

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

April 13, 2023

- () 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 February 1, 2023, through February 28, 2023.
- III. FACTS:** For the period of February 1, 2023, through February 28, 2023, Healthcare Quality reports 5 Consent Orders totaling \$71,700 in assessed monetary penalties.

Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Assessed Penalties	Required Payment
Community Care	Community Residential Care Facility (CRCF)	0	4	\$43,000	\$35,000
	Residential Treatment Facility for Children and Adolescents (RTF)	0	1	\$28,700	\$20,000
TOTAL		0	5	\$71,700	\$55,000

Submitted By:

Gwendolyn C. Thompson

Gwen C. Thompson
Deputy Director
Healthcare Quality

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

April 13, 2023

Bureau of Community Care

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Community Residential Care Facility (CRCF)	471	22,049

1. Carriage House of Florence (80 beds) – Florence

Investigation and Violations: The Department conducted routine follow-up and food and sanitation follow-up inspections and complaint investigations at the facility in February, March, April, and May 2022, and cited numerous and repeated violations.

The Department found the following violations, of which many were repeated:

- Failing to render care in accordance with orders from physicians or other authorized healthcare provider regarding medication administration.
- Failing to initial medication administration records (“MARs”) as medications were administered.
- Failing to have documented reviews of MARs at shift changes.
- Failing to maintain residents' medications in the original packaging.
- Storing discontinued medications with current medications.
- Failing to document reviews of controlled sheets at shift changes.
- Storing medication in a resident’ room who has an order to not self-administer over-the-counter medications.
- Failing to keep equipment and building in good working repair and operating condition.
- Failing to keep the grounds clean and free of vermin and offensive odors.
- Failing to clean each specific area of the building.
- Failing to provide window treatments for privacy in residents’ bathrooms.
- Failing to maintain plumbing fixtures that require hot water and which are accessible to residents to supply water at a temperature of at least 100 degrees Fahrenheit.
- Failing to equip a resident room with a comfortable single bed with water-proof linens.
- Failing to provide liquid soap and a sanitary hand drying method in a shared bathroom.
- Failing to provide toilet paper in a shared bathroom.
- Leaving medication unsecured and accessible in a resident’s room.
- Failing to ensure its kitchen and food preparation were in compliance with Regulation 61-25.
- Failing to keep its grounds free of weeds, rubbish, overgrown landscaping, and other potential breeding sources for vermin.
- Failing to maintain documentation of staff initial and annual trainings.
- Failing to have a health assessment for staff member.
- Failing to have monthly notes of observation for residents.
- Retaining a resident who required daily care of a licensed nurse and was inappropriate for a CRCF.
- Failing to have medication available for administration.

- Failing to safely store harmful chemicals in a manner that makes them inaccessible to residents.
- Failing to keep soiled clothing in proper containers.
- Failing to take safety precautions against fire and other hazards when oxygen is dispensed, administered, or stored.
- Failing to keep supplies and equipment off the floor.
- Failing to at least semi-annually review a resident's individual care plan.

Enforcement Action: In June 2022, the parties met for an enforcement conference and discussed the abovementioned violations. The Department requested, and received, photographs in response to the violations discussed at the enforcement conference. In August 2022, the Department issued an Administrative Order to the facility revoking its license to operate. Carriage House of Florence submitted a request for final review (RFR) of the Department's administrative order in August 2022, and then filed a request for a contested case hearing with the Administrative Law Court in October 2022. In November 2022, the Department received an application for an amended license for Carriage House of Florence as a result of a change of ownership. The parties agreed to resolve this matter with a Consent Order, whereby the facility agreed to the assessment of a \$10,000 monetary penalty to be paid in two payments of \$5,000. The parties' agreement and signing of the Consent Order of Dismissal dismissed the pending contested case in the Administrative Law Court. The Department further agreed to rescind its revocation, and upon payment of the required fees (not including the payment of the \$10,000 monetary penalty) and submission of required documentation, the Department agreed to issue an amended license in accordance with the licensure application regarding a change of ownership for the facility.

For a period of five years, the shareholders and officers of Carriage House of Florence, either individually or through entities or organizations formed by or on behalf of the shareholders or officers, agree not to seek licensure as a CRCF and not to manage or operate a CRCF in South Carolina. Additionally, for a period of five years, Carriage House of Florence agrees to not seek licensure as a CRCF in South Carolina and to not manage or operate a CRCF in South Carolina.

Remedial Action: The facility has made the first payment of \$5,000. The facility has completed their change of ownership and have new owners and a new name, Patriot Living of Florence. Residents did not have to be relocated as a result.

Prior Orders: In November 2020, The Department and Carriage House of Florence executed a Consent Order imposing a \$5,000 monetary penalty based upon violations relating to infection control standards. In February 2022, the Department and Carriage House of Florence executed a second Consent Order imposing a \$10,000 monetary penalty based on various regulation violations including failing to have a licensed administrator, failing to notify the Department of a change in administrator's status, failing to maintain sufficient staff, failing to maintain resident medical and financial records, failing to maintain and properly store resident medications, failing to maintain kitchen compliance, failing to safely store chemicals, allowing smoking in a resident room, failing to keep the facility clean and free from vermin and failing to promote conditions the prevent the spread of infection. Following the second Consent Order, the Department visited the facility numerous times to conduct follow-up inspections and investigations. The Department was cited for failing to render care in accordance with orders from physicians, maintain resident records, maintaining resident medications, maintain and clean the building's interior and exterior and plumbing fixtures, and failing to provide soap and toilet tissue in a shared bathroom. As a result, the Department issued an Administrative Order revoking the license to operate Carriage House Senior Living of Florence as a CRCF.

2. Carriage House of Sumter (60 beds) - Sumter

Investigation and Violations: The Department conducted routine general, food and sanitation, fire and life safety, and routine follow-up inspections at the facility in April, May, and June 2022, and cited numerous and repeated violations.

The Department found the following violations, of which many were repeated:

- Failing to have monthly notes of observation for residents.
- Failing to review and/or revise residents' individual care plans ("ICPs") at least semi-annually, by failing to develop residents' ICPs within seven days of admission, and by failing to have a resident's ICP signed by the resident and/or the resident's sponsor or responsible party.
- Retaining a resident that received a sliding scale insulin.
- Failing to have documentation of a resident's current annual physical examination and by failing to complete a resident's physical examination within 30 days prior to admission.
- Failing to properly initial medication administration records ("MARs") as medications were administered to residents.
- Failing to have documented reviews of MARs and control sheets at shift changes.
- Failing to maintain its food service area in compliance with Retail Food Establishment, Regulation 61-25.
- Failing to keep all equipment and building components in good repair and operating condition.
- Failing to ensure the facility was free of vermin and offensive odors.
- Failing to ensure that each specific interior area of the facility was cleaned.
- Failing to ensure that harmful chemicals in the interior of the facility were stored safely and inaccessible to residents.
- Failing to provide liquid soap at each lavatory used by more than one resident and by allowing communal use of bar soap.

Enforcement Action: The Department and Carriage House of Sumter met for an enforcement conference in August 2022, to discuss the abovementioned violations, the facility's efforts to obtain and maintain regulatory compliance, and discussed resolution of the enforcement action. In November 2022, the Department received an application for an amended license for Carriage House of Sumter as a result of a change of ownership. The facility agreed to a \$10,000 assessed monetary penalty to be paid in two installments of \$5,000. In addition, upon payment of the required fees (which does not include payment of the monetary penalty) and submission of required documentation, the Department will issue an amended license in accordance with the licensure application regarding a change of ownership for the facility.

Furthermore, the facility agrees to not seek licensure as a CRCF in South Carolina and to not manage or operate a CRCF in South Carolina for a period of five years. Additionally, the shareholders and officers of Carriage House of Sumter, either individually or through entities or organizations formed by or on behalf of the shareholders or officers, agreed to not seek licensure as a CRCF in South Carolina and to not manage or operate a CRCF in South Carolina for a period of five years.

Remedial Action: Carriage House of Sumter has paid the first \$5,000 payment. The facility has completed their change of ownership and have new owners and a new name, Patriot Living of Sumter. Residents did not have to be relocated as a result.

Prior Orders: In February 2022, the Department and Carriage House of Sumter executed a Consent Order imposing a \$5,000 monetary penalty against the facility as a result of violations of various provisions of Regulation 61-84. The facility failed to have proper documentation for residents, maintain equipment and building components, promote conditions that prevent the spread of infectious diseases, ensure the facility was free from vermin and/or offensive odors, properly store chemicals, ensure the interior and exterior of the facility was clean.

3. Seneca Residential Care (33 beds) - Seneca

Investigation and Violations: The Department conducted multiple inspections and investigations at the facility and cited numerous and repeated violations.

The Department found the following violations, of which many were repeated:

- Failing to submit to the Department timely acceptable written plans of correction.
- Failing to have at least one staff member/direct care volunteer on duty for each eight residents or fraction thereof during periods of peak hours.
- Failing to maintain documentation to ensure the Facility had at least one staff member/direct care volunteer on duty for each eight residents during peak hours and at least one staff member/direct care volunteer on duty for each 30 residents during non-peak hours.
- Failing to ensure the Facility completed a written assessment of a resident no later than 72 hours after the resident's admission.
- Admitting a resident that needed treatment for a stage two decubitus ulcer.
- Failing to render care and services to residents in accordance with physicians' orders.
- Failing to ensure a resident was free from mental abuse.
- Failing to ensure a resident's admission physical included a two-step tuberculin skin test.
- Failing to initial the medication administration records ("MARs") as medications were administered.
- Failing to have documented reviews of the MARs at each shift change.
- Failing to ensure medications were kept in their original containers or packaging.
- Storing discontinued and expired medications with current medications, by failing to have a thermometer in the refrigerator storing medications, and by failing to properly store and safeguard medications to prevent access by unauthorized persons.
- Failing to maintain records of controlled substances in sufficient detail to enable an accurate reconciliation.
- Failing to have documented reviews of the control sheets at each shift change.
- Failing to maintain its kitchen and food preparation in compliance with Retail Food Establishment, Regulation 61-25.
- Failing to record in writing substitutions made on the master menu.
- Failing to maintain all equipment and building components in good repair and operating condition.
- Failing to ensure the Facility was free of vermin and offensive odors.
- Failing to ensure that each specific interior area of the Facility was cleaned.
- Failing to ensure soiled linen/clothing were kept in enclosed/covered containers.
- Failing to have window treatments for privacy in residents' rooms.
- Failing to properly secure in place an oxygen cylinder and by failing to post a "No Smoking" sign in a resident room that had an oxygen concentrator.
- Failing to maintain plumbing fixtures that require hot water and are supplied to residents at a temperature of at least 100 degrees F. and not to exceed 120 degrees F.
- Failing to ensure a resident's room is furnished with a comfortable bed and a mattress with a moisture-proof cover.
- Failing to have liquid hand soap in public restrooms and by allowing communal use of bar soap.

Enforcement Action: The parties met for an enforcement conference and agreed to resolve this matter with a Consent Order. The facility agreed to the assessment of a \$18,000 monetary penalty, and to pay \$10,000

in two installments of \$5,000. The remaining \$8,000 will be stayed upon a six-month period of substantial compliance with Regulation 61-84 and this Consent Order. The Facility attended a compliance assistance meeting with representatives of the Department on March 21, 2023.

Remedial Action: The facility has made the first payment of \$5,000. The Department and the facility met for the compliance assistance meeting in March 2023.

Prior Orders: None in the past five years.

4. Palmetto Village of Chester (100 beds) - Chester

Investigation and Violations: The Department conducted multiple inspections and investigations at the facility and cited numerous and repeated violations.

The Department cited the facility for the following violations, of which many were repeated:

- Failing to have documentation of staff in-service training in basic first aid.
- Failing to have documentation of staff in-service training in management/care of persons with contagious and/or communicable disease.
- Failing to have documentation of staff in-service training in medication management.
- Failing to have documentation of staff in-service training in care of persons specific to the physical/mental condition(s) being cared for in the Facility.
- Failing to have documentation of staff in-service training in use of restraint techniques.
- Failing to have documentation of staff in-service training in OSHA standards regarding blood-borne pathogens.
- Failing to have documentation of staff in-service training in confidentiality of resident information and records.
- Failing to have documentation of staff in-service training in the Bill of Rights for Residents of Long-Term Care Facilities, S.C. Code Ann. Sections 44-81-10, et. seq.
- Failing to have documentation of staff in-service training in fire response.
- Failing to have documentation of staff in-service training in emergency procedures/disaster preparedness.
- Failing to have documentation of residents' individual care plans ("ICPs") that have been reviewed and/or revised at least semi-annually and by failing to revise a resident's ICP as changes in the resident's needs occurred.
- Failing to render care in accordance with physician's orders for administering medications and by Failing to take special precautions for a resident with special conditions.
- Failing to have documentation of a resident's physical examinations that addresses the need (or lack thereof) for the continuous daily attention of a licensed nurse.
- Failing to initial the medication administration records ("MARs") as medications were administered.
- Failing to have documented reviews of the MAR.s at each shift change by outgoing staff with incoming staff.
- Failing to have documented reviews of the control sheets at each shift change by outgoing staff with incoming staff.
- Failing to maintain all equipment and building components in good repair and operating condition.
- Failing to ensure that the Facility was free of vermin.
- Failing to ensure that the plumbing fixtures that require hot water and are accessible to residents are maintained between 100 degrees F and 120 degrees F.

Enforcement Action: The parties met for an enforcement conference and agreed to resolve this matter with a Consent Order. The facility agreed to an assessment of \$5,000 monetary penalty to be paid in ten installments of \$500.

Remedial Action: The facility has paid all of the required \$5,000 to the Department. The facility agreed to correct the violations that initiated this enforcement action and shall submit invoices to support repairs and purchases made, to ensure that all violations of Regulation 61-84 are not repeated. The facility agreed to ensure that all repairs are completed within the ten-month period.

Prior Orders: None in the past five years.

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Residential Treatment Facility for Children and Adolescents (RTF)	8	518

5. New Hope Carolinas, Inc. (150 beds) - Rock Hill

Investigation and Violations: The Department conducted a complaint investigation at the facility and cited the following violations:

- Failing to implement its policies and procedures regarding resident care, rights, and operation of the Facility.
- Not reporting a serious accident and/or incident to the Department within 24 hours of the serious accident and/or incident.
- Failing to submit a written report of its investigation of serious accidents and/or incidents to the Department within five calendar days of the serious accidents and/or incidents.
- Failing to revise the residents' individual treatment plans as changes in the residents' needs occurred.
- Failing to delineate the responsibilities of the sponsor and of the Facility in meeting the needs of the resident, including provisions for the sponsor to monitor the care and effectiveness of the Facility in meeting those needs.
- Failing to afford each resident the right to be treated with consideration, respect, and dignity.
- Failing to ensure that residents were free from harm, abuse, or neglect.
- Not maintaining the Facility's building components in good repair and operating condition and/or by failing to comply with the codes adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.
- Failing to clean each area of the interior of the Facility.
- Failing to submit plans and specifications to the Department for new construction or projects that have an effect on the life safety system of the residents.
- Failing to maintain plumbing fixtures that require hot water and are accessible to residents, at least 100 degrees Fahrenheit.

Enforcement Action: The Facility is responsible for a monetary payment to the Department of \$28,700. The Facility shall make payment of \$20,000 within 30 days of execution of this Consent Order. Payment was received on Feb. 10, 2023. Payment of the remaining \$8,700 will be stayed upon a six-month period of substantial compliance with Regulation 61-103 and this Consent Order.

Remedial Action: The Facility attended a compliance assistance meeting with representatives of the Department on April 5, 2023, and agrees to initiate action to remedy deficient conditions identified by the Department.

Prior Orders: None in the past 5 years.

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
April 13, 2023

_____ 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 February 1, 2023, through February 28, 2023.
3. **FACTS:** For the reporting period of February 1, 2023, through February 28, 2023, the Office of Environmental Affairs issued fifty (50) Consent Orders with total assessed civil penalties in the amount of one hundred fifty-one thousand, nine hundred fifty dollars (\$151,950.00). Also, ten (10) Administrative Orders with total assessed civil penalties in the amount of one hundred seventy-eight thousand, three hundred dollars (\$178,300.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	6	\$178,300.00	9	\$16,650.00
Solid Waste	0	0	0	0
Hazardous Waste	0	0	7	\$75,900.00
Mining	0	0	0	0
Radiological Health	0	0	1	\$3,000.00
SUBTOTAL	6	\$178,300.00	17	\$95,550.00
Water				
Recreational Water	0	0	0	0
Drinking Water	0	0	1	0
Water Pollution	1	0	4	\$18,900.00
SUBTOTAL	1	0	5	\$18,900.00
Air Quality				
SUBTOTAL	0	0	1	\$5,000.00
Environmental Health Services				
Food Safety	0	0	26	\$31,500.00
Onsite Wastewater	4	0	1	\$1,000.00
SUBTOTAL	4	0	27	\$32,500.00
OCRM				
SUBTOTAL	0	0	0	0
TOTAL	10	\$178,300.00	50	\$151,950.00

Submitted by:

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

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
April 13, 2023**

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 22-0315-UST
 Order Date: December 20, 2022
 Individual/Entity: **Move-Mintz Properties & Sons, LLC**
 Facility: Keith's Grocery
 Location: 3436 North Governor Williams Highway
 Darlington, SC 29540
 Mailing Address: 2624 Secretariat Drive
 Florence, SC 29505
 County: Darlington
 Previous Orders: None
 Permit/ID Number: 16693
 Violations Cited: The State Underground Petroleum
 Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-
 2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage
 Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.36(a)(1)(i),
 280.36(a)(1)(ii), 280.70(a), 280.93(a), 280.110(c), and 280.243(b) (2012 & Supp
 2022).

Summary: Move-Mintz Properties & Sons, LLC (Individual/Entity) owns underground storage tanks (USTs) in Darlington County, South Carolina. Based on a file review, the Department issued a Notice of Alleged Violation on April 27, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation as follows, failed to: conduct monthly and annual walk-through inspections; maintain release detection on a temporarily closed UST; demonstrate financial responsibility for an UST system; submit evidence of financial assurance to the Department upon request; have a Class A/B operator trained and designated for the facility; and pay annual tank registration fees.

Action: The Individual/Entity is required to submit: proof a Class A/B operator has been trained and designated for the Facility; proof that all compartments of the UST contain less than one (1) inch of liquid; proof that a Walkthrough Inspection log has been initiated and is being properly maintained; a completed Certificate of Financial Responsibility and evidence of financial assurance; and payment of annual tank registration fees and associated late fees for fiscal years 2006 through 2023 in the amount of five thousand, three hundred two dollars (\$5,302.00) by March 20, 2023. The Department has assessed a civil penalty in the amount of thirty-one thousand, six hundred dollars (\$31,600.00). The Individual/Entity shall pay a civil penalty in the amount of thirty-one thousand, six hundred dollars (**\$31,600.00**) by March 20, 2023.

Update: The Individual/Entity did not file a Request for Review.

- 2) Order Type and Number: Administrative Order 22-0205-UST
Order Date: January 5, 2023
Individual/Entity: **Magnolia Station**
Facility: Magnolia Station
Location: 617 East Savannah Street
Calhoun Falls, SC 29628
Mailing Address: Same
County: Abbeville
Previous Orders: None
Permit/ID Number: 11089
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. Code Ann. §§ 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.93(a), and 280.110(c) (2012 and Supp. 2022).

Summary: Magnolia Station, LLC (Individual/Entity) owns underground storage tank (USTs) in Abbeville County, South Carolina. On May 2, 2022, the Department conducted a file review of the Facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to demonstrate financial responsibility for an underground storage tank system and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to submit a completed Certificate of Financial Responsibility and evidence of financial assurance by March 27, 2023. The Department has assessed a total civil penalty in the amount of twenty-eight thousand, six hundred dollars (\$28,600.00). The Individual/Entity shall pay a civil penalty in the amount of twenty-eight thousand, six hundred dollars (**\$28,600.00**) by March 27, 2023.

Update: The Individual/Entity did not file a Request for Review.

- 3) Order Type and Number: Administrative Order 22-0270-UST
Order Date: January 5, 2023
Individual/Entity: **Clifton Ricardo Smith**
Facility: Nickelpumper 233
Location: 3296 Point South Drive
Yemassee, SC 29945
Mailing Address: 1544 Red Dam Road
Hardeeville, SC 29927
County: Jasper
Previous Orders: None
Permit/ID Number: 04878
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.21(a)(3), 280.31(a), 280.70(c), 280.93(a), 280.110(c) (2012 & Supp. 2022), and § 44-2-60(A) (2018).

Summary: Clifton Ricardo Smith (Individual/Entity) owns underground storage tanks (USTs) in Jasper County, South Carolina. Based on a routine file review, the Department issued a Notice of Alleged Violation on June 9, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows, failed to: properly close a substandard underground storage tank (UST) system as required in Subparts G. and F.; maintain and operate a corrosion protection system; properly abandon a temporarily closed UST system after twelve (12) months; demonstrate financial responsibility for an UST system; submit evidence of financial assurance to the Department upon request; and pay annual tank registration fees and associated late fees.

Action: The Individual/Entity is required to submit: a completed UST Tank and Sludge Disposal Form for the permanent closure of all USTs at the Facility by March 27, 2023, and upon Department's approval of the UST Tank and Sludge Disposal Form permanently close the USTs within forty-five (45) days, and within sixty (60) days of the permanent closure of the USTs submit an UST Closure and Assessment Report; should the results of the UST Closure and Assessment Report indicate contamination is present, submit a completed Certificate of Financial Responsibility form and evidence of financial assurance; and payment of annual tank registration fees and associated late fees for fiscal years 1998, 2001, and 2003 through 2023 in the amount of seventeen thousand, seven hundred eighty-seven dollars (\$17,787.00) by March 27, 2023. The Department has assessed a total civil penalty in the amount of fifty-six thousand, seven hundred twenty-five dollars (\$56,725.00). The Individual/Entity shall pay a civil penalty in the amount of fifty-six thousand, seven hundred twenty-five dollars (**\$56,725.00**) by March 27, 2023.

Update: The Individual/Entity did not file a Request for Review.

4) Order Type and Number: Administrative Order 22-0279-UST
Order Date: January 5, 2023
Individual/Entity: **AMT Properties, LLC**
Facility: Mini Mart
Location: 10447 Wilson Boulevard
Blythewood, SC 29016
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 10503
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.31(a), 280.31(b)(1), 280.34(c), 280.36(a)(1)(i), 280.36(a)(1)(ii), 280.40(a), 280.43(d), 280.50, 280.70(a), 280.242(b)(3), 280.242(b)(4), 280.243(c), and 280.245 (2012 & Supp. 2022).

Summary: AMT Properties, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) in Richland County, South Carolina. Based on a routine compliance inspection, the Department issued a Notice of Alleged Violation on July 1, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain and operate corrosion protection equipment continuously; have the cathodic protection system tested

at least every three (3) years; failed to provide records to the Department upon request; failed to check and document monthly required equipment walkthrough inspections; failed to check and document annually required equipment walkthrough inspections; failed to provide an adequate release detection method; conduct proper release detection using an automatic tank gauge (ATG); failed to report a suspected release; failed to maintain corrosion protection or appropriate release detection on a temporarily closed UST; failed to validate that monthly requirements have been met; failed to physically visit each assigned facility once a quarter; failed to train Class C operators before they assume responsibility for the UST facility; and failed to designate and list all Class C operators.

Action: The Individual/Entity is required to submit: either the most recent ten (10) out of twelve (12) months of ATG records with the most recent two (2) months passing for the currently-in-use 4,000-gallon regular and 4,000-gallon premium USTs at the Facility or tank tightness test results and a current passing ATG record for both USTs as proof that a valid release detection method is in place; proof the metal in the submersible turbine pump sump for the 4,000-gallon premium UST has been isolated from soil and/or water; passing cathodic protection system test results for all USTs at the facility; proof the temporarily closed 4,000-gallon regular UST contains less than one (1) inch of residue; proof a Class A/B Operator/Walkthrough Inspection Log has been initiated and is being properly maintained; a list of Class C operators trained and designated for the facility by March 27, 2023. Should any of the required test fail, the Individual/Entity is required to submit proof of repair and/or replacement of the affected system and current passing test results within thirty (30) days of the failed test results. The Department has assessed a total civil penalty in the amount of sixteen thousand, eight hundred fifty dollars (\$16,850.00). The Individual/Entity shall pay a civil penalty in the amount of sixteen thousand, eight hundred fifty dollars (**\$16,850.00**) by March 27, 2023.

Update: The Individual/Entity did not file a Request for Review.

5) Order Type and Number: Administrative Order 22-0280-UST
Order Date: January 5, 2023
Individual/Entity: **Jaquawna Terry**
Facility: Rohde Shop-Rite
Location: 806 Proctor Street
Walterboro, SC 29488
Mailing Address: P.O. Box 307
Walterboro, SC 29488
County: Colleton
Previous Orders: None
Permit/ID Number: 02472
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.70(c), 280.93(a), 280.110(c) (2012 & Supp. 2022), and § 44-2-60(A) (2018).

Summary: Jaquawna Terry (Individual/Entity) owns underground storage tanks (USTs) in Colleton County, South Carolina. Based on a routine file review, the Department issued a Notice of Alleged Violation on January 31, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to properly close a substandard underground storage tank (UST) system as

required in Subparts G. and F.; demonstrate financial responsibility for an UST system; submit evidence of financial assurance to the Department upon request; and pay annual tank registration fees and associated late fees.

Action: The Individual/Entity is required to submit: a completed UST Tank and Sludge Disposal Form for the permanent closure of all USTs at the Facility by March 27, 2023, and upon Department's approval of the UST Tank and Sludge Disposal Form permanently close the USTs within forty-five (45) days, and within sixty (60) days of the permanent closure of the USTs submit an UST Closure and Assessment Report; should the results of the UST Closure and Assessment Report indicate contamination is present, submit a completed Certificate of Financial Responsibility form and evidence of financial assurance; and payment of annual tank registration fees and associated late fees for fiscal years 1992 through 2023 in the amount of thirteen thousand, seven hundred dollars (\$13,700.00). The Department has assessed a total civil penalty in the amount of thirty-eight thousand, three hundred dollars (\$38,300.00). The Individual/Entity shall pay a civil penalty in the amount of thirty-eight thousand, three hundred dollars (**\$38,300.00**) by March 27, 2023.

Update: The Individual/Entity did not file a Request for Review.

6) Order Type and Number: Administrative Order 22-0298-UST
Order Date: January 5, 2023
Individual/Entity: **Taleb Abudayya**
Facility: Food Mart
Location: 601 Highway 34 West
Dillon, SC 29536
Mailing Address: 602 North 1st Avenue
Dillon, SC 29536
County: Dillon
Previous Orders: AO 21-0471-UST (\$16,605.00)
Permit/ID Number: 02903
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.34(c), 280.40(a), and 280.43(d) (2012 & Supp. 2022).

Summary: Taleb Abudayya (Individual/Entity) owns and operates underground storage tanks (USTs) in Dillon County, South Carolina. Based on a routine compliance inspection, the Department issued a Notice of Alleged Violation on July 25, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows failed to: provide records to the Department upon request; provide an adequate release detection method; and conduct proper release detection using an automatic tank gauge (ATG).

Action: The Individual/Entity is required to submit a current passing ATG record for the 8,000-gallon regular UST as proof a valid release detection method is in place by March 27, 2023. The Department has assessed a total civil penalty in the amount of six thousand, two hundred twenty-five dollars (\$6,225.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand, two hundred twenty-five dollars (**\$6,225.00**) by March 27, 2023.

Update: The Individual/Entity did not file a Request for Review.

- 7) Order Type and Number: Consent Order 22-0178-UST
Order Date: February 3, 2023
Individual/Entity: **First Choice Services, LLC**
Facility: Hill Stop, LLC
Location: 729 S. Piedmont Highway
Piedmont, SC 29673
Mailing Address: 14 Hickory Hollow Court
Greenville, SC 29607-5812
County: Greenville
Previous Orders: None
Permit/ID Number: 16391
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.93(a) and 280.110(c) (2012 & Supp 2022).

Summary: First Choice Services, LLC (Individual/Entity) owns underground storage tanks (USTs) in Greenville County, South Carolina. On May 2, 2022, the Department conducted a file review and issued a Notice of Alleged Violation. 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 and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to submit a completed Certificate of Financial Responsibility form and evidence of financial assurance by March 20, 2023. The Department has assessed a total civil penalty in the amount of twenty-six thousand, two hundred dollars (\$26,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**) by March 20, 2023, and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: None

- 8) Order Type and Number: Consent Order 22-0361-UST
Order Date: February 3, 2023
Individual/Entity: **IT-SPE, LLC**
Facility: Cliff's at Keowee Vineyards Marina
Location: 152 Mariner Circle
Sunset, SC 29685
Mailing Address: P. O. Box 1279
Travelers Rest, SC 29690
County: Pickens
Previous Orders: None
Permit/ID Number: 18763

Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.93(a) and 280.110(c) (2012 & Supp 2022).

Summary: IT-SPE, LLC (Individual/Entity) owns an underground storage tank (UST) in Pickens County, South Carolina. On September 19, 2022, the Department conducted a file review and issued a Notice of Alleged Violation. 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 and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to submit a completed Certificate of Financial Responsibility form and evidence of financial assurance by March 20, 2023. The Department has assessed a total civil penalty in the amount of twenty-six thousand, two hundred dollars (\$26,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**) by March 20, 2023 and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: None

9) Order Type and Number: Consent Order 23-0013-UST
Order Date: February 8, 2023
Individual/Entity: **Cox Brothers, Inc.**
Facility: **Cox Brothers, Inc.**
Location: 201 North Main Street
Hemingway, SC 29554
Mailing Address: P. O. Box 64
Hemingway, SC 29554-0064
County: Williamsburg
Previous Orders: None
Permit/ID Number: 12912
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. Code Ann. §§ 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.20(c)(1)(ii) (2012 and Supp. 2022).

Summary: Cox Brothers, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Williamsburg County, South Carolina. On January 10, 2023, the Department conducted a routine inspection of the facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to maintain overfill prevention equipment of an underground storage tank system.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**) by March 25, 2023.

Update: The Department received the civil penalty payment on February 1, 2023. The Order is closed.

- 10) Order Type and Number: Consent Order 22-0362-UST
Order Date: February 15, 2023
Individual/Entity: **Saia Motor Freight Line, LLC**
Facility: Wilson Trucking Darlington Terminal
Location: 2233 South Main Street
Florence, SC 29501
Mailing Address: 11465 Johns Creek Parkway, Suite 330
Johns Creek, GA 30097
County: Darlington
Previous Orders: None.
Permit/ID Number: 03263
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-60(A)(2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.93(a), 280.110(c), and 280.243(b) (2012 & Supp 2022).

Summary: Saia Motor Freight Line, LLC (Individual/Entity) owns an underground storage tank (UST) in Darlington County, South Carolina. On September 15, 2022, the Department conducted a file review of the Facility and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed demonstrate financial responsibility for an UST system, failed to submit evidence of financial assurance to the Department upon request, failed to have a Class A/B operator trained in facility specific operation and maintenance and/or emergency response actions, and failed to pay annual underground storage tank registration fees.

Action: The Individual/Entity shall: submit payment for annual underground storage tank registration fees and associated late fees for fiscal year 2023 in the amount of one hundred twenty-one dollars (\$121.00) and a Tank and Sludge Disposal Form for the permanent closure of the UST at the Facility by April 3, 2023. Then, within forty-five (45) days of the Department's approval of the Tank and Sludge Disposal Form, permanently close the USTs, within sixty (60) days of closure, submit an UST Closure and Assessment Report, and pending the results of the UST Closure and Assessment Report, submit a completed Certificate of Financial Responsibility form and evidence of financial assurance. The Department has assessed a total civil penalty in the amount of twenty-six thousand, six hundred dollars (\$26,600.00). The Individual/Entity shall pay a **suspended penalty** in the amount of twenty-six thousand, six hundred dollars (**\$26,600.00**) should any requirement of the Order not be met.

Update: The fiscal year 2023 fees payment was received on February 14, 2023, and the Tank and Sludge Disposal Form was received on February 15, 2023.

- 11) Order Type and Number: Consent Order 22-0406-UST
Order Date: February 15, 2023
Individual/Entity: **Devine Property C, LLC**

Facility: Jimmy's Tackle, Inc.
Location: 4034 Byrnes Drive
St. Stephens, SC 29479
Mailing Address: 656 Stoneboro Court
Charleston, SC 29412
County: Berkeley
Previous Orders: None
Permit/ID Number: 12695
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, 280.22(b), 280.34(c); 280.93(a), 280.110(c), 280.242(b)(3), 280.242(b)(4), and 280.243(b) (2012 & Supp 2022) and § 44-2-60(A) (2018).

Summary: Devine Property C, LLC (Individual/Entity) owns underground storage tanks (USTs) in Berkeley County, South Carolina. The Department conducted inspections and issued Notices of Alleged Violations on August 11, 2022, and October 20, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to validate that monthly requirements had been performed, failed to physically visit the Facility once a quarter; failed to provide a change of ownership form within thirty (30) days of acquisition of an UST system; failed to provide records to the Department upon request; failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance; failed to have a Class A/B operator trained and designated for the Facility; and failed to pay annual tank registration fees.

Action: The Individual/Entity is required to submit: a completed Certificate of Financial Assurance form; evidence of financial responsibility; payment of annual tank registration fees and associated late fees for fiscal year 2023 in the amount of four hundred eighty-four dollars (\$484.00); evidence a Class A/B operator has been designated and trained for the Facility; evidence a Class A/B operator log has been started; and a completed Transfer of Ownership form, by April 10, 2023. The Department has assessed a total civil penalty in the amount of twenty-eight thousand, two hundred dollars (\$28,200.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, two hundred dollars (**\$3,200.00**) by April 10, 2023, and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: None

12) Order Type and Number: Consent Order 21-0544-UST
Order Date: February 23, 2023
Individual/Entity: **Russell T. Williford**
Facility: Morris Service Station
Location: 1502 Lockhart Highway
Union, SC 29379
Mailing Address: 107 Osborne Street
Union, SC 29379
County: Union
Previous Orders: None

Permit/ID Number: 15373
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.34(c), 280.70(a), 280.242, and 280.242(b)(4) (2012 & Supp 2022), and § 44-2-60(A) (2018).

Summary: Russell T. Williford (Individual/Entity) owns underground storage tanks (USTs) in Union County, South Carolina. Based on a routine compliance inspection, the Department issued a Notice of Alleged Violation on August 24, 2021. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to provide records to the Department upon request; failed to continue release detection and/or corrosion protection for a temporarily closed UST; failed to have a Class A/B operator trained for the Facility; and failed to pay annual tank registration fees and associated late fees.

Action: The Individual/Entity is required to submit passing corrosion protection system test results for the piping associated with the USTs at the Facility and should the test results fail, proof of repair and/or replacement of the system and/or system components, and subsequent corrosion protection system test results by April 10, 2023. The Department has assessed a total civil penalty in the amount of two thousand, nine hundred dollars (\$2,900.00). The Individual/Entity shall pay a **suspended penalty** in the amount of two thousand, nine hundred dollars (**\$2,900.00**) should any requirement of the Order not be met.

Updates: None.

13) Order Type and Number: Consent Order 22-0330-UST
Order Date: February 23, 2023
Individual/Entity: **Lee B. Vining, LLC**
Facility: Mountain View Convenience Store
Location: 3648 Geer Highway
Marietta, SC 29661
Mailing Address: 1856 Geer Highway
Travelers Rest, SC 29690
County: Greenville
Previous Orders: None
Permit/ID Number: 16898
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.22(b), 280.70(a), 280.93(a), and 280.110(c) (2012 & Supp 2022), and § 44-2-60(A) (2018).

Summary: Lee B. Vining, LLC (Individual/Entity) owns underground storage tanks (USTs) in Greenville County, South Carolina. Based on a routine file review, the Department issued a New Owner Notice of Alleged Violation on August 9, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to notify the Department of ownership change within thirty (30) days of acquisition of a regulated UST system; failed to maintain and operate corrosion protection or appropriate release detection on a temporarily closed UST; failed

to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; and failed to pay annual tank registration fees and associated late fees.

Action: The Individual/Entity is required to submit: proof a Class A/B operator has been trained and designated for the Facility; proof all USTs at the Facility contains less than one (1) inch of residue; a completed Notification of Ownership Change for Underground Storage Tanks form; a completed Certificate of Financial Responsibility form and evidence of financial assurance; and payment of annual tank registration fees and associated late fees for fiscal years 2013 through 2015, and 2017 through 2023 in the amount of eleven thousand, eighty-three dollars (\$11,083.00) by April 10, 2023. The Department has assessed a total civil penalty in the amount of twenty-seven thousand, seven hundred dollars (\$27,700.00). The Individual/Entity will pay a civil penalty in the amount of two thousand, seven hundred dollars (**\$2,700.00**) and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: None

14) Order Type and Number: Consent Order 22-0369-UST
Order Date: February 23, 2023
Individual/Entity: **Rafat Abudayya**
Facility: Hot Zone Mart
Location: 401 Lockemy Highway
Dillon, SC 29536
Mailing Address: Same
County: Dillon
Previous Orders: AO 21-0252-UST (\$16,365.00)
Permit/ID Number: 10297
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.21(a)(3), 280.31(a), 280.70(c), 280.93(a), and 280.110(c) (2012 & Supp 2022).

Summary: Rafat Abudayya (Individual/Entity) owns underground storage tanks (USTs) in Dillon County, South Carolina. Based on a routine file review, the Department issued a Notice of Alleged Violation on August 8, 2022. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to properly close a substandard UST system in accordance with the regulations; failed to maintain and operate a corrosion protection system; failed to properly abandon a temporarily closed UST system after twelve (12) months; failed to demonstrate financial responsibility for an UST system; and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to: submit a completed UST Tank and Sludge Disposal Form for the permanent closure of all USTs at the Facility by April 10, 2023, and within forty-five (45) days of the Department's approval of the UST Tank and Sludge Disposal Form permanently close the USTs, and within sixty (60) days of the permanent closure of the USTs submit an UST Closure and Assessment Report; and should the results of the UST Closure and Assessment Report indicate contamination is present, submit a completed Certificate of Financial Responsibility form and evidence of financial

assurance within thirty (30) days of discovery. The Department has assessed a total civil penalty in the amount of forty-seven thousand, fifty dollars (\$47,050.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, five hundred fifty dollars (**\$3,550.00**) by April 10, 2023, and pay a suspended penalty in the amount of forty-three thousand, five hundred dollars (\$43,500.00) should any requirement of the Order not be met.

Update: None

- 15) Order Type and Number: Consent Order 22-0388-UST
Order Date: February 23, 2023
Individual/Entity: **Oak3 Investments, LLC**
Facility: Corner Market
Location: 4595 Dorchester Road
Charleston, SC 29405
Mailing Address: 3689 Dorchester Road
N. Charleston, SC 29405
County: Charleston
Previous Orders: None
Permit/ID Number: 01682
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.93(a), and 280.110(c) (2012 & Supp 2022).

Summary: Oak3 Investments, LLC (Individual/Entity) owns underground storage tanks (USTs) in Charleston County, South Carolina. Based on a routine file review, the Department issued a Notice of Alleged Violation on October 10, 2022. 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; and failed to submit evidence of financial assurance to the Department upon request.

Action: The Individual/Entity is required to submit a completed Certificate of Financial Responsibility form and evidence of financial assurance by April 10, 2023. The Department has assessed a total civil penalty in the amount of twenty-six thousand, two hundred dollars (\$26,200.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**) and pay a suspended penalty in the amount of twenty-five thousand dollars (\$25,000.00) should any requirement of the Order not be met.

Update: The civil penalty, in the amount of one thousand, two hundred dollars (\$1,200.00), was paid February 16, 2023, and a completed Certificate of Financial Responsibility form and evidence of financial assurance was submitted February 17, 2023. The Order is closed.

Hazardous Waste Enforcement

- 16) Order Type and Number: Consent Order 23-02-HW
Order Date: February 3, 2023
Individual/Entity: **My Cleaners & Laundry, Inc. d/b/a Superior Cleaners**
Facility: Superior Cleaners
Location: 2910 Abbeville Highway
Anderson, SC
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit/ID Number: SCD 982 106 767
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. 2021).

Summary: My Cleaners & Laundry, Inc. d/b/a Superior Cleaners (Individual/Entity) is a drycleaning facility located in Anderson County, South Carolina. The Department conducted an inspection at the facility on September 18, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to keep containers closed; failed to label containers with the words “Hazardous Waste,” an indication of the hazards, and accumulation start dates; failed to make arrangements with local emergency responders; accumulated waste onsite for greater than 180 days; and failed to declare its generator status annually.

Action: The Individual/Entity is required to: submit analytical results for the waste sludge generated by the new drycleaning process (new solvent) by March 20, 2023. The Department assessed a total civil penalty in the amount of three thousand, five hundred dollars (\$3,500.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, five hundred dollars (**\$3,500.00**) by March 6, 2023.

Update: Civil penalty was paid in full on January 25, 2023. Compliance documentation has been submitted. The Order is closed.

- 17) Order Type and Number: Consent Order 23-03-HW
Order Date: February 10, 2023
Individual/Entity: **Professional Printers, Inc.**
Facility: Professional Printers, Inc.
Location: 1730 Old Dunbar Road
West Columbia, SC 29170
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: SCR 000 768 176
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. 2021).

Summary: Professional Printers, Inc. (Individual/Entity) offers full service commercial printing at its facility located in Lexington County, South Carolina. The Department conducted an inspection at the facility on September 21, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to determine if a solid waste was a hazardous waste; failed to label containers with the words “Hazardous Waste” and an indication of the hazards; failed to ensure personnel take part in a hazardous waste training program and an annual review; failed to maintain written job descriptions and job titles for each position related to hazardous waste management and the name of the employee filling that position; failed to maintain the type and amount of both introductory and continuing training; failed to maintain training records; offered hazardous waste to a transporter that had not received an EPA identification number; failed to have a contingency plan; failed to submit a copy of a contingency plan and a quick reference guide to local emergency responders, failed to attempt to make arrangements with local emergency responders; failed to maintain universal waste lamps to prevent a release and to keep such containers closed; and failed to demonstrate the length of time universal waste had been accumulated from the date it became a waste.

Action: The Individual/Entity is required to: submit a contingency plan with a quick reference guide and position descriptions with the job titles, skills, education, and training by April 10, 2023. The Department assessed a total civil penalty in the amount of twenty-five thousand dollars (\$25,000.00). The Individual/Entity shall pay the civil penalty in the amount of two thousand, five hundred dollars (**\$2,500.00**) in monthly installments by November 15, 2023 and pay a stipulated penalty in the amount of twenty-three thousand, five hundred dollars (\$23,500.00) should any requirement of the Order not be met.

Update: The first installment was paid on February 15, 2023.

18) Order Type and Number: Consent Order 23-04-HW
Order Date: February 15, 2023
Individual/Entity: **E&I Engineering USA Corporation**
Facility: E&I Engineering USA Corporation
Location: 400 Supreme Industrial Drive
Anderson, SC 29621
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit/ID Number: SCD 000 784 959
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. 2021).

Summary: E&I Engineering USA Corporation (Individual/Entity) is a manufacturer of roller electrical switchgear and power distribution systems at its facility located in Anderson County, South Carolina. The Department conducted an inspection at the facility on November 3, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as

follows: failed to mark or label containers with the words “Hazardous Waste” and an indication of the hazards of the contents; failed to manage universal waste lamps in a manner so as to prevent breakage, a release, and to keep such containers closed; failed to label universal waste lamps with the words “Universal Waste-Lamp(s)” or “Waste Lamp(s)”, or “Used Lamps”, and accumulation start dates; failed to include in the Contingency Plan an up to date list of names and emergency telephone numbers of all persons qualified to act as emergency coordinator; and failed to submit the Quick Reference Guide and a copy of the Contingency Plan to local emergency responders.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total civil penalty in the amount of six thousand dollars (\$6,000.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**) by March 15, 2023.

Update: The civil penalty has been paid. The Order is closed.

19) Order Type and Number: Consent Order 23-05-HW
Order Date: February 24, 2023
Individual/Entity: **Wabtec Passenger Transit**
Facility: Wabtec Passenger Transit
Location: 130 Ridgeview Circle
Duncan, SC
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: SCD 981 864 663
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. 2021).

Summary: Wabtec Passenger Transit (Individual/Entity) is a passenger transit light rail braking components manufacturing facility located in Spartanburg County, South Carolina. The Department conducted an inspection at the facility on April 20, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to have an SCDHEC certified lab conduct analytical testing; failed to maintain the name and address of the disposal facility receiving solvent-contaminated wipes, document that the 180-day accumulation time limit is met, and a description of the process the generator uses to ensure solvent-contaminated wipes contain no free liquids at the point of disposal; failure to close a container containing solvent-contaminated wipes; failed to inspect the central accumulation area at least weekly; failed to make an accurate waste determination; failed to maintain records supporting its hazardous waste determination for at least three (3) years; failed to have containers closed at all times except when adding, removing, or consolidating waste; failed to label containers with the words “Hazardous Waste” and an indication of the hazards; failed to declare its generator status annually; failed to contain universal waste lamps in containers that are closed and structurally sound; failed to label universal waste batteries with the words “Universal Waste – Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies)”; failed to label universal waste lamps with the words “Universal Waste – Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”; and failed to mark universal waste with an accumulation start date.

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 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 April 26, 2023.

Update: The civil penalty has been paid. The Order is closed.

20) Order Type and Number: Consent Order 23-06-HW
Order Date: February 24, 2023
Individual/Entity: **Spartanburg Regional Medical Center**
Facility: Spartanburg Regional Medical Center
Location: 101 East Wood Street
Spartanburg, SC
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: SCD 982 085 078
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. 2021).

Summary: Spartanburg Regional Medical Center (Individual/Entity) is a research and teaching hospital located in Spartanburg County, South Carolina. The Department conducted an inspection at the facility on July 20, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to maintain universal waste lamps in a container that is closed; failed to ensure that containers containing hazardous waste remain closed except when necessary to add or remove waste; failed to mark containers with the words “Hazardous Waste” and an indication of the hazards of the contents; failed to make an accurate waste determination; failed to notify the Department using the Site Identification Form that it is a healthcare facility operating under Subpart P; failed to submit quarterly reports for third quarter 2019 through first quarter 2022; failed to fill out the quarterly reports in accordance with the instructions; failed to file a revised or new Notification Form with the Department whenever a new hazardous waste is generated and whenever information previously provided became outdated; failed to complete manifests as required by the instructions; failed to obtain the handwritten signature of the initial transporter and date of acceptance of the manifest; failed to contact the transporter or owner or operator of the designated facility to determine the status of the hazardous waste shipment after greater than thirty-five (35) days; failed to submit an Exception Report with the Department when it did not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five (45) days of the date the waste was accepted by the initial transporter; failed to inspect the central accumulation area at least weekly and record those inspections; failed to establish a contingency plan as required by the Department; and failed to provide the contingency plan and a quick reference guide to all local emergency responders.

Action: The Individual/Entity is required to: make an accurate waste determination on the contents of a specified containers and apply the appropriate indication of the hazards of the contents; submit a revised contingency plan; and upon the Department’s approval of

the revised contingency plan, submit the revised contingency plan to local emergency responders along with the quick reference guide by March 27, 2023. The Department has assessed a total civil penalty in the amount of twenty thousand dollars (\$20,000.00). The Individual/Entity shall pay a civil penalty in the amount of twenty thousand dollars (**\$20,000.00**) by March 27, 2023.

Update: Civil penalty was paid in full on February 22, 2023. The Individual/Entity has submitted all compliance documentation The Order is closed.

21) Order Type and Number: Consent Order 23-08-HW
Order Date: February 24, 2023
Individual/Entity: **Pleasurecraft Engine Group**
Facility: Pleasurecraft Engine Group
Location: 1737 Highway 76
Little Mountain, SC
Mailing Address: Same
County: Newberry
Previous Orders: None
Permit/ID Number: SCD 075 017 004
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. 2021).

Summary: Pleasurecraft Engine Group (Individual/Entity) is a marine engine manufacturer located in Newberry County, South Carolina. The Department conducted an inspection at the facility on September 27, 2022. The Individual/Entity has violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations as follows: failed to keep containers closed; failed to label containers with the words “Hazardous Waste,” an indication of the hazards, and accumulation start dates; failed to make an accurate waste determination; failed to ensure that all employees are trained in waste handling and emergency procedures; failed to maintain records documenting arrangements with local emergency responders; failed to conduct weekly inspections of the central accumulation area; failed to declare its generator status annually; and failed to receive an extension to accumulate waste on-site for greater than 270 days.

Action: The Individual/Entity corrected all violation prior to the issuance of the Order. The Department has assessed a total civil penalty in the amount of nine thousand, nine hundred dollars (\$9,900.00). The Individual/Entity shall pay a civil penalty in the amount of nine thousand, nine hundred dollars (**\$9,900.00**) by March 27, 2023.

Update: The civil penalty has been paid. The Order is closed.

Radiological Health Enforcement

22) Order Type and Number: Consent Order RR-CO-04-2022
Order Date: February 17, 2023
Individual/Entity: **Southern Equine Service**
Facility: Southern Equine Service

Location: 1258 Banks Mill Road
Aiken, SC 29803
Mailing Address: Same
County: Aiken
Previous Orders: None
Permit/ID Number: 911
Violations Cited: R.61-63, RHA 3.16.3

Summary: Southern Equine Service (Individual/Entity) is licensed to possess and use radioactive material in their facility located in Aiken County, South Carolina. The Department conducted an inspection on September 1, 2022. The Individual/Entity has violated the Radioactive Materials Title A Regulation as follows: failed to ensure that instruments and equipment used for quantitative radiation measurements (survey meter and well counter) are calibrated at least annually for the radiation measured.

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 three thousand (\$3,000.00) dollars. The Individual/Entity shall pay a civil penalty in the amount of three thousand (**\$3,000.00**) dollars by March 19, 2023.

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

BUREAU OF WATER

Drinking Water Enforcement

23) Order Type and Number: Consent Order 23-003-DW
Order Date: February 17, 2023
Individual/Entity: **Boardwalk Villas Homeowners Association, Inc.**
Facility: Boardwalk Villas
Location: Boardwalk Lane
Lexington, SC 29072
Mailing Address: 1722 Main Street, Suite 150
Columbia, SC 29201
County: Lexington
Previous Orders: None
Permit/ID Number: 3270304
Violations Cited: S.C. Code Ann. Regs. 61-58.17.K(2)(a) & 61-58.2.B(14)(c)

Summary: Boardwalk Villas Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Lexington County, South Carolina. A violation was issued on October 6, 2022, as a result of review of Department records. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: failed to conduct a Level 2 Assessment and failed to conduct monitoring for surface water influence.

Action: The Individual/Entity is required to: connect the residents' homes to the Town of Lexington water system by August 17, 2023, and within fifteen days of verification by the Department that the connection has been properly completed, submit a written request for the intended use of the well currently serving the residents. The Department has assessed a total civil penalty in the amount of eight thousand dollars (\$8,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of eight thousand dollars (**\$8,000.00**) should any requirement of the Order not be met.

Update: None

Water Pollution Enforcement

24) Order Type and Number: Administrative Order 23-007-W
Order Date: February 15, 2023
Individual/Entity: **McAfee Mobile Home Park**
Facility: McAfee MHP WWTF
Location: 975 McAfee Court
York, SC 29745
Mailing Address: 1548 Fieldwood Drive
Ft. Mill, SC 29708
County: York
Previous Orders: 18-018-W (\$5,000.00)
20-040-W (\$4,900.00)
Permit/ID Number: SC0027111
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a) and (e), and Parts II.E and III.A. of NPDES Permit SC002711

Summary: McAfee Mobile Home Park (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in York County, South Carolina. On April 20, 2022, a Notice of Violation (NOV) was issued as a result of deficiencies observed during an inspection conducted by the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control. The violations cited in this Order are repeat violations at this facility.

Action: The Individual/Entity is required to: submit a notarized document certifying that it has developed and implemented a written O&M manual that provides for the necessary maintenance and operation of the facility, and an Odor Abatement Plan; remove mud and debris from around the weir, channel, and basin, and continue to maintain the vegetation growth by March 15, 2023; complete repairs or replacement of an ISCO meter and submit a construction permit application for an alternative power source, or provide a notarized document developed by a certified professional engineer, certifying that it has developed and implemented a plan of operation which will halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power by April 19, 2023; and complete the replacement and repairs of the effluent pipe from the lagoon to the contact chamber by May 19, 2023. The Department has assessed a total civil penalty in the amount of five thousand dollars

(\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: None.

25) Order Type and Number: Consent Order 23-005-W
Order Date: February 8, 2023
Individual/Entity: **Town of Elloree**
Facility: Elloree WWTP
Location: Orangeburg, SC 29047
Mailing Address: P.O. Box 170
Elloree, SC 29047
County: Orangeburg
Previous Orders: 20-034-W (\$850.00)
Permit/ID Number: ND0067628
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), and ND0067628

Summary: The Town of Elloree (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment facility in Orangeburg County, South Carolina. On August 30, 2022, a Notice of Violation (NOV) was issued as a result of Fecal Coliform 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 effluent limitations of Land Application Permit ND0067628 for Fecal Coliform.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by March 8, 2023; conduct a six (6) monitoring event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTP should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand, seven hundred sixty dollars (\$4,760.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand seven hundred sixty dollars (**\$4,760.00**) by March 8, 2023.

Update: The Individual/Entity has submitted notification of the completion date for corrective actions and has paid the assessed civil penalty.

26) Order Type and Number: Consent Order 23-006-W
Order Date: February 8, 2023
Individual/Entity: **Low Country Regional Water System**
Facility: Hampton WWTF
Location: 501 Saluda Street
Hampton, SC 29924
Mailing Address: 513 Elm Street W
Hampton, SC 29924
County: Hampton
Previous Orders: 19-063-W (\$2,100.00)
Permit/ID Number: SC0021318

Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a), and Part III.A. of NPDES Permit SC0021318

Summary: Low Country Regional Water System (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Hampton County, South Carolina. On July 1, 2022, a Notice of Violation (NOV) was issued as a result of ammonia-nitrogen violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation in that it failed to comply with the permitted effluent limitations for ammonia. The violations cited in this Order are repeat violations at this facility.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve effluent violations by March 10, 2023; 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, one hundred and forty dollars (\$7,140.00). The Individual/Entity shall pay the civil penalty in the amount of seven thousand, one hundred and forty dollars (**\$7,140.00**) in four equal installments by December 1, 2023.

Update: The Individual/Entity has submitted notification of the completion date for corrective actions and has paid the first installment towards assessed civil penalty.

27) Order Type and Number: Consent Order 23-008-W
Order Date: February 27, 2023
Individual/Entity: **Hilton Head No. 1 Public Service District**
Facility: Hilton Head PSD WWTF
Location: 21 Oak Park Drive
Hilton Head, SC 29926
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: SC0046191, ND0068462
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), and Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a)

Summary: Hilton Head No. 1 Public Service District (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Beaufort County, South Carolina. On September 16, 2022, a Notice of Violation (NOV) was issued as a result of Fecal Coliform (FC) violations reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation in that it failed to comply with the permitted effluent limitations for FC.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve effluent violations by March 29, 2023; 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 three thousand, five hundred dollars (\$3,500.00). The Individual/Entity shall pay the civil penalty in the amount of three thousand, five hundred dollars (**\$3,500.00**) by March 29, 2023.

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

28) Order Type and Number: Consent Order 23-009-W
 Order Date: February 27, 2023
 Individual/Entity: **Blue Granite Water**
 Facility: Roosevelt Garden Apts.
 Location: Orangeburg, SC
 Mailing Address: 130 S Main Street, Suite 800
 Greenville SC
 County: Orangeburg
 Previous Orders: 22-055-W (\$5,250.00)
 Permit/ID Number: SC0029645
 Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) and Water Pollution Control Permits Regulation, S.C. Code Ann Regs. 61-9.122.41(a), and NPDES SC0029645

Summary: The Blue Granite Water (Individual/Entity) owns and is responsible for the proper operation and maintenance of its wastewater treatment facility in Orangeburg County, South Carolina. On June 28, 2022, a Notice of Violation (NOV) was issued as a result of 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 limitations of NPDES Permit SC0029645 for Ammonia.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the violations by March 27, 2023; 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 three thousand five hundred dollars (\$3,500.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**) by March 27, 2023.

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

BUREAU OF AIR QUALITY

29) Order Type and Number: Consent Order 23-003-A
 Order Date: February 8, 2023
 Individual/Entity: **Cummins Inc.**

Facility: Cummins CTC Charleston
Location: 4500 Leeds Avenue, Suite 500
Charleston, SC 29405
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: TV-560-0361
Violations Cited: U.S. EPA 40 CFR 70.5(a)(1)(iii), S.C. Code Ann. Regs 61-62.70.5(a)(1)(iii), and S.C. Code Ann. Regs. 61-62.1, Section II, Permit Requirements

Summary: Cummins, Inc. (Individual/Entity) operates an engine research and development facility located in Charleston County, South Carolina. The Department issued a Notice of Alleged Violation on October 6, 2022, for failure to submit the Title V Permit Renewal Application prior to expiration. The Individual/Entity has violated U.S. EPA Regulations and the S.C. Air Pollution Control Regulations, as follows: failed to submit a timely Part 70 (Title V) Permit renewal application within six months prior to permit expiration.

Action: The Individual/Entity is required to: comply with all terms and conditions of the current TV Permit, until a new TV Permit can be issued. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**).

Update: On February 9, 2023, the Department received payment of the civil penalty. This Order has been closed.

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

Food Safety Enforcement

30) Order Type and Number: Consent Order 22-300-FOOD
Order Date: February 1, 2023
Individual/Entity: **Charleston Sports Pub**
Facility: Charleston Sports Pub
Location: 359 College Avenue
Clemson, SC 29631
Mailing Address: 1227 Yeamans Hall Road
Hanahan, SC 29631
County: Pickens
Previous Orders: 22-96-FOOD (\$1,000.00);
22-202-FOOD (\$2,500.00); and
22-307-FOOD (\$3,000.00)
Permit Number: 04-206-03286
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Charleston Sports Pub (Individual/Entity) operates a retail food establishment located in Pickens County, South Carolina. The Department conducted inspections on January 5, 2023, and January 12, 2023. 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. The violations cited in this Order are repeat violations at this facility.

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 met all requirements of the Order. This Order has been closed.

31)	<u>Order Type and Number:</u>	Consent Order 22-313-FOOD
	<u>Order Date:</u>	February 1, 2023
	<u>Individual/Entity:</u>	Dos Amigos Mexican Grill
	<u>Facility:</u>	Dos Amigos Mexican Grill
	<u>Location:</u>	2121 Boundary Street, Suite 103 Beaufort, SC 22902
	<u>Mailing Address:</u>	2814 Riverbank Drive Beaufort, SC 29902
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	07-206-02971
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Dos Amigos Mexican Grill (Individual/Entity) operates a retail food establishment located in Beaufort County, South Carolina. The Department conducted inspections on March 1, 2022, March 10, 2022, March 21, 2022, and November 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide water at a temperature of at least 100°F through a mixing valve or combination faucet at the handwashing sink(s).

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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

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

32)	<u>Order Type and Number:</u>	Consent Order 22-333-FOOD
	<u>Order Date:</u>	February 1, 2023
	<u>Individual/Entity:</u>	Lucky Palace Asian Fusion
	<u>Facility:</u>	Lucky Palace Asian Fusion
	<u>Location:</u>	101-A Commerce Place West

	Bluffton, SC 29910
<u>Mailing Address:</u>	Same
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	07-206-10146
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Lucky Palace Asian Fusion (Individual/Entity) operates a retail food establishment located in Beaufort County, South Carolina. The Department conducted inspections on October 12, 2021, August 22, 2022, December 5, 2022, and December 13, 2022. 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 met all requirements of the Order. This Order has been closed.

33)	<u>Order Type and Number:</u>	Consent Order 22-282-FOOD
	<u>Order Date:</u>	February 2, 2023
	<u>Individual/Entity:</u>	Wendy's #221
	<u>Facility:</u>	Wendy's #221
	<u>Location:</u>	207 North Van Lingle Mungo Boulevard Pageland, SC 29728
	<u>Mailing Address:</u>	8040 Arrowridge Boulevard, Suite 100 Charlotte, NC 28273
	<u>County:</u>	Chesterfield
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	13-206-01386
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Wendy's #221 (Individual/Entity) operates a retail food establishment located in Chesterfield County, South Carolina. The Department conducted inspections on September 28, 2022, October 7, 2022, and October 17, 2022. 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 four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

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

34) Order Type and Number: Consent Order 22-329-FOOD
Order Date: February 2, 2023
Individual/Entity: **Kings Sushi**
Facility: Kings Sushi
Location: 112 Highway 17 North
Surfside Beach, SC 29575
Mailing Address: 224 Haley Lane
Conway, SC 29527
County: Horry
Previous Orders: 22-264-FOOD (\$1,000.00)
Permit Number: 26-206-13054
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Kings Sushi (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March 8, 2022, September 26, 2022, October 6, 2022, November 21, 2022, and December 1, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure that food was safe, unadulterated, and honestly presented; failed to use effective methods to cool cooked time/temperature control for safety foods; and failed to properly cool cooked 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 two hundred fifty dollars (\$2,250.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand two hundred fifty dollars (**\$2,250.00**).

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

35) Order Type and Number: Consent Order 22-305-FOOD
Order Date: February 6, 2023
Individual/Entity: **Mid South Bells, LLC**
Facility: Taco Bell
Location: 1610 Sandifer Boulevard
Seneca, SC 29678
Mailing Address: 1340 Hamlet Avenue
Clearwater, FL 33756
County: Oconee
Previous Orders: None
Permit Number: 37-206-01045
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Taco Bell (Individual/Entity) operates a retail food establishment located in Oconee County, South Carolina. The Department conducted inspections on February 28, 2022, October 12, 2022, October 21, 2022, and November 2, 2022. The

Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair.

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 four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

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

36) Order Type and Number: Consent Order 22-314-FOOD
Order Date: February 6, 2023
Individual/Entity: **Kevin Richard**
Facility: Chuck's Steak House
Location: 9695 North Kings Highway
Myrtle Beach, SC 29572
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-14165
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Chuck's Steak House (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on March 2, 2022, September 14, 2022, September 22, 2022, September 29, 2022, and November 4, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair.

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 six hundred dollars (\$600.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

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

37) Order Type and Number: Consent Order 22-317-FOOD
Order Date: February 6, 2023
Individual/Entity: **Chris Manning**
Facility: International Club
Location: 1560 International Club Boulevard
Murrells Inlet, SC 29576
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-14263

Violations Cited:

S.C. Code Ann. Regs. 61-25

Summary: International Club (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 14, 2021, April 25, 2022, May 5, 2022, May 12, 2022, September 28, 2022, October 7, 2022, and October 31, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility is a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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 Department has entered into a payment plan with the Individual/Entity for the civil penalty.

38) <u>Order Type and Number:</u>	Consent Order 22-331-FOOD
<u>Order Date:</u>	February 6, 2023
<u>Individual/Entity:</u>	Miller's All Day
<u>Facility:</u>	Miller's All Day
<u>Location:</u>	1956 Maybank Highway, Unit A Charleston, SC 29412
<u>Mailing Address:</u>	120 King Street Charleston, SC 29401
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	10-206-13321
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Miller's All Day (Individual/Entity) operates a retail food establishment located in Charleston County, South Carolina. The Department conducted inspections on October 11, 2022, October 21, 2022, and November 30, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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 five hundred fifty dollars (\$550.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

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

39) Order Type and Number: Consent Order 23-03-FOOD
Order Date: February 7, 2023
Individual/Entity: **Papa John's Pizza**
Facility: Papa John's Pizza
Location: 3014 A North Main
Anderson, SC 29621
Mailing Address: 401 Vardy Street
Greenville, SC 29601
County: Anderson
Previous Orders: None
Permit Number: 04-206-03415
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Papa John's Pizza (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on October 27, 2022, November 4, 2022, and November 9, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

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

40) Order Type and Number: Consent Order 22-321-FOOD
Order Date: February 8, 2023
Individual/Entity: **Gilbert Rivera**
Facility: Charley's Grilled Subs
Location: 10835 Kings Road, #288
Myrtle Beach, SC 29572
Mailing Address: 3304 Collaroy Road
Waxhaw, NC 28173
County: Horry
Previous Orders: 22-84-FOOD (\$800.00)
Permit Number: 26-206-12158
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Charley's Grilled Subs (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on June 3, 2022, November 7, 2022, November 15, 2022, and November 22, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service,

the ability to enforce employee health policies, and a frequent presence at the facility is a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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 five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

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

41) <u>Order Type and Number:</u>	Consent Order 22-230-FOOD
<u>Order Date:</u>	February 9, 2023
<u>Individual/Entity:</u>	Waffle House #1461
<u>Facility:</u>	Waffle House #1461
<u>Location:</u>	1710 Richland Avenue West Aiken, SC 29801
<u>Mailing Address:</u>	P. O. Box 6450 Norcross, GA 30091
<u>County:</u>	Aiken
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	02-206-01914
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Waffle House #1461 (Individual/Entity) operates a retail food establishment located in Aiken County, South Carolina. The Department conducted inspections on August 23, 2022, October 11, 2022, November 10, 2022, November 15, 2022, November 28, 2022, and December 7, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: 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 eight hundred dollars (\$2,800.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**).

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

42) <u>Order Type and Number:</u>	Consent Order 23-04-FOOD
<u>Order Date:</u>	February 9, 2023
<u>Individual/Entity:</u>	Wendy's #53
<u>Facility:</u>	Wendy's #53
<u>Location:</u>	330 Pearman Dairy Road Anderson, SC 29625

Mailing Address: 9541 Julian Clark Avenue, Suite 210
Huntersville, NC 28078
County: Anderson
Previous Orders: None
Permit Number: 04-206-04639
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wendy's #53 (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on August 26, 2022, August 30, 2022, September 8, 2022, November 4, 2022, November 10, 2022, and November 17, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; failed to keep equipment food contact surfaces and utensils clean to sight and touch; 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 ensure employees wash hands after engaging in activities that contaminate their hands.

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 met all requirements of the Order. This Order has been closed.

43) Order Type and Number: Consent Order 22-325-FOOD
Order Date: February 10, 2023
Individual/Entity: **Waffle House #973**
Facility: Waffle House #973
Location: 2519 Whiskey Road
Aiken, SC 29803
Mailing Address: P. O. Box 6450
Norcross, GA 30091
County: Aiken
Previous Orders: None
Permit Number: 02-206-01349
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Waffle House #973 (Individual/Entity) operates a retail food establishment located in Greenwood County, South Carolina. The Department conducted inspections on November 15, 2022, November 23, 2022, December 2, 2022, and December 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the temperature of the fresh hot water sanitizing rinse as it enters the manifold was not more than 194 degrees in a mechanical operation, less than 165 degrees for a stationary rack, single temperature machine, or less than 180 degrees for all other machines.

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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

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

44) Order Type and Number: Consent Order 22-251-FOOD
Order Date: February 14, 2023
Individual/Entity: **Bojangles #880**
Facility: Bojangles #880
Location: 2041 E. Greenville Street
Anderson, SC 29621
Mailing Address: 7750 N. MacArthur Boulevard
Suite 120-223
Irving, TX 75063
County: Anderson
Previous Orders: 22-166-FOOD (\$1,600.00)
Permit Number: 04-206-04729
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles #880 (Individual/Entity) operates a retail food establishment located in Anderson County, South Carolina. The Department conducted inspections on September 20, 2022, September 29, 2022, October 7, 2022, October 17, 2022, October 26, 2022, November 4, 2022, and November 14, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch; failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; and failed to convey sewage to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law. The violations cited in this Order are repeat violations at this facility.

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 four thousand seven hundred fifty dollars (\$4,750.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand seven hundred fifty dollars (**\$4,750.00**).

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

45) Order Type and Number: Consent Order 22-286-FOOD
Order Date: February 14, 2023
Individual/Entity: **Amy Swing**
Facility: Deckerz
Location: 90 Hillside Drive South
North Myrtle Beach, SC 29582
Mailing Address: P. O. Box 4171

North Myrtle Beach, SC 29582
County: Horry
Previous Orders: None
Permit Number: 26-206-12182
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Deckerz (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on February 9, 2022, October 7, 2022, October 17, 2022, and October 27, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility is a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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 four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

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

46) Order Type and Number: Consent Order 22-296-FOOD
Order Date: February 14, 2023
Individual/Entity: **Melanbo Holdco, LLC**
Facility: Bojangles #756
Location: 2780 Highway 501
Aynor, SC 29511
Mailing Address: 10801 Johnston, Suite 121
Charlotte, NC 28206
County: Horry
Previous Orders: None
Permit Number: 26-206-14250
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles #756 (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on June 14, 2022, October 13, 2022, October 21, 2022, November 3, 2022, and November 10, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that physical facilities were maintained in good repair.

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 six hundred dollars (\$600.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

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

47) Order Type and Number: Consent Order 22-315-FOOD
Order Date: February 14, 2023
Individual/Entity: **Suzanne Mullin**
Facility: Murphy's Law
Location: 4204 Carolina Exchange
Myrtle Beach, SC 29579
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-10993
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Murphy's Law (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on January 10, 2022, August 22, 2022, August 31, 2022, September 8, 2022, and November 17, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility is a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

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 six hundred dollars (\$600.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

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

48) Order Type and Number: Consent Order 22-323-FOOD
Order Date: February 14, 2023
Individual/Entity: **Bojangles #443**
Facility: Bojangles #443
Location: 1107 West Faris Road
Greenville, SC 29605
Mailing Address: 7750 North MacArthur Boulevard
Suite 120-223
Irving, TX 75063
County: Greenville
Previous Orders: None
Permit Number: 23-206-12928
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles #443 (Individual/Entity) operates a retail food establishment located in Greenville County, South Carolina. The Department conducted

inspections on August 23, 2022, September 2, 2022, November 17, 2022, November 23, 2022, and December 2, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands and failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks.

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 Department has entered into a payment plan with the Individual/Entity for the civil penalty.

49) <u>Order Type and Number:</u>	Consent Order 22-319-FOOD
<u>Order Date:</u>	February 22, 2023
<u>Individual/Entity:</u>	7-Eleven #39128
<u>Facility:</u>	7-Eleven #39128
<u>Location:</u>	4301 Sunset Boulevard Lexington, SC 29072
<u>Mailing Address:</u>	279 Cedarcrest Drive Lexington, SC 29072
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	32-206-07054
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: 7-Eleven #39128 (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on November 21, 2022, November 30, 2022, and December 7, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the handwashing sinks were accessible at all times and failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

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

50) <u>Order Type and Number:</u>	Consent Order 22-326-FOOD
<u>Order Date:</u>	February 22, 2023
<u>Individual/Entity:</u>	Cheesesteak Factory
<u>Facility:</u>	Cheesesteak Factory

Location: 310 Highway 17 North
Surfside Beach, SC 29575
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-12733
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Cheesesteak Factory (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on September 13, 2022, September 23, 2022, and December 1, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

Update: If payment is not received by April 7, 2023, the Department will issue a payment demand letter.

51) Order Type and Number: Consent Order 22-327-FOOD
Order Date: February 22, 2023
Individual/Entity: **Jersey Mike's Subs (Sayebrook)**
Facility: Jersey Mike's Subs (Sayebrook)
Location: 102 Loyola Drive, Unit B
Myrtle Beach, SC 29588
Mailing Address: P O. Box 1007
North Myrtle Beach, SC 29598
County: Horry
Previous Orders: None
Permit Number: 26-206-12355
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jersey Mike's Subs (Sayebrook) (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on October 12, 2021, August 10, 2022, and December 5, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

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

52) Order Type and Number: Consent Order 23-06-FOOD
Order Date: February 22, 2023
Individual/Entity: **Taqueria Chile Caliente**
Facility: Taqueria Chile Caliente
Location: 5343 Highway 321
Gaston, SC 29053
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: 32-206-06368
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Taqueria Chile Caliente (Individual/Entity) operates a retail food establishment located in Lexington County, South Carolina. The Department conducted inspections on April 6, 2022, June 3, 2022, and January 4, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands and failed to ensure that the handwashing sinks were accessible at all 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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

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

53) Order Type and Number: Consent Order 23-22-FOOD
Order Date: February 22, 2023
Individual/Entity: **Santa Fe Mexican Grill**
Facility: Santa Fe Mexican Grill
Location: 248 Birchtree Drive
Greenwood, SC 29649
Mailing Address: Same
County: Greenwood
Previous Orders: None
Permit Number: 24-206-01407
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Santa Fe Mexican Grill (Individual/Entity) operates a retail food establishment located in Greenwood County, South Carolina. The Department conducted inspections on December 30, 2021, December 15, 2022, December 20, 2022, December 29, 2022, January 6, 2023, and January 19, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that the handwashing sinks were accessible at all times; failed to ensure that each handwashing

sink or group of two (2) adjacent handwashing sinks was provided with a supply of hand cleaning, liquid, powder or bar soap; failed to maintain the premises free of insects, rodents, and other pests; failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to provide a test kit or other device that accurately measures the concentration of MG/L of sanitizing solutions.

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 four hundred dollars (\$2,400.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand four hundred dollars (**\$2,400.00**).

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

54)	<u>Order Type and Number:</u>	Consent Order 23-26-FOOD
	<u>Order Date:</u>	February 22, 2023
	<u>Individual/Entity:</u>	Bonefish Grill
	<u>Facility:</u>	Bonefish Grill
	<u>Location:</u>	8703 Highway 17 Bypass Surfside Beach, SC 29582
	<u>Mailing Address:</u>	2202 North West Shore Boulevard, 5 th Floor Tampa, FL 33607
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	26-206-10399
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Bonefish Grill (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on September 19, 2022, September 28, 2022, and January 18, 2023. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety foods was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

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 eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

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

55)	<u>Order Type and Number:</u>	Consent Order 23-05-FOOD
	<u>Order Date:</u>	February 23, 2023
	<u>Individual/Entity:</u>	Asian Bistro & Sushi Bar
	<u>Facility:</u>	Asian Bistro & Sushi Bar

Location: 4620 Dickpond Road, Unit J
Myrtle Beach, SC 29588
Mailing Address: Same
County: Horry
Previous Orders: 2019-206-06-170 (\$1,000.00)
Permit Number: 26-206-13855
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Asian Bistro & Sushi Bar (Individual/Entity) operates a retail food establishment located in Horry County, South Carolina. The Department conducted inspections on April 27, 2022, October 24, 2022, and December 21, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that each handwashing sink or group of two (2) adjacent handwashing sinks was provided with a supply of hand cleaning liquid, powder, or bar soap; failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks; failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to inform consumers of the significantly increased risk of consuming raw animal foods by way of a disclosure and reminder (using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means). The violations cited in this Order are repeat violations at this facility.

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 fifty dollars (\$1,250.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand two hundred fifty dollars (**\$1,250.00**).

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

On-Site Wastewater Enforcement

56) Order Type and Number: Administrative Order 22-073-OSWW
Order Date: January 18, 2023
Individual/Entity: **ABC&W, LLC**
Facility: ABC&W, LLC
Location: 1975 McAfee Court
York, SC 29745
Mailing Address: 1548 Fieldwood Drive
Fort Mill, SC 29708
County: York
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: ABC&W, LLC (Individual/Entity) owns property located in York County, South Carolina. The Department conducted an investigation on October 13, 2022, and observed domestic wastewater discharging onto the surface of the ground. The

Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

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

57)	<u>Order Type and Number:</u>	Administrative Order 22-074-OSWW
	<u>Order Date:</u>	January 18, 2023
	<u>Individual/Entity:</u>	Estate of Terry Adams
	<u>Facility:</u>	Estate of Terry Adams
	<u>Location:</u>	640 Michaw Street Lancaster, SC 29720
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Lancaster
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: The Estate of Terry Adams (Individual/Entity) owns property located in Lancaster County, South Carolina. The Department conducted an investigation on October 19, 2022, and observed domestic wastewater discharging onto the surface of the ground and the septic tank open. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The case has been referred to the Department's Office of General Counsel to file a complaint in the Administrative Law Court for the enforcement of this Order.

58)	<u>Order Type and Number:</u>	Administrative Order 22-075-OSWW
	<u>Order Date:</u>	January 18, 2023

Individual/Entity: **Theresa Matthews**
Facility: Theresa Matthews
Location: 201 West Butternut Road
Summerville, SC 29483
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Theresa Matthews (Individual/Entity) owns property located in Dorchester County, South Carolina. The Department conducted an investigation on November 3, 2022, and observed domestic wastewater discharging onto the surface of the ground from a recreational vehicle (RV) parked at the site. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department and allowed the RV to be occupied for more than two hours per day without an approved means of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to apply for a Permit to Construct an OSWW system within five (5) days and install the OSWW system within ten days of the issuance of a permit to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground or immediately vacate the RV to eliminate the flow of domestic wastewater to the surface of the ground. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The case has been referred to the Department's Office of General Counsel to file a complaint in the Administrative Law Court for the enforcement of this Order.

59) Order Type and Number: Administrative Order 23-004-OSWW
Order Date: January 31, 2023
Individual/Entity: **Mary Woods**
Facility: Mary Woods
Location: 68 Palmetto Point
Hardeeville, SC 29927
Mailing Address: P. O. Box 561
Hardeeville, SC 29927
County: Jasper
Previous Orders: None
Permit Number: None
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Mary Woods (Individual/Entity) owns property located in Jasper County, South Carolina. The Department conducted an investigation on December 30, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater,

or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Department has filed a complaint with the Administrative Law Court to assist in the enforcement of this Order. The Department has not received a hearing date at this time.

60) <u>Order Type and Number:</u>	Consent Order 22-069-OSWW
<u>Order Date:</u>	February 22, 2023
<u>Individual/Entity:</u>	Michelle Wilson, DBA Wilson's Septic Tank Service
<u>Facility:</u>	Michelle Wilson, DBA Wilson's Septic Tank Service
<u>Location:</u>	1375 Sailclub Road Hartsville, SC 29550
<u>Mailing Address:</u>	P. O. Box 1506 Hartsville, SC 29550
<u>County:</u>	Chesterfield
<u>Previous Orders:</u>	22-019-OSWW
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Michelle Wilson, DBA Wilson's Septic Tank Service (Individual/Entity) installed an OSWW system on property located in Chesterfield County, South Carolina. The Department conducted a review of submitted documentation on November 10, 2022, and determined that the Individual/Entity never scheduled a final inspection with the Department for the installation of the OSWW system. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: they did not schedule a final inspection for an OSWW system they installed.

Action: The Individual/Entity is required to cease and desist installing OSWW systems without scheduling final inspections with the Department. 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 met 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.

**BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
SUMMARY SHEET**

April 13, 2023

(X) ACTION/DECISION
() INFORMATION

I. TITLE: Request for a nine (9)-month Board extension of Certificate of Need (CON) SC-20-41, issued to Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation, for the construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.00 in Florence County.

II. SUBJECT: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation requests Board approval for a third extension of CON SC-20-41.

III. FACTS:

CON SC-20-41 was issued to Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation (Wellsprings) on October 14, 2020, for the construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.00 in Florence County. The original CON had an expiration date of October 14, 2021.

Wellsprings requested a first staff extension of the CON on September 20, 2021. Wellsprings informed the Department the project was delayed due to design changes and the impact of COVID-19. Wellsprings received CON SC-20-41-EXT-1 on March 29, 2022, and it was valid until July 14, 2022. On June 10, 2022, the Department received a letter from Wellsprings requesting a second staff extension of the CON, which was 30 days prior to expiration. Wellsprings stated the delays were due to the impact of COVID-19. The department issued a second staff extension CON SC-20-41-EXT-2 on July 14, 2022, and it will expire on April 14, 2023. In accordance with R. 61-15, Section 601, Wellsprings submitted a third extension request to the Department on January 13, 2023, which is 90 days prior to expiration.

IV. ANALYSIS:

Department staff have reviewed all relevant information concerning the third extension request and find that circumstances beyond the control of Wellsprings have contributed to the need for further extension of CON SC-20-41. Specifically, Wellsprings references bank financing has been slower than anticipated due to higher construction costs.

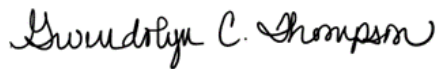
Wellsprings provided in its extension request an updated timeline for the project, which Department staff believe is achievable given the significant expertise and resources available to Wellsprings. Department staff expect that subsequent extensions by the Board may be

unnecessary given Wellsprings timeline showing execution of a construction contract for the Project on or about May 2023. This contract will satisfy the requirement for implementation of the Project under R. 61-15, *Certification of Need for Health Facilities and Services* and will render moot the need for further extension of CON SC-20-41.

V. RECOMMENDATION:

Department staff recommend the Board finds that Wellsprings has demonstrated extenuating circumstances beyond its control which have prevented the Project from advancing, the Project is likely to be implemented during the period of extension, and a nine (9)-month extension of CON SC-20-41 be granted.

Approved by:

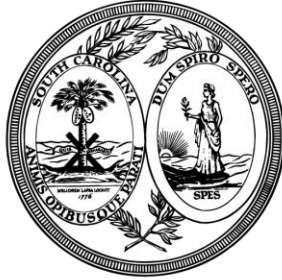
A handwritten signature in cursive script that reads "Gwendolyn C. Thompson".

Gwen C. Thompson
Deputy Director
Healthcare Quality

Attachments:

- A) CON SC-20-41
- B) Wellsprings First Extension Request
- C) Wellsprings First Extension Issuance of CON
- D) Wellsprings Second Extension Request
- E) Wellsprings Second Extension Issuance of CON
- F) Wellsprings Third Extension Request

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-41

FACILITY NAME: Wellsprings Health and Rehabilitation

LOCATION: Florence County

LICENSEE: Palmetto Faith Operating, LLC

FOR: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds.

TOTAL PROJECT COST: \$15,869,014.

This Certificate is being issued in accordance with the Code of Laws of South Carolina.

In determining the need for this project, the South Carolina Department of Health and Environmental Control has taken into consideration the "Criteria for Project Review" and the South Carolina Health Plan as established in the "State Certification of Need and Health Facility Licensure Act," S.C. Code Ann. 44-7-110 *et seq.* and Regulation 61-15, "Certification of Need for Health Facilities and Services."

This Certificate of Need is valid until October 14, 2021 which is a period of twelve (12) months from the date of issuance unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this 14th day of October 2020.

A handwritten signature in black ink, appearing to read "Louis W. Eubank".

Louis W. Eubank, Chief
Bureau of Healthcare Planning and Construction



September 20, 2021

Maggie Murdock, Director
c/o Arnisha Keitt, Administrative Coordinator/PCAS Coordinator
Certificate of Need Program
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Re: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation
Construction of a 63,620sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014
Matter No: 2725

Dear Ms. Murdock:

On behalf of Wellsprings Health and Rehabilitation (“Wellsprings”), I am submitting a CON Extension Request for the above referenced project.

Pursuant to Regulation No. 61-15, Sections 602 and 603, the extension request shall contain certain progress and additional details for the approved project as listed below:

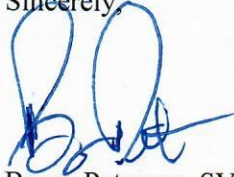
- a. Detailed description of any changes in the configuration, costs, services, or scope of the project:
Very few changes have been made to the project. The building was expanded from 63,620 square feet to 66,621 due the decision to increase resident rooms sizes in 32 rooms to allow for more space for larger patients. The increase in room size will allow for easier wheelchair and gurney access in and around the bedroom and bathroom. We anticipate the cost increase for these design changes to be approximately \$500,000. Architectural, MEP, and Civil design documents also cost more than budgeted. These professional services will be approximately \$50,000 more than expected. Geotech and other surveys also ended up costing more than originally planned. The increase in cost for these surveys will be around \$30,000. All of these anticipated cost increases are still within the construction contingency at this point. Land purchase price including title work was negotiated down from \$200,000.00 to \$145,077. The Developer’s Fee and Real Estate Taxes will also be significantly lower than originally estimated.

- b. A detailed description and documentation of any progress on the project including preparation of construction drawings, the securing of necessary funds and building permits, and commencement of any construction:
The land has been purchased, surveyed, and plat recorded. Phase 1 survey has been completed. Geotechnical and topographical surveys have been completed and provided to Civil and Structural Engineers. Demolition of existing concrete foundation and drives has been completed. Construction drawings from Civil Engineering, Architectural, and MEP are all complete. Civil engineering has completed first-round submissions to SCDHEC, SCDOT, and the city. Civil engineering is currently completing a second-round submission to SCDOT and the city for approval. Architect has completed a review of the plans with SCDHEC. General Contractor has been selected. Several meetings have been conducted with the City of Florence Planning Department.

- c. An estimated timetable for commencement and completion of all remaining components of the project:
Revised timetables have been developed based on current knowledge. Final lender approval of projected is anticipated to occur by October 2021. The anticipated date of beginning construction is November 2021. Anticipated date of licensing or project completion is December 2022. Anticipated date for submission of final completion report is January 2023.
- d. Documentation of compliance with the approved timetable or documented evidence that extenuating circumstances beyond the control of the applicant if the timetable was not met:
As everyone is aware, the global COVID-19 pandemic has had serious and significant impacts to all supply chains and to the speed at which work was able to get done. In addition, nursing facilities have been impacted at an even more profound way which impacted available capital and lending on a new nursing facility project. Even with all of these disruptions, we feel the final licensure of the project will only be delayed a month or two compared to the original timetable in the approved CON.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Bronz Peterson, SVP

Fundamental Administrative Services, LLC

**THE ENCLOSED LETTER CONTAINS VITAL INFORMATION.
PLEASE REVIEW IT CAREFULLY AND COMPLETELY TO ENSURE
COMPLIANCE WITH RELEVANT LAWS AND REGULATIONS.**



Article #: 92148969009997901421313103

March 29, 2022

VIA CERTIFIED MAIL

Mr. Bronz Peterson, SVP
Fundamental Administrative Services, LLC
500 Jeff Davis Drive
Spartanburg, SC 29303

Re: Request for an Extension of Certificate of Need No. SC-20-41

Applicant: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation

Project: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.

Matter No.: 2725
Florence County, South Carolina

Dear Mr. Peterson:

The South Carolina Department of Health and Environmental Control ("Department") has reviewed your request for an extension of the above referenced Certificate of Need ("Certificate" or "CON"). A Certificate is valid for one year from the date of issuance. SC Code § 44-7-230(D). If a project is not completed before the expiration of that year, or if progress on the project does not comply with the timetable set forth in the CON application, then the Department may revoke the Certificate. The holder of a CON may apply to the Department for an extension of the Certificate's expiration period pursuant to S.C. Code Regs. 61-15 sections 601 through 603. Initially, Department staff may grant up to two extensions of as long as nine months a piece upon a proper showing that substantial progress has been made in implementing the project. Subsequent extensions may only be granted by the Department's Board. SC Code § 44-7-230(D).

Based on the material you provided in support of your request, it is the decision of the Department to **grant you a nine (9) month initial extension** for Certificate No. **SC-20-41**. The Department's decision is based on the following findings:

- You have provided the Department with reasonable assurance that the Project will be implemented within the requested extension period.

As required by Regulation No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (October 14, 2020). You must continue to report on, if applicable:

- a. Costs incurred on the project;
- b. Construction activity;
- c. Program or service activity; and
- d. Any deviations from the submitted application with supporting documentation.

The mandated due dates for these reports are as follows:

5th Quarterly Report: **1/14/2022**

6th Quarterly Report: **4/14/2022**

7th Quarterly Report: **7/14/2022**

Failure to adhere to the reporting schedule and format may result in enforcement action, which may be inclusive of the voidance of the Certificate of Need and a monetary penalty pursuant to Regulation No. 61-15, Section 701.

Should the length of your project exceed the nine month period of this extension, you are required to file a second extension request with the Department pursuant to Regulation No. 61-15, Sections 602 and 603. The due date for the second extension request, if one is needed, is **June 14, 2022**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins, (803) 545-0530; Division of Health Facilities Construction, Mr. Graham Cormack, (803) 727-3576; and Bureau of Community Care, Ms. Angie Smith, (803) 545-4252.

If this office can be of further service to you or if you have any questions concerning the above, feel free to contact me at (803) 545-4077.

Sincerely,



David Fiorini, Senior Consultant
Certificate of Need Program

Enclosures: Certificate of Need

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-41-Ext 1

FACILITY NAME: Wellsprings Health and Rehabilitation

LOCATION: Florence County

LICENSEE: Palmetto Faith Operating, LLC

FOR: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds.

TOTAL PROJECT COST: \$ 15,869,014.00

This Certificate is being issued in accordance with the Code of Laws of South Carolina.

In determining the need for this project, the South Carolina Department of Health and Environmental Control has taken into consideration the "Criteria for Project Review" and the South Carolina Health Plan as established in the *State Certification of Need and Health Facility Licensure Act*, S.C. Code Ann. Section 44-7-110 *et seq.* and Regulation 61-15, "Certification of Need for Health Facilities and Services."

This Certificate of Need is valid until July 14, 2022, which is a period of nine (9) months, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this 29th day of March 2022.

A handwritten signature in blue ink, reading "Trenessa K. Jones", written over a horizontal dashed line.

Trenessa K. Jones, DSL, Director
Healthcare Planning and Construction



June 10, 2022

David Fiorini, Senior Consultant
Certificate of Need Program
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Re: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation
Construction of a 63,620sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014
Matter No: 2725

Dear Mr. Fiorini:

On behalf of Wellsprings Health and Rehabilitation (“Wellsprings”), I am submitting a CON Extension Request for the above referenced project.

Pursuant to Regulation No. 61-15, Sections 602 and 603, the extension request shall contain certain progress and additional details for the approved project as listed below:

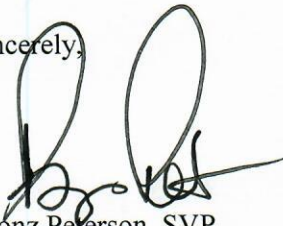
- a. Detailed description of any changes in the configuration, costs, services, or scope of the project:
Very few changes have been made to the project. The building was expanded from 63,620 square feet to 66,621 due the decision to increase resident rooms sizes in 32 rooms to allow for more space for larger patients. The increase in room size will allow for easier wheelchair and gurney access in and around the bedroom and bathroom. We anticipate the cost increase for these design changes to be approximately \$500,000. Architectural, MEP, and Civil design documents also cost more than budgeted. These professional services will be approximately \$50,000 more than expected. Geotech and other surveys also ended up costing more than originally planned. The increase in cost for these surveys will be around \$30,000. All of these anticipated cost increases are still within the construction contingency at this point. Land purchase price including title work was negotiated down from \$200,000.00 to \$145,077. The Developer’s Fee and Real Estate Taxes will also be significantly lower than originally estimated.

- b. A detailed description and documentation of any progress on the project including preparation of construction drawings, the securing of necessary funds and building permits, and commencement of any construction:
The land has been purchased, surveyed, and plat recorded. Phase 1 survey has been completed. Geotechnical and topographical surveys have been completed and provided to Civil and Structural Engineers. Demolition of existing concrete foundation and drives has been completed. Construction drawings from Civil Engineering, Architectural, and MEP are all complete. Civil engineering has completed final submissions to SCDHEC, SCDOT, and the city. Architect has completed a review of the plans with SCDHEC. General Contractor has been selected. Several meetings have been conducted with the City of Florence Planning Department. Bank financing has been slower than anticipated due to the ongoing pandemic, but we anticipate final approval in the next 45 days.

- c. An estimated timetable for commencement and completion of all remaining components of the project:
Revised timetables have been developed based on current knowledge. Final lender approval of projected is anticipated to occur by July 2022. The anticipated date of beginning construction is September 2022. Anticipated date of licensing or project completion is November 2023. Anticipated date for submission of final completion report is December 2023.
- d. Documentation of compliance with the approved timetable or documented evidence that extenuating circumstances beyond the control of the applicant if the timetable was not met:
As everyone is aware, the global COVID-19 pandemic has had serious and significant impacts to all supply chains and to the speed at which work was able to get done. In addition, nursing facilities have been impacted at an even more profound way which impacted available capital and lending on a new nursing facility project. Even with all of these disruptions, we feel the final licensure of the project will be delayed by only a little more than a year compared to the original timetable in the approved CON.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bronz Peterson', with a large, stylized flourish extending to the right.

Bronz Peterson, SVP
Fundamental Administrative Services, LLC



Article #: 92148969009997901421895234

July 14, 2022

VIA CERTIFIED MAIL

Mr. Bronz Peterson, SVP
Fundamental Administrative Services, LLC
500 Jeff Davis Drive
Spartanburg, SC 29303

Re: Request for a Second Extension of Certificate of Need No. SC-20-41

Applicant: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation

Project: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.

Matter No.: 2725
Florence County, South Carolina

Dear Mr. Peterson:

The South Carolina Department of Health and Environmental Control ("Department") has reviewed your request for an extension of the above referenced Certificate of Need ("Certificate" or "CON"). A Certificate is valid for one year from the date of issuance. SC Code § 44-7-230(D). If a project is not completed before the expiration of that year, or if progress on the project does not comply with the timetable set forth in the CON application, then the Department may revoke the Certificate. The holder of a CON may apply to the Department for an extension of the Certificate's expiration period pursuant to S.C. Code Regs. 61-15 sections 601 through 603. Initially, Department staff may grant up to two extensions of as long as nine months a piece upon a proper showing that substantial progress has been made in implementing the project. Subsequent extensions may only be granted by the Department's Board. SC Code § 44-7-230(D).

Based on the material you provided in support of your request, it is the decision of the Department to **grant you a nine (9) month initial extension** for Certificate No. **SC-20-41**. The Department's decision is based on the following findings:

- You have provided the Department with reasonable assurance that the Project will be implemented within the requested extension period.

As required by Regulation No. 61-15, Section 607, you must continue to submit quarterly progress reports from the date of issuance of the original Certificate of Need (October 14, 2020). You must continue to report on, if applicable:

- a. Costs incurred on the project;
- b. Construction activity;
- c. Program or service activity; and
- d. Any deviations from the submitted application with supporting documentation.

The mandated due dates for these reports are as follows:

8th Quarterly Report: **10/14/2022**

9th Quarterly Report: **1/14/2023**

10th Quarterly Report: **4/14/2023**

Failure to adhere to the reporting schedule and format may result in enforcement action, which may be inclusive of the voidance of the Certificate of Need and a monetary penalty pursuant to Regulation No. 61-15, Section 701.

Should the length of your project exceed the nine month period of this extension, you are required to file a DHEC Board extension request with the Department pursuant to Regulation No. 61-15, Sections 602 and 603. The due date for the Board extension request, if one is needed, is **January 14, 2023**. Extension requests received after this date will not receive consideration from the Department.

The issuance of a Certificate of Need does not constitute approval for any proposed construction, licensing, or certification changes. You should contact the following individuals for information concerning these related issues: Bureau of Radiological Health, Ms. Susan Jenkins, (803) 545-0530; Division of Health Facilities Construction, Mr. Graham Cormack, (803) 727-3576; and Bureau of Community Care, Ms. Angie Smith, (803) 545-4252.

If this office can be of further service to you or if you have any questions concerning the above, feel free to contact me at (803) 545-4077.

Sincerely,



David Fiorini, Senior Consultant
Certificate of Need Program

Enclosures: Certificate of Need

South Carolina Department of Health and Environmental Control



Certificate of Need

SC-20-41-Ext 2

FACILITY NAME: Wellsprings Health and Rehabilitation

LOCATION: Florence County

LICENSEE: Palmetto Faith Operating, LLC

FOR: Construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds.

TOTAL PROJECT COST: \$ 15,869,014.00

This Certificate is being issued in accordance with the Code of Laws of South Carolina.

In determining the need for this project, the South Carolina Department of Health and Environmental Control has taken into consideration the "Criteria for Project Review" and the South Carolina Health Plan as established in the *State Certification of Need and Health Facility Licensure Act*, S.C. Code Ann. Section 44-7-110 *et seq.* and Regulation 61-15, "Certification of Need for Health Facilities and Services."

This Certificate of Need is valid until April 14, 2023, which is a period of nine (9) months, unless the applicant receives an extension from the Department in accordance with applicable regulations.

Witness to this Certificate is confirmed by my signature and the seal of the Department of Health and Environmental Control this 14th day of July 2022.

Trenessa K. Jones, DSL, Director
Healthcare Planning and Construction



January 13, 2023

David Fiorini, Senior Consultant
Certificate of Need Program
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Re: Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation
Construction of a 63,620sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014
Matter No: 2725

Dear Mr. Fiorini:

On behalf of Wellsprings Health and Rehabilitation ("Wellsprings"), I am submitting a CON Extension Request for the above referenced project.

Pursuant to Regulation No. 61-15, Sections 602 and 603, the extension request shall contain certain progress and additional details for the approved project as listed below:

- a. Detailed description of any changes in the configuration, costs, services, or scope of the project:
Very few changes have been made to the project. The building was expanded from 63,620 square feet to 66,621 due the decision to increase resident rooms sizes in 32 rooms to allow for more space for larger patients. The increase in room size will allow for easier wheelchair and gurney access in and around the bedroom and bathroom. The cost increase for these design changes was approximately \$500,000. Architectural, MEP, and Civil design documents also cost more than budgeted. These professional services will be approximately \$50,000 more than expected. Geotech and other surveys also ended up costing more than originally planned. The increase in cost for these surveys will be around \$30,000. All of these anticipated cost increases are still within the construction contingency at this point. Land purchase price including title work was negotiated down from \$200,000.00 to \$145,077. The Developer's Fee and Real Estate Taxes will also be significantly lower than originally estimated. The one issue is the increase in construction costs in general on the overall project. After getting the complete construction plan set bid out, the projected costs have increased by over 15%. We have been working with the lender to try to get the updated costs under written. Once we have the loan commitment on the higher costs, we contact CON to find out if they need any additional information to update the CON request.

- b. A detailed description and documentation of any progress on the project including preparation of construction drawings, the securing of necessary funds and building permits, and commencement of any construction:
The land has been purchased, surveyed, and plat recorded. Phase 1 survey has been completed. Geotechnical and topographical surveys have been completed and provided to Civil and Structural Engineers. Demolition of existing concrete foundation and drives has been completed. Construction drawings from Civil Engineering, Architectural, and MEP are all complete. Civil engineering has completed final submissions to SCDHEC, SCDOT, and the city, and all Authorities Having Jurisdiction have approved the plans. Architect has completed a review of the plans with

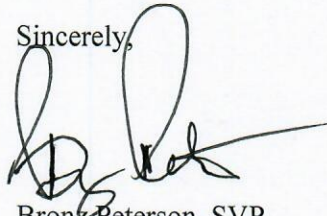
SCDHEC. General Contractor has been selected. Several meetings have been conducted with the City of Florence Planning Department. Bank financing has been slower than anticipated due to the much higher construction costs, but we anticipate final approval in the next 45 days.

- c. An estimated timetable for commencement and completion of all remaining components of the project:
Revised timetables have been developed based on current knowledge. Final lender approval of projected is anticipated to occur by March 2023. The anticipated date of beginning construction is May 2023. Anticipated date of licensing or project completion is June 2024. Anticipated date for submission of final completion report is July 2024.

- d. Documentation of compliance with the approved timetable or documented evidence that extenuating circumstances beyond the control of the applicant if the timetable was not met:
As everyone is aware, the global COVID-19 pandemic has had serious and significant impacts to all supply chains and to the speed at which work was able to get done. In addition, nursing facilities have been impacted at an even more profound way which impacted available capital and lending on a new nursing facility project. Even with all of these disruptions, we feel the final licensure of the project will be delayed by less than two years compared to the original timetable in the approved CON.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bronz Peterson', with a long horizontal flourish extending to the right.

Bronz Peterson, SVP
Fundamental Administrative Services, LLC