 400, Appendices of Standards for Permitted Systems, may be prepared by:

(a) A certified Department staff member;

(b) A Registered Professional Engineer licensed in South Carolina who is not Department staff and has subcontracted with the Department to prepare onsite wastewater system layouts at a rate not more than three (3) times the Department's permit fee; or

(c) A privately hired Registered Professional Engineer licensed in South Carolina or ~~the~~ the same licensed person under Section 102.1(2)(b) or (c) who conducted the soil evaluation for the site.

(4) Only a Registered Professional Engineer may design a system and prepare a system layout for Standard 610/611 – Specialized Onsite Wastewater Systems, Standard 150 – Large and Community Onsite Wastewater Systems, nonwater-carried sewage treatment systems, wastewater combustion systems, and gray water subsurface reuse systems.

(5) The Department will not perform a soil evaluation or prepare a system layout for any subdivision or portion of a subdivision with ten (10) or more lots without access to all available utilities. Soil evaluations for any lots that are part of a subdivision with ten (10) or more lots without access to all available utilities must be conducted by a licensed person meeting the criteria of Section 102.1(2)(b) or (c). Proposed system layouts for any lots that are part of a subdivision must be prepared by a third-party Registered Professional Engineer or Professional Soil Classifier meeting the criteria under Section 102.1(3)(b) or (c). The Soils Report and proposed system layout must be submitted with the onsite wastewater system permit application for the purpose of the Department review and issuance of a permit to construct.

**Amend Section 104.4 to read:**

**104.4. Variances and Exemptions.**

(1) The Department may, on a case-by-case basis, approve and issue a variance or exemption from one or more requirements of this regulation upon a finding that:

(a) The granting of the variance or exemption will not compromise protection to human health and the environment.

(b) Because of the characteristics of the site, it is not practical or feasible for the onsite wastewater system to meet the requirements of this regulation without taking into account the current science and best technology available.

(2) A request for variance or exemption must be in writing and include the following:

(a) A detailed description of the regulatory requirements for which the variance or exemption is sought.

(b) Sufficient data to demonstrate to the satisfaction of the Department that compliance with the regulatory requirement will not be practical or feasible.

(3) The Department may request additional information to evaluate the request. A complete variance request will be processed within three (3) business days of receiving the request. If approved, the variance

or exemption will be issued in writing and may contain conditions. The Department may revoke issued variances as it deems appropriate to protect human health and the environment.

### **Fiscal Impact Statement**

The fiscal impact of the proposed amendment to expand who is allowed to perform soil evaluations and prepare onsite wastewater system layouts is unclear, because the utilization of subcontractors rather than certified Department staff members to perform soil evaluations and prepare system layouts may provide a costs savings to the Department. There are no anticipated additional fiscal impacts to the Department or state government due to any other requirements of this amendment.

### **Statement of Need and Reasonableness**

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-56, Onsite Wastewater Systems.

Purpose: The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for processing applications associated with subdivisions and variances as well as expands the provision for who is allowed to perform soil evaluations and prepare onsite wastewater system layouts. The proposed amendments will bring clarity to the regulation and streamline permitting procedures.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeals.

Legal Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at [www.scdhec.gov/regulations-table](http://www.scdhec.gov/regulations-table). Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

### **DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The proposed amendments are needed and reasonable, as they will provide clarification regarding the requirements contained in R.61-56, Onsite Wastewater Systems. The proposed amendments will also serve to streamline permitting procedures to improve overall effectiveness of the Department's administration of the regulation.

### **DETERMINATION OF COSTS AND BENEFITS:**

#### **Internal Costs:**

The utilization of subcontractors rather than certified Department staff members to perform soil evaluations and prepare system layouts may provide a costs savings to the Department. There are no additional internal costs to the Department or state government due to any other requirements of this amendment.

**External Costs:**

The proposed revisions do not increase any fees charged by the Department under the current regulation. The proposed revisions would expand existing site evaluation options and allow more streamlined permit processing by allowing an applicant to submit a soil evaluation and a proposed system layout from an individual deemed qualified and who has subcontracted with the Department. If the applicant chooses to use a Department subcontractor, the subcontractor may charge a rate up to three (3) times the Department's permit fee for providing these services.

Under the proposal, applicants desiring to install systems for a subdivision consisting of ten (10) or more lots would be required to submit third-party soils work from a Professional Soil Classifier (PSC), a Registered Professional Engineer licensed in South Carolina, or a qualified individual who has subcontracted with the Department. If a PSC performs the soils work, the applicant would then have the option to either have the PSC submit a proposed system layout under one of the system standards established within R.61-56, Onsite Wastewater Systems, or give the soils report to a Registered Professional Engineer to design a specialized septic system through the 610 Standard. Subdivision permit applicants may incur additional costs for the soils work and proposed system layouts.

**Benefits:**

These amendments improve clarity and consistency, streamline permitting, and clarify existing definitions.

**UNCERTAINTIES OF ESTIMATES:**

The fiscal impact and costs of the amendment expanding who is allowed to perform soil evaluations and prepare onsite wastewater system layouts is uncertain. The utilization of subcontractors rather than certified Department staff members to perform soil evaluations and prepare system layouts may provide a costs savings to the Department and may increase costs to the applicants.

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:**

There is no anticipated negative environmental or public health effect resulting from the proposed amendments of this regulation.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

The proposed amendments positively impact the environment and public health by providing clarity for industry and efficiency in the Department's oversight of the disposal of septage and sewage. The failure to implement the proposed amendments would mean a failure to realize this positive impact.

**Statement of Rationale:**

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will streamline permitting procedures.

**ATTACHMENT B**

**SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES**

**Document No. 5103  
R.61-56, Onsite Wastewater Systems**

**As of the January 24, 2022, close of the Notice of Proposed Regulation comment period:**

<b>Name</b>	<b>Section</b>
<b>Bob Eppinette, Lowcountry Soil Consulting, LLC</b>	<b>102.1 (2)(b) and 102.1 (3)(b)</b>
<p><b>Comment:</b></p> <p>The change to allow soil classifiers or engineers to subcontract with DHEC is very confusing to me. I'm not clear on the difference of what we are providing now vs subcontracting with DHEC. I am certainly not in favor of doing the field and paperwork to get my clients a permit for \$450.00 (three times the DHEC permit fee) and... to assume the liability. How can the state legally cap these fees?</p> <p><b>Department Response:</b></p> <p>The Department is currently not able to meet the demand for permit applications and in most cases carries a backlog across the state. This provision will allow for more efficient use of Department resources and ease backlogs, by authorizing the Department to subcontract with qualified third parties to provide soil evaluations and system layouts. A qualified third party is not required to be a subcontractor and the fee limitation is only applicable to subcontractors of the Department.</p>	
<b>Name</b>	<b>Section</b>
<b>Bob Eppinette, Lowcountry Soil Consulting, LLC</b>	<b>104.4 (3)</b>
<p><b>Comment:</b></p> <p>I am also not in favor of giving variances unless some kind of maintenance contract is required or an advanced treatment system is used that requires a maintenance contract. For example: if a lot cannot meet setbacks from a pond, marsh or well the septic system can have a UV light system to allow for a closer distance. A UV light system will certainly need maintenance. This proposal needs clarification too.</p> <p><b>Department Response:</b></p> <p>The Department will approve variances on a case-by-case basis while considering the use of current science and best available technology. Variances will be granted only if the variance will not compromise protection to health and the environment.</p>	

Name	Section
<b>Bob Eppinette, Lowcountry Soil Consulting, LLC</b>	<b>102.1 (5)</b>

**Comment:**

A 10 lot subdivision is considered a major subdivision in most city and county zoning and planning codes. I think subdivisions should be 3 lots or more. I do not think the tax payers of this state should subsidize developers, realtors or speculators. If they want to make a buck, then they should pay to have a soil classifier or engineer design the septic systems for any subdivision minor or major. DHEC should raise the permit fees for these. I cannot understand why DHEC would do all this work for \$150.00 per lot.

**Department Response:**

The Department considered stakeholder input when establishing the threshold for when the Department will not perform soil evaluations and system layouts. The threshold set forth in the proposed amendment will allow for more efficient use of Department resources and ease backlogs.

Name	Section
<b>South Carolina Soil &amp; Septic Association</b>	<b>102.1 (2)(b) and 102.1 (3)(b)</b>

**Comment:**

Dear Mr. Vaughan:

This letter is in reference to Document # 5103 regarding proposed regulation changes to R.61-56 Onsite Wastewater Systems. Specifically, this letter is to voice industry-wide concern regarding the inclusion of language in Sections 102.1 (2)(b) & 102.1 (3)(b) relating to the Department’s proposal to subcontract with “... licensed Professional Soil Classifiers (PSCs) or other licensed person(s) qualified to practice soil classifying under S.C. Code 40-65-40(7) or otherwise deemed qualified by the Department...” SCSASA is adamantly against the inclusion of this language. It should be noted that the South Carolina Soil and Septic Association (SCSASA) has no other issues/concerns regarding any other proposed changes to this regulation, and is in fact amenable to the other changes as they relate to rippable rock (Section 101.1), subdivision of property (Section 1.2.1(5)), and inclusion of variances (Section 104.4(3)). The organization has concerns about the Department’s decision to include the phrase regarding individuals “...otherwise deemed qualified by the Department...” It should be noted that in the Department’s subcommittee hearings at the South Carolina Senate Medical Affairs Committee on March 31, 2021, septic professionals and organization members provided similar concerns on the Department’s inclusion of language added to Section 102.1 that related to whom the Department would accept soil evaluations from. While this issue was largely resolved due to continued coordination between the Department and industry professionals, it is concerning to see the Department continue this trend that is in direct conflict with S.C. Code 40-65-40. This new inclusion appears to undermine the Department’s long-standing practice of allowing soil evaluations from PSCs only. As a reminder, the following southeastern States are similar to South Carolina in this effect, where only licensed individuals are authorized to provide soil testing for septic permitting purposes:



- o North Carolina
- o Virginia
- o Tennessee
- o Alabama
- o Georgia

Additionally, relating to benefits of the proposed regulation, the Department states “these amendments upgrade overall quality and practicality, improve clarity and consistency, streamline permitting, and clarify existing definitions.” However, as outlined above, DHEC’s reduction in the necessary qualifications and inclusion of language regarding individuals “otherwise deemed qualified by the Department” will have the opposite effect in upgrading overall quality of soil testing and septic permitting in the State.

Furthermore, SCSASA also has concerns about the Department’s decision to allow subcontractors for soil evaluations while implementing a price ceiling, in that “the subcontractor may not charge a rate more than three times the Department’s permit fees...” which would total \$450/test site (current Department testing rates as of publication of this letter are \$150/test site). It is widely known amongst the public (and our membership) that the Department’s soil evaluation rates for septic permitting fall far short of the actual cost of completing this work. In capping the rates that subcontractors could charge, the Department would indirectly curtail the interest and ability of PSCs and septic engineers to subcontract with the department. As such, implementing the regulation as-is would increase the potential for unqualified individuals to be brought in to “help keep up with growing demand” and would negatively impact the PSC and septic engineering community in currently helping the Department keep up with demand (see above comments regarding the inclusion of language relating to individuals “otherwise deemed qualified by the Department”).

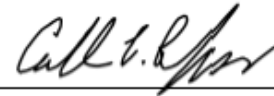
SCSASA also has concerns related to additional strain on local Department Staffing relative to implemented the proposed subcontractor measure. For example, the Department, in submitting these regulations to the State Register, states with regards to internal costs that “implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these revisions.” However, the Department fails to fully consider increased internal costs and resources required in subcontracting and procurement with private contractors, which will undoubtedly strain already burdened staff and administrators.

In closing, SCSASA appreciates the opportunity to provide these comments. As you are aware, SCSASA represents the septic industry at-large in South Carolina, with a wide variety of members across a range of professions, including soil classifiers, septic installers, septic engineers, and real estate and construction professionals. SCSASA looks forward to working with the Department in improving both its regulatory framework while growing the septic industry in the State. We thank you for your consideration of these comments and are hopeful to see positive revisions in light of these concerns.

Respectfully,

  
Tyler Sgro, LPSC





Caleb P. Rodgers, PE



Thomas Blackwell, PE

South Carolina Soil and Septic Association Board of Directors

**Department Response:**

The Department is currently not able to meet the demand for permit applications and in most cases carries a backlog across the state. This provision will allow for more efficient use of Department resources and ease backlogs, by authorizing the Department to subcontract with qualified third parties to provide soil evaluations and system layouts. The Department will include required qualifications and trainings when procuring subcontractors that meet the intent of the S.C. Code 40-65-5 *et. seq.* Existing resources will be used for subcontracting and procuring subcontractors. This scope of work falls within the day to day responsibilities of the support services responsible for procurement.

Name	Section
John H. Thorp, Licensed S.C. Soil Classifier	102.1 (2)

**Comment:**

Dear David and Renee,  
Thank You for the opportunity to provide my comments on the proposed changes to SC Reg 61-56. My comments for the record are in blue, italicized font below.

102. Onsite Wastewater System Site Evaluation and Fees.

102.1. Site Evaluations.

(1) An applicant for a permit to construct an onsite wastewater system, nonwater-carried sewage treatment system, wastewater combustion system, or gray water subsurface reuse system shall, at the time an application for a permit to construct is submitted to the Department, pay to the Department the site evaluation fee set forth in Section 102.2.

(2) Soil evaluations shall be conducted only by:

(a) A certified Department staff member;

(b) A licensed Professional Soil Classifier; or other licensed person qualified to practice soil classifying under S.C. Code 40-65-40(7) or otherwise deemed qualified by the Department who has subcontracted with the Department.

*The Department shall train said Subcontractors to a skill level no less than their own environmental Managers. SDHEC – approved Subcontractors shall be prohibited from performing soil evaluations under Alternative Standard 362/610.*

**Department Response:**

The Department is currently not able to meet the demand for permit applications and in most cases carries a backlog across the state. This provision will allow for more efficient use of Department resources and ease backlogs, by authorizing the Department to subcontract with qualified third parties to provide soil evaluations and system layouts. The Department will include required qualifications and trainings when procuring subcontractors that meet the intent of the S.C. Code 40-65-5 *et. seq.*

The 610/611 Standard for Specialized Onsite wastewater System Designs (Less than 1500 GPD) already specifies current requirements for who is allowed to submit soil data and system designs through that standard.

Name	Section
John H. Thorp, Licensed S.C. Soil Classifier	102.1 (5)

**Comment:**

Dear David and Renee,  
Thank You for the opportunity to provide my comments on the proposed changes to SC Reg 61-56. My comments for the record are in blue, italicized font below.

(5) The Department will not perform a soil evaluation or prepare a system layout for any subdivision or portion of a subdivision with ten (10) or more lots without access to all available utilities.

*Clarification needed: if the sewer utility connection is not available at the time of application, does this nullify the 10 lot limit?*

Soil evaluations for any lots that are part of a subdivision with ten (10) or more lots without access to all available utilities must be conducted by a licensed person meeting the criteria of Section 102.1(2)(b) or (c).

*Clarification needed: if the sewer utility connection is not available at the time of application, does this nullify the 10 lot limit?*

**Department Response:**

The amendment provides that a subdivision or portion of a subdivision with 10+ lots must not have access to all available utilities. If sewer utility connection is not available, then it would not be a factor in whether the Department would perform the soil evaluation or prepares the system layout. Conditions at the time of the application determine the applicability of these requirements.

Name	Section
John H. Thorp, Licensed S.C. Soil Classifier	104.4 (2)

**Comment:**

Dear David and Renee,  
 Thank You for the opportunity to provide my comments on the proposed changes to SC Reg 61-56. My comments for the record are in blue, italicized font below.

104.4. Variances and Exemptions.  
 (1) The Department may, on a case-by-case basis, approve and issue a variance or exemption from one or more requirements of this regulation upon a finding that:  
 (a) The granting of the variance or exemption will not compromise protection to human health and the environment.  
 (b) Because of the characteristics of the site, it is not practical or feasible for the onsite wastewater system to meet the requirements of this regulation without taking into account the current science and best technology available.  
 (2) A request for variance or exemption must be in writing and include the following:  
 (a) A detailed description of the regulatory requirements for which the variance or exemption is sought.  
 (b) Sufficient data to demonstrate to the satisfaction of the Department that compliance with the regulatory requirement will not be practical or feasible  
*or economically reasonable to avoid an uncompensated taking of private property value.*

**Department Response:**

The suggested language relates to a provision that is not within the scope of the proposed amendments.

Name	Section
John H. Thorp, Licensed S.C. Soil Classifier	104.4 (3)

**Comment:**

Dear David and Renee,  
 Thank You for the opportunity to provide my comments on the proposed changes to SC Reg 61-56. My comments for the record are in blue, italicized font below.

(3) The Department may request additional information to evaluate the request. A complete variance request will be processed within three (3) business days of receiving the request. If approved, the variance or exemption will be issued in writing and may contain *enforceable conditions that remain valid for a period of 5 years.*  
 The Department may revoke issued variances as it deems appropriate to protect human health and the environment *only if a violation of the prior issued variance is fully documented by SCDHEC and proper notice is issued to the property owner.*

**Department Response:**

The regulation already contains the provision that an approved variance or exemption may contain conditions. The Department may include an expiration date as a condition to a variance or exemption. Additionally, the Department may revoke issued variances as it deems appropriate to protect human health and the environment.

Name	Section
Survey of Professional Soil Classifiers	102.1 (2)(b) and 102.1 (3)(b)

**Anonymous Comment:**

Subcontract amount is less than current market price to conduct soil evaluations directly with the public

**Department Response:**

The Department is currently not able to meet the demand for permit applications and in most cases carries a backlog across the state. This provision will allow for more efficient use of Department resources and ease backlogs, by authorizing the Department to subcontract with qualified third parties to provide soil evaluations and system layouts. A qualified third party is not required to be a subcontractor and the fee limitation is only applicable to subcontractors of the Department.

**Walker Ferguson, LSS**

**Comment:**

I would have no problem subcontracting with SCDHEC to perform soils evaluations for the public. Our firm has done this previously with specific counties in North Carolina to assist them with backlog. I have a HUGE issue and we're unwilling to do this work for the maximum fee of \$450 identified. We would lose \$\$ in that endeavor given our liability insurance rates, benefits, and current pay rates offered to our employees. Furthermore, I really think professional liability needs to be addressed with in this proposed amendment. This should be a requirement for any subcontractor working for DHEC. This is a huge deal and I look forward to being in a court room, as an expert witness, for any licensed professional or subcontractor deemed adequate by DHEC to perform these services when the system failures and lawsuits start to occur.

**Department Response:**

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The subcontractor will be an independent contractor and not an agent of the Department for professional liability. The applicant will contract with the Department's subcontractor to conduct soil classifications and prepare system layouts. The Department may include professional liability insurance or bonding requirements when procuring subcontractors.

**Andrew Croy, PSC**

**Comment:**

Personally, would not make the drive from GA for that price point. The market is such that here many consultants have 8-10 week backlogs and daily phone calls of clients begging us to name our price for expedited services

More questions rather than reasons:

What are the benefits to subcontracting through DHEC (tied to \$450 max) vs doing the work as a private consultant (fair market price)?

Is the department suspecting more people would subcontract through DHEC vs doing the projects themselves at whatever rate they see as fair?

Is DHEC assuming the liability for work subcontractors do?

What qualifications would someone subcontracting need to do so?

**Department Response:**

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A qualified third party is not required to be a subcontractor and the fee limitation is only applicable to subcontractors of the Department.

The subcontractor will be an independent contractor and not an agent of the Department for professional liability. The applicant will contract with the Department's subcontractor to conduct soil classifications and prepare system layouts. The Department may include professional liability insurance or bonding requirements when procuring subcontractors.

The Department will include required qualifications and trainings when procuring subcontractors that meet the intent of the S.C. Code 40-65-5 *et. seq.*

**Anonymous Comment:**

I have not recently performed these types of evaluations. The proposed fee limits also appear to be on the low end for consulting on these types of projects due to typically small project size, potential project site variability, and expected turnaround time to address client expectations.

**Department Response:**

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**Anonymous Comment:**

Answered "Yes" to a question of whether they would be interested in contracting with the Department.

**Department Response:**

No response is necessary.

**Dennis DeFrancesco  
SC Soil Classifier License #31  
Comment:**

\$450 will not cover all the related costs, including insurance, vehicle, taxes, equipment depreciation, other overhead costs plus a fair wage. It could take 2 to 3 hours (plus driving time) to do the proper fieldwork, with the same time needed for the before-and-after office work. I am a professional who does a professional job and expects a professional wage. Soil Classifiers in nearby states may work and accept the liability for far less, but I will not. You will get substandard results when you offer substandard money; the unfortunate truth is that somebody will actually accept this low-ball offer, and work to that level. Your staff will then have the unenviable job of accepting substandard submissions when they know things won't end well for the homeowner. This goes against DHEC's mission to protect the public health. This \$450 proposal may eventually backfire, and it will drain DHEC's already-meager budget.

You folks are in a terrible position of somehow finding a way to shorten the permit wait time. You are doing everything humanly possible from your end, but the Legislature simply must increase the wages of the field workers and hire more of them.

**Department Response:**

The Department is currently not able to meet the demand for permit applications and in most cases carries a backlog across the state. This provision will allow for more efficient use of Department resources and ease backlogs, by authorizing the Department to subcontract with qualified third parties to provide soil evaluations and system layouts. A qualified third party is not required to be a subcontractor and the fee limitation is only applicable to subcontractors of the Department.

**Anonymous Comment:**

Factoring travel costs, site evaluation, report writing and site plan preparation, it is unfeasible to work for such a low rate. As a larger private sector company we cannot complete the work for that low of a rate and provide sufficient time and effort determining the correct factors for describing site conditions and developing a plan that is commensurate of the level of detail to design and onsite wastewater system accurately and in a way that protects public health. Onsite wastewater system soil evaluations should not be conducted in haste and should only be conducted by qualified individuals. In North Carolina Licensed Soil Scientists are allowed to describe soil and design septic systems up to 3,000 gallons per day without the need for an engineer. We can design systems and submit the site plan with only departmental review as long as we carry sufficient errors and omissions insurance to cover the risk of any given project. This is the path you should consider. If the public wants private sector work, scope and fees should set by the private sector individuals ONLY, the regulatory and government sector has NO right to set private sector rates or prices. Your plan of action is un-reasonable for any company as we have overhead that far exceeds the minimum rate you have proposed. In short if you want our assistance just let us do our job and check the dotted i's and crossed t's and stay out of our account receivables.

**Department Response:**

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**Anonymous Comment:**

The subcontract amount is considerably too low; by a factor of 3x.

**Department Response:**

The Department is currently not able to meet the demand for permit applications and in most cases carries a backlog across the state. This provision will allow for more efficient use of Department resources and ease backlogs, by authorizing the Department to subcontract with qualified third parties to provide soil evaluations and system layouts. A qualified third party is not required to be a subcontractor and the fee limitation is only applicable to subcontractors of the Department.