

ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
December 12, 2013

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 13-0129-UST
 Order Date: September 25, 2013
 Respondent: **Marilyn Mixon**
 Facility: Former Marilyn's Gas Station
 Location: 10701 Garner's Ferry Road
 Columbia, SC
 Mailing Address: 1-C Westview Apartments
 Sylvania, GA 30467-4813
 County: Richland
 Previous Orders*: None
 Permit/ID Number: 17630
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988 (SUPERB Act), Section 44-2-60(A) (2002 and Supp. 2012), and the South Carolina Underground Storage Tank Control Regulation 61-92.280.70(c), R.61-92.280.93(a), and R.61-92.280.110(c) (Supp. 2012).

Summary: Marilyn Mixon (Respondent) owns underground storage tanks (USTs), located in Columbia, South Carolina. On March 29, 2013, a Notice of Alleged Violation (NOAV) was issued as a result of records violations and failure to permanently close a non-upgraded UST. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to pay annual UST registration fees; failure to permanently close USTs that have been temporarily out of service for more than twelve (12) months; and, failure to demonstrate financial responsibility for an UST system. An inspection was last conducted at the facility on July 11, 2012.

Action: The Respondent is required to: submit a completed UST Tank/Sludge Disposal Form; permanently close the UST and submit a UST Closure Report; submit a completed Certificate of Financial Responsibility and proof of mechanism; pay annual UST registration fees and associated late fees in the amount of six thousand, fifty dollars (\$6,050.00); and, pay a civil penalty in the amount of six thousand, one hundred dollars (**\$6,100.00**).

- 2) Order Type and Number: Administrative Order 13-0130-UST

Order Date: October 1, 2013
Respondent: **Richard Rogers**
Facility: Former Convenience Plus
Location: 497 Laurel Bay Road
Burton, SC
Mailing Address: 111 East Twelfth Street
Waynesboro, GA 30830-1002
County: Beaufort
Previous Orders: None
Permit/ID Number: 16543
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act), Section 44-2-60(A) (2002 and Supp. 2012), and the South Carolina Underground Storage Tank Control Regulation 61-92.280.70(c), R.61-92.280.93(a), and R.61-92.280.110(c) (Supp. 2012).

Summary: Richard Rogers (Respondent) owns underground storage tanks (USTs), located in Burton, South Carolina. On August 16, 2011, September 4, 2012, January 18, 2013, and August 23, 2013, Notices of Alleged Violation (NOAV) were issued as a result of records violations and failure to permanently close a non-upgraded UST. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to pay annual UST registration fees; failure to permanently close USTs that have been temporarily out of service for more than twelve (12) months; and, failure to demonstrate financial responsibility for an UST system. An inspection was last conducted at the facility on May 31, 2013.

Action: The Respondent is required to: submit a completed UST Tank/Sludge Disposal Form; permanently close the UST and submit a UST Closure and Assessment Report; submit a completed Certificate of Financial Responsibility and proof of mechanism; pay annual UST registration fees and associated late fees in the amount of eight thousand, seven hundred fifty-one dollars (\$8,751.00); and, pay a civil penalty in the amount of eighteen thousand, four hundred dollars (**\$18,400.00**).

3) Order Type and Number: Consent Order 13-0101-UST
Order Date: October 14, 2013
Respondent: **Joseph W. Rice, Jr.**
Facility: County Line Grocery
Location: 2001 Kennerly Rd.
Orangeburg, SC 29115
Mailing Address: 4055 Columbia Rd. NE
Orangeburg, SC 29118
County: Calhoun
Previous Orders: AO 08-0405-UST (\$4,300.00)

Permit/ID Number: 14498
Violations Cited: The South Carolina Underground Storage Tank Control Regulation 61-92.280.31(a) and 61-92.280.34(c) (2012).

Summary: Joseph W. Rice, Jr. (Respondent) owns and operates underground storage tanks (USTs) in Calhoun County, South Carolina. On October 31, 2012, a Notice of Alleged Violation (NOAV) was issued as a result of a routine compliance inspection. A failing corrosion protection test was received on January 16, 2013 and an NOAV was issued as a result. The Respondent violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to maintain and operate corrosion protection equipment continuously; and, failure to provide records to the Department upon request.

Action: The Respondent is required to: submit proof of repair and retesting of the corrosion protection system or permanent closure the USTs and pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

4) Order Type and Number: Consent Order 13-0214-UST
Order Date: October 23, 2013
Respondent: **Rukmani LLC**
Facility: Swami Food Store
Location: 830 Bleckley St.
Anderson, SC 29115
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit/ID Number: 00565
Violations Cited: The South Carolina Underground Storage Tank Control Regulation 61-92.280.20(c)(1)(ii) (2012).

Summary: Rukmani LLC (Respondent) owns and operates underground storage tanks (USTs) in Anderson County, South Carolina. On July 15, 2013, a Notice of Alleged Violation (NOAV) was issued as a result of a routine compliance inspection. The Respondent violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to use an adequate overfill prevention system in an UST.

Action: The Respondent is required to: install a shut-off mechanism on the regular unleaded grade UST and pay a civil penalty in the amount of eight hundred eighty-eight dollars (**\$888.00**).

Solid Waste Enforcement

- 5) Order Type and Number: Administrative Order 12-10-SW
 Order Date: March 18, 2013
 Respondent: **Rodney Mason d.b.a. T&R
 Environmental**
 Facility: T&R Environmental
 Location: 101 Allen Street
 Greenville, SC
 Mailing Address: 338 Seabreeze Way
 Lyman, SC 29365
 County: Greenville
 Previous Orders: None
 Permit/ID Number: UOT-SCR000773119
 Violations Cited: South Carolina Solid Waste Policy
 and Management Act of 1991 (Rev. 2002), and Solid Waste Management:
 Used Oil Regulation 61-107.279 (Supp. 2011).

Summary: Rodney Mason d.b.a. T&R Environmental (Respondent) is a used oil transporter based in Greenville, South Carolina. The Respondent violated the Solid Waste Management: Used Oil Regulation as follows: failure to submit an annual report for calendar year 2011. The annual report for calendar year 2011 was due on or before March 15, 2012 and a Notice of Alleged Violation (NOAV) was sent on June 4, 2012.

Action: The Respondent is required to: submit a complete annual report for calendar year 2011 and pay a civil penalty in the amount of one thousand, four hundred dollars (**\$1,400.00**).

- 6) Order Type and Number: Consent Order 13-14-SW
 Order Date: October 9, 2013
 Respondents: **James Pasko d.b.a. Eagle Recovery**
 Facility: Eagle Recovery Wood Grinding
 Facility
 Location: 1050 Bonhomme Richard Drive
 Lexington, SC 29072
 Mailing Address: P.O. Box 1341
 Lexington, SC 29071
 County: Lexington
 Previous Orders: None
 Permit/ID Number: 322754-3001
 Violations Cited: South Carolina Solid Waste Policy
 and Management Act of 1991 (Rev. 2002), Solid Waste Management:
 Yard Trash and Land-Clearing Debris; and Compost Regulation 61-107.4

(Supp. 2012), and, Solid Waste Wood Chipping/Wood Grinding Registration 322754-3001.

Summary: James Pasko d.b.a. Eagle Recovery (Respondent) operates a wood chipping/wood grinding facility in Lexington, South Carolina. Inspections were conducted March 6, 2013 and May 30, 2013. The Respondent violated the South Carolina Solid Waste Policy and Management Act of 1991, the Solid Waste Management: Yard Trash and Land-Clearing Debris; and Compost Regulation, and Registration 322754-3001 as follows: failed to configure windrows at the Facility in accordance with the approved site plan with regard to location and size; failed to ensure that space was provided to allow access for firefighting equipment; failed to keep records of weekly temperature readings if ground material remained at the Facility for more than thirty days; and, exceeded the permitted storage amount of unprocessed wood waste at the Facility.

Action: The Respondent is required to: ensure that the windrows at the Facility are configured in accordance with the approved site plan with regard to location and size; ensure that space is provided between piles to allow access for firefighting equipment; keep records of weekly temperature readings if ground material remains at the Facility for more than thirty days; ensure that the storage of unprocessed wood waste at the Facility does not exceed 5,833 cubic yards; and, pay a civil penalty in the amount of three thousand, seven hundred dollars (**\$3,700.00**) in accordance with the terms of a promissory note.

7) Order Type and Number: Consent Order 13-16-SW
Order Date: October 9, 2013
Respondents: **Tracy Lee Chavis**
Facility: Burbank Court Site – TMS #006696-01-053
Location: 168 Burbank Court
Lexington, SC 29073
Mailing Address: 162 Burbank Court
Lexington, SC 29073
County: Lexington
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (Rev. 2002), and Solid Waste Management: Waste Tires Regulation 61-107.3 (Supp. 2012).

Summary: Tracy Lee Chavis (Respondent) is the owner of the property located at 168 Burbank Court, Lexington, South Carolina. Inspections were conducted October 1, 2012, November 21, 2012, and July 23, 2013. The Respondent violated the South Carolina Solid Waste Policy and Management Act of 1991, and the Solid Waste Management: Waste Tires Regulation as follows:

failed to obtain a permit from the Department to operate a waste tire collection site; and disposed of waste tires at a location other than a permitted solid waste facility in Lexington, South Carolina.

Action: The Respondent is required to: remove all waste tires at the Site and properly dispose of the waste tires at a permitted solid waste facility; submit disposal receipts for waste tires by December 31, 2013; and, pay a **suspended penalty** in the amount of nine thousand, two hundred dollars (**\$9,200.00**) should the Respondent fail to meet any requirement of the Order.

BUREAU OF WATER

Drinking Water Enforcement

8) <u>Order Type and Number:</u>	Consent Order 13-106-DW
<u>Order Date:</u>	October 9, 2013
<u>Respondent:</u>	Vallicapri, Inc.
<u>Facility:</u>	Capri Apartments
<u>Location:</u>	4425 East Chapel Drive Columbia, SC 29205
<u>Mailing Address:</u>	1704 Leesburg Road Columbia, SC 29209
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-066-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Vallicapri, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On August 14, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the lifeline was missing some floats; a ladder was not tight and secure; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not completely filled out; there were no “Shallow Water – No Diving Allowed” signs posted; and there were no “No Lifeguard On Duty – Swim At Your Own Risk” signs posted.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

9) Order Type and Number: Consent Order 13-108-DW
Order Date: October 9, 2013
Respondent: **Harbison Apartments, LLC**
Facility: Lakes at Harbison Apartments
Location: 100 Fairforest Road
Columbia, SC 29208
Mailing Address: 6300 Powers Ferry Road
Atlanta, GA 30339-2919
County: Richland
Previous Orders: None
Permit/ID Number: 40-136-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Harbison Apartments, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On July 24, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the gate did not self close and latch; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the United States Coast Guard approved life ring did not have a permanently attached rope; the pool rules sign was not completely filled out; only one “Shallow Water – No Diving Allowed” sign was posted; and only one “No Lifeguard On Duty – Swim at Your Own Risk” sign was posted.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

10) Order Type and Number: Consent Order 13-109-DW
Order Date: October 9, 2013
Respondent: **WRH Edenwood, LLLP**
Facility: Fountains of Edenwood Apartments
Location: 1200 North Eden Drive
Cayce, SC 29033
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 32-025-1
Violations Cited: S.C. Code Ann. Regs. 61-51(K)(1)(c)

Summary: WRH Edenwood, LLLP (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On July 19, 2013, the pool was inspected and a violation was issued for re-opening the pool prior to receiving a Department inspection. The Respondent has violated the Public Swimming Pools Regulation as follows: the pool was re-opened prior to receiving a Department inspection to verify that the chlorine and pH levels were in the water quality standards acceptable range, and the cyanuric acid level was in the water quality standards acceptable limit.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan, an inspection was conducted, and it was verified that the deficiencies had been addressed. The pool was allowed to re-open.

11) <u>Order Type and Number:</u>	Consent Order 13-111-DW
<u>Order Date:</u>	October 9, 2013
<u>Respondent:</u>	Burroughs Brothers Properties, Inc.
<u>Facility:</u>	Windjammer Village
<u>Location:</u>	200 Offshore Drive Garden City, SC 29576
<u>Mailing Address:</u>	1800 Husted Road Conway, SC 29526
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-527-1 and 26-527-2
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Burroughs Brothers Properties, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool. On May 30, 2013 and July 15, 2013, the pool and kiddie pool were inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; the gate did not self close and latch; the perimeter fencing around the kiddie pool was incomplete; the chlorine level was not within the acceptable range of water quality standards; the emergency telephone was not operational; the pool operator of record information was not posted; and the bound and numbered log book was not available for Department review.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**). The civil penalty

has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

12) Order Type and Number: Consent Order 13-114-DW
Order Date: October 9, 2013
Respondent: **Town of Sharon**
Facility: Town of Sharon
Location: P.O. Box 186
Sharon, SC 29742
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 4610005
Violations Cited: S.C. Code Ann. Regs. 61-58.5.F

Summary: The Town of Sharon (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On July 26, 2013, a notice of alleged violation was issued to the Respondent for violating the State Primary Drinking Water Regulations as follows: the Respondent failed to obtain final approval to operate from the Department prior to placing newly constructed distribution lines into operation.

Action: The Respondent is required to: obtain final approval to operate the newly constructed distribution lines prior to placing the lines into operation; and pay a civil penalty in the amount of two thousand one hundred dollars (**\$2,100.00**).

13) Order Type and Number: Consent Order 13-115-DW
Order Date: October 14, 2013
Respondent: **HDP Charleston I, LLC**
Facility: Fairfield Inn
Location: 4841 Tanger Outlet Boulevard
North Charleston, SC 29418
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-608-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: HDP Charleston I LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On June 10, 2013 and June 26, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of

water quality standards; the pH level was not within the acceptable range of water quality standards; and the bound and numbered log book was not maintained on a daily basis.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

14) Order Type and Number: Consent Order 13-116-DW
Order Date: October 14, 2013
Respondent: **BVF Oaks, L.L.C.**
Facility: Berkshires at Ashley Rivers
Location: 1850 Ashley Crossing Lane
Charleston, SC 29414
Mailing Address: 1150 Sanctuary Parkway, Suite 150
Alpharetta, GA 30009
County: Charleston
Previous Orders: None
Permit/ID Number: 10-226-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: BVF Oaks, L.L.C. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On June 10, 2013 and July 9, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the pool floor was dirty; the gate did not self close and latch; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; only one “Shallow Water – No Diving Allowed” sign was posted; none of the “No Lifeguard On Duty – Swim At Your Own Risk” signs were posted; and the bound and numbered log book was not maintained on a daily basis.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

15) Order Type and Number: Consent Order 13-117-DW
Order Date: October 14, 2013
Respondent: **Timberlake Country Club, Inc.**
Facility: Timberlake Country Club

Location: 222 Timberlake Drive
Chapin, SC 29036
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 32-1094C
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Timberlake Country Club, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a kiddie pool. On July 30, 2013, the kiddie pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the deck was not clear of hazards in that the pool furniture was not at least four feet from the edge of the kiddie pool; the skimmers were not operating properly in that water was not flowing through the skimmers; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the bound and numbered log book was not maintained on a daily basis; the recirculation and filtration system was not operational; and the automatic controller was not operational.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the kiddie pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

16) Order Type and Number: Consent Order 13-118-DW
Order Date: October 14, 2013
Respondent: **Home-Towne Suites Anderson, SC, LLC**
Facility: Home-Towne Suites
Location: 151 Civic Center Boulevard
Anderson, SC 29625
Mailing Address: 2424 Harrodsburg Road, Suite 200
Lexington, KY 40503
County: Anderson
Previous Orders: None
Permit/ID Number: 04-098-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Home-Towne Suites Anderson, SC, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2013 and July 18, 2013, the pool was inspected and a violation was issued for

failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; one of the “No Lifeguard On Duty – Swim At Your Own Risk” signs was defective in that the lettering was not the appropriate size; and the bound and numbered log book was not maintained on a daily basis.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

17)	<u>Order Type and Number:</u>	Consent Order 13-119-DW
	<u>Order Date:</u>	October 14, 2013
	<u>Respondent:</u>	N H & S, Inc.
	<u>Facility:</u>	Travelodge
	<u>Location:</u>	19534 Whyte Hardee Boulevard Hardeeville, SC 29927
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Jasper
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	27-014-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: N H & S, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On August 15, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the pool deck was not clear of hazards in that the deck was cracked and the cracks had sharp edges; the skimmers were missing weirs; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the main drain grates were not visible in that the water was cloudy; the pool rules sign was not completely filled out; the pool operator of record information was not posted; the bound and numbered log book was not available for Department review; and the disinfection equipment was not operating properly.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid.

18) Order Type and Number: Consent Order 13-120-DW
Order Date: October 14, 2013
Respondent: **Shri Yamunaji, L.L.C.**
Facility: Quality Inn
Location: 143 Corona Drive
Gaffney, SC 29341
Mailing Address: Same
County: Cherokee
Previous Orders: None
Permit/ID Number: 11-016-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Shri Yamunaji, L.L.C. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On August 1, 2013 and August 14, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the depth markers were defective in that the lettering was not the appropriate size; a gate did not self close and latch; the bathrooms did not have paper towels or toilet paper; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; and the bound and numbered log book was not maintained on a daily basis.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The civil penalty has been paid.

19) Order Type and Number: Consent Order 13-121-DW
Order Date: October 9, 2013
Respondent: **Old Mill Townhouses
Homeowners Association, Inc.**
Facility: Old Mill Townhouses
Location: 102 Rock Knoll Drive
Greenwood, SC 29649
Mailing Address: 132 West Cambridge Avenue
Greenwood, SC 29646
County: Greenwood
Previous Orders: None
Permit/ID Number: 24-046-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) and
61-51(K)(1)(c)

Summary: Old Mill Townhouses Homeowners Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On July 29, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. On August 15, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain and for operating prior to receiving approval. The Respondent has violated the Public Swimming Pools Regulation as follows: a skimmer cover was broken; the gate did not self close and latch; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the emergency telephone was not functional; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted; the bound and numbered log book was not maintained on a daily basis; and the Respondent failed to schedule an inspection with the Department prior to re-opening the pool.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**). The Respondent submitted a corrective action plan and corrected the deficiencies.

20) <u>Order Type and Number:</u>	Consent Order 13-122-DW
<u>Order Date:</u>	October 9, 2013
<u>Respondent:</u>	McConnells Highway Texaco, LLC
<u>Facility:</u>	Keeper Mart
<u>Location:</u>	3702 McConnells Highway Rock Hill, SC 29730
<u>Mailing Address:</u>	1715 Cavendale Drive Rock Hill, SC 29732
<u>County:</u>	York
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	4670967
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.5.F

Summary: McConnells Highway Texaco, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On July 12, 2013 and August 2, 2013, a violation was issued as a result of monitoring records received by the Department. The Respondent has violated the State Primary Drinking Water Regulations as follows: the PWS exceeded the maximum contaminant level (MCL) for total coliform.

Action: The Respondent is required to: submit an investigative report to determine the causes of the MCL violations and a corrective action plan to include proposed steps to address those causes; and pay a **stipulated penalty** in

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

21) Order Type and Number: Consent Order 13-123-DW
Order Date: October 9, 2013
Respondent: **Louis Elliott, Individually and
d.b.a. Elliott's Landing and
Campground**
Facility: Elliott's Landing and Campground
Location: 2010 Elliott's Landing Road
Pinewood, SC 29125
Mailing Address: Same
County: Clarendon
Previous Orders: None
Permit/ID Number: 1470859
Violations Cited: S.C. Code Ann. Regs. 61-58.5.F

Summary: Louis Elliott, Individually and d.b.a. Elliott's Landing and Campground (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On June 22, 2013 and August 2, 2013, a violation was issued as a result of monitoring records received by the Department. The Respondent has violated the State Primary Drinking Water Regulations as follows: the PWS exceeded the maximum contaminant level (MCL) for total coliform.

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

22) Order Type and Number: Consent Order 13-124-DW
Order Date: October 9, 2013
Respondent: **The Mountain Hotel Group, LLC**
Facility: Comfort Suites
Location: 23 Towne Drive
Bluffton, SC 29910
Mailing Address: 23 Towne Drive
Bluffton, SC 29910
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-1064B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Mountain Hotel Group, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On June 27, 2013 and July 24, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; and the bound and numbered log book was not maintained a minimum of three times per week by the pool operator of record.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

23)	<u>Order Type and Number:</u>	Consent Order 13-125-DW
	<u>Order Date:</u>	October 9, 2013
	<u>Respondent:</u>	Harbourside III Owners’ Association, Inc.
	<u>Facility:</u>	Harbourside III
	<u>Location:</u>	9 Harbourside Lane Hilton Head Island, SC 29928
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-353-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Harbourside III Owners’ Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a spa. On June 3, 2013 and July 5, 2013, the spa was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; and the pH level was not within the acceptable range of water quality standards.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

24)	<u>Order Type and Number:</u>	Consent Order 13-126-DW
	<u>Order Date:</u>	October 9, 2013

<u>Respondent:</u>	Spanish Oaks MSRO, LLC
<u>Facility:</u>	Spanish Oaks Apartments
<u>Location:</u>	1515 Ashley River Road Charleston, SC 29407
<u>Mailing Address:</u>	1515 Ashley River Road Charleston, SC 29407
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-092-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Spanish Oaks MSRO, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On May 24, 2013 and July 9, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the pH level was not within the acceptable range of water quality standards; only one “No Lifeguard On Duty – Swim At Your Own Risk” sign was posted; the lifeline with floats was not in place; a ladder was not tight and secure; the chlorine level was not within the acceptable range of water quality standards; the emergency telephone was not operating; and the bound and numbered log book was not maintained on a daily basis.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The Respondent submitted a corrective action plan and corrected the deficiencies.

25) <u>Order Type and Number:</u>	Consent Order 13-127-DW
<u>Order Date:</u>	October 14, 2013
<u>Respondent:</u>	Columbia Properties Hilton Head, LLC
<u>Facility:</u>	Marriott Beach & Golf
<u>Location:</u>	1 Hotel Circle Hilton Head Island, SC 29928
<u>Mailing Address:</u>	Same
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	07-268-1 & 07-269-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Columbia Properties Hilton Head, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool and spa. On February 19, 2013, June 24, 2013, and July 25, 2013, the pool and spa were inspected and a violation was issued for failure to properly operate and maintain.

The Respondent has violated the Public Swimming Pools Regulation as follows: the deck was not clear of hazards in that there was a crack at the four foot marker; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the disinfection equipment was not operating; and the automatic controller was not operating.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of four thousand eighty dollars (**\$4,080.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

26) <u>Order Type and Number:</u>	Consent Order 13-128-DW
<u>Order Date:</u>	October 23, 2013
<u>Respondent:</u>	Culpepper Landing of SC, LP
<u>Facility:</u>	Culpepper Landing Apartments
<u>Location:</u>	201 Culpepper Landing Drive Duncan, SC 29334
<u>Mailing Address:</u>	448 Viking Drive, Suite 245 Virginia Beach, VA 23452
<u>County:</u>	Spartanburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	42-188-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Culpepper Landing of SC, LP (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2013 and August 13, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: a bathroom did not have paper towels; the United States Coast Guard approved life ring rope was too short; the shepherd's crook did not have a non-telescoping handle; only one "No Lifeguard On Duty – Swim At Your Own Risk" sign was posted; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the current pool operator of record information was not posted; and the bound and numbered log book was not maintained on a daily basis.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

27) Order Type and Number: Consent Order 13-129-DW
Order Date: October 14, 2013
Respondent: **Town of Kershaw**
Facility: Town of Kershaw
Location: 113 S. Hampton Street
Kershaw, SC 29067
Mailing Address: Same
County: Lancaster
Previous Orders: None
Permit/ID Number: 2910003
Violations Cited: S.C. Code Ann. Regs. 61-58.1.B,
61-58.1.K(1)

Summary: The Town of Kershaw (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On August 30, 2013, a notice of alleged violation was issued as a result of complaints received by customers of the PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failed to obtain a permit to construct from the Department prior to modifying the PWS and failed to obtain written approval to operate from the Department prior to placing the modifications into operation.

Action: The Respondent is required to: obtain a permit to construct and written approval to operate the modifications; pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**); and, pay a stipulated penalty in the amount of four thousand dollars (\$4,000.00) should the Respondent fail to meet any requirement of the Order.

28) Order Type and Number: Consent Order 13-130-DW
Order Date: October 14, 2013
Respondent: **Equity Inns Partnership, L.P.**
Facility: Hampton Inn
Location: 4701 Saul White Boulevard
Charleston, SC 29418
Mailing Address: 1181 Winterson Road
Linthicum, MD 21090
County: Charleston
Previous Orders: None
Permit/ID Number: 10-302-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Equity Inns Partnership, L.P. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On June 11, 2013

and June 27, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the water was cloudy; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the pool operator of record information was not posted; the bound and numbered log book was not maintained on a daily basis; and the recirculation and filtration system was not operating properly.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

29) <u>Order Type and Number:</u>	Consent Order 13-131-DW
<u>Order Date:</u>	October 14, 2013
<u>Respondent:</u>	The Enclave at Longpoint Community Association, Inc.
<u>Facility:</u>	The Enclave at Longpoint
<u>Location:</u>	200 Retreat Landing Mount Pleasant, SC 29464
<u>Mailing Address:</u>	858 Lowcountry Boulevard Mount Pleasant, SC 29464
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-525-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: The Enclave at Longpoint Community Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a kiddie pool. On June 3, 2013 and July 17, 2013, the kiddie pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; and the pH level was not within the acceptable range of water quality standards.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of five hundred sixty dollars (**\$560.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

30) <u>Order Type and Number:</u>	Consent Order 13-133-DW
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Order Date: October 23, 2013
Respondent: **Riya Enterprises, Inc.**
Facility: Days Inn
Location: 16633 Whyte Hardee Boulevard
Hardeeville, SC 29927
Mailing Address: P.O. Box 1909
Hardeeville, SC 29927
County: Jasper
Previous Orders: None
Permit/ID Number: 27-021-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Riya Enterprises, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On August 13, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: a ladder was missing steps; there were tiles missing at the waterline; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the disinfection equipment was not operating properly; and the recirculation and filtration system was not operating.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid.

31) Order Type and Number: Consent Order 13-134-DW
Order Date: October 23, 2013
Respondent: **Freeway Mobile Home Park, LLC**
Facility: Freeway Mobile Home Park
Location: 1100 Sandy Oaks Road
Elgin, SC 29045
Mailing Address: P.O. Box 205
Cottageville, SC 29435
County: Richland
Previous Orders: None
Permit/ID Number: 4060005
Violations Cited: S.C. Code Ann. Regs. 61-58.5.F

Summary: Freeway Mobile Home Park, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On March 11, 2013 and August 1, 2013, a violation was issued as a result of monitoring records received by the Department. The Respondent has violated

the State Primary Drinking Water Regulations as follows: the PWS exceeded the maximum contaminant level (MCL) for total coliform.

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

32)	<u>Order Type and Number:</u>	Consent Order 13-135-DW
	<u>Order Date:</u>	October 23, 2013
	<u>Respondent:</u>	Players Club of Hilton Head Island Owners' Association, Inc.
	<u>Facility:</u>	Players Club Resort
	<u>Location:</u>	35 Deallyon Avenue Hilton Head Island, SC 29928
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-099-1 & 07-099-2
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Players Club of Hilton Head Island Owners' Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool and kiddie pool. On June 12, 2013, June 19, 2013 and July 25, 2013 the pool and kiddie pool were inspected. A violation was issued for failure to properly operate and maintain the pool on June 12, 2013 and July 25, 2013, and a violation was issued for failure to properly operate and maintain the kiddie pool on June 12, 2013 and June 19, 2013. The Respondent has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; a gate did not self close and latch; the United States Coast Guard approved life ring did not have a permanently attached rope; only one "Shallow Water – No Diving Allowed" sign was posted; the pool rules sign was not completely filled out; the chlorine level was not within the acceptable range of water quality standards; and the pH level was not within the acceptable range of water quality standards.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of one thousand six hundred dollars (**\$1,600.00**).

33)	<u>Order Type and Number:</u>	Consent Order 13-136-DW
	<u>Order Date:</u>	October 23, 2013
	<u>Respondent:</u>	Beaufort Lodging Associates, LLC
	<u>Facility:</u>	Hilton Garden Inn

Location: 1500 Queen Street
Beaufort, SC 29906
Mailing Address: 402 Washington Street, Suite 200
Gainesville, GA 30501
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-1141D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Beaufort Lodging Associates, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a spa. On July 17, 2013 and August 2, 2013, the spa was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: a gate did not self close and latch; a light in the spa wall was out of its niche; the chlorine level was not within the acceptable range of water quality standards; the main drain grate was not in place; and the automatic controller was not operating properly.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The Respondent submitted a corrective action plan and corrected the deficiencies.

34) Order Type and Number: Consent Order 13-140-DW
Order Date: October 30, 2013
Respondent: **AA Holding Company, LLC**
Facility: Rivers Edge Retreat
Location: 1019 Garden Valley Lane
Columbia, SC 29210
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 32-033-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: AA Holding Company, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On July 26, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: the pool wall and floor were dirty; the gate did not self close and latch; the perimeter fencing had gaps greater than four inches; the bathrooms were not clean and the plumbing was not operating properly; a pool light was out of its niche; the chlorine level was not within the acceptable range of water quality standards; the main drain grates were not visible in that the water was cloudy; the shepherd's crook was not permanently attached to the pole; the

pool rules sign was not completely filled out; the disinfection equipment was not operating properly; the recirculation and filtration system was not operating properly; and the flow meter was not operating.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; keep the pool closed until the deficiencies have been corrected; and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

35) Order Type and Number: Consent Order 13-144-DW
Order Date: October 30, 2013
Respondent: **Muktidaya, Inc.**
Facility: Days Inn & Suites
Location: 1386 East Main Street
Duncan, SC 29334
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: 42-149-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Muktidaya, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2013 and July 19, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: a ladder was missing a bumper; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not completely filled out; and the current pool operator of record information was not posted.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

36) Order Type and Number: Consent Order 13-141-DW
Order Date: October 30, 2013
Respondent: **Broad Creek Landing Horizontal Property Regime, Inc.**
Facility: Broad Creek Landing – Forest Cove
Location: 40 Pointe Comfort Road
Hilton Head, SC 29928
Mailing Address: Same

County: Beaufort
Previous Orders: None
Permit/ID Number: 07-319-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Broad Creek Landing Horizontal Property Regime, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On May 24, 2013 and July 9, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: a lifeline with floats was not attached to the pool wall; a ladder was missing both bumpers; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the United States Coast Guard approved life ring did not have a permanently attached rope; and the bound and numbered log book was not maintained on a daily basis.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The civil penalty has been paid. The Respondent submitted a corrective action plan and corrected the deficiencies.

37) Order Type and Number: Consent Order 13-142-DW
Order Date: October 30, 2013
Respondent: **Courtside Villas Association, Inc.**
Facility: Courtside Villas Condominiums
Location: 29 Deallyon Avenue
Hilton Head, SC 29928
Mailing Address: 8 Lafayette Place, Suite 101
Hilton Head, SC 29926
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-151-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Courtside Villas Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. On June 19, 2013 and July 25, 2013, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: two of the lifeline floats were cracked; the pool deck was not clear of hazards in that the pool furniture was not at least four feet from the edge of the pool; the chlorine level was not within the acceptable range of water quality standards; and the pH level was not within the acceptable range of water quality standards.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

38) Order Type and Number: Consent Order 13-143-DW
Order Date: October 30, 2013
Respondent: **Owners' Association for Somerset, Inc.**
Facility: Somerset Condominiums
Location: 164 South Shore Drive
Hilton Head, SC 29938
Mailing Address: P.O. Box 7431
Hilton Head, SC 29938
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-556-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Owners' Association for Somerset, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a spa. On June 10, 2013 and July 17, 2013, the spa was inspected and a violation was issued for failure to properly operate and maintain. The Respondent has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; a gate did not self close and latch; the chlorine level was not within the acceptable range of water quality standards; the spa thermometer was not visible to the public; the current pool operator of record information was not posted; the disinfection equipment was not operating properly; and the automatic controller was not operating properly.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

Water Pollution Enforcement

39) Order Type and Number: Consent Order 13-038-W
Order Date: October 14, 2013
Respondent: **Shane Harris**
Facility: Harris Recycling
Location: 210 Railroad St,
Norris, SC 29667
Mailing Address: 306 Winding Creek Rd.
Liberty, SC 29657

County: Pickens
Previous Orders: None
Permit/ID Number: SCR004755
Violations Cited: S.C. Code Ann. 48-1-90(a) and 48-1-110(d) (2008 and Supp. 2012); 24 S.C. Code Ann. Regs. 61-9.122.41(e) (2011).

Summary: Shane Harris (Respondent) owns and is responsible for the proper operation and maintenance of Harris Recycling, an automotive recycling facility, located near the Town of Norris, in Pickens County. Compliance Evaluation Inspections (CEIs) were conducted at the site on February 27, 2009, October 23, 2009, and another on April 23, 2013 with off-site impact documented. The results of the CEIs were unsatisfactory ratings. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permits Regulation with numerous deficiencies cited, including, but not limited to, inadequate erosion control and installation of Best Management Practices (BMPs); and migration of sediment off the Site to adjoining properties and waters of the State.

Action: The Respondent is required to: submit for approval a Storm Water Pollution Prevention Plan (SWPPP) that is certified by an engineer licensed to practice in South Carolina, that determines what BMPs are necessary to prevent further discharge of sediment from the site; construct a storage facility for engines and other automotive parts containing lubricants and fluids; complete all revisions, installations, and implementation of BMPs specified in the approved SWPPP; pay a civil penalty in the amount of one thousand four hundred dollars (**\$1,400.00**); and, pay a stipulated penalty in the amount of seven thousand dollars (\$7,000.00) should the Respondent fail to meet any requirement of the Order.

BUREAU OF AIR QUALITY

40) Order Type and Number: Consent Order 13-039-A
Order Date: October 9, 2013
Respondent: **Buckeye Terminals LLC**
Facility: Buckeye Terminals LLC
Location: 221 Sweetwater Rd.,
North Augusta, SC 29860-9051
Mailing Address: Same
County: Edgefield
Previous Orders: None
Permit/ID Number: 0980-0014

Violations Cited: U.S. EPA 40 CFR 63, Subpart 6B, et seq.; 5 S.C. Code Ann. Regs. 61-62.63, Subpart 6B; and 5 S.C. Code Ann. Regs. 61-62.1, Section II.

Summary: Buckeye Terminals LLC (Respondent) owns and operates bulk petroleum-products-terminals in South Carolina, including the North Augusta Terminal. The Department issued General Conditional Major Operating Permit for Petroleum Distribution Operations GCM-0980-0014 (Operating Permit) to the Respondent, effective October 1, 2012. On January 29, 2013, the Department received and reviewed a semiannual report from the Respondent. Based on the Department's review of the semiannual report, the Respondent violated U.S. EPA Regulations at 40 CFR, South Carolina Air Pollution Control Regulations, and its Operating Permit as follows: failed to operate and maintain its monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions; failed to demonstrate that it reduced emissions of total organic compounds (TOC) to less than or equal to 80 milligrams per liter (mg/l) of gasoline loaded into its gasoline cargo tanks at the loading rack; failed to initiate and complete corrective actions for malfunctions, and minimize periods of malfunction and take any necessary corrective actions to restore normal operation and prevent the recurrence of the cause of the problem; and failed to include all required information in a semiannual report.

Action: The Respondent is required to: operate and maintain its monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions; demonstrate that it reduced emissions of TOC to less than or equal to 80 mg/l of gasoline; initiate and complete corrective actions for malfunctions, and minimize periods of malfunction and take any necessary corrective actions; include all required information in its semiannual reports; comply with all applicable provisions of the regulations; and, pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**).

41) Order Type and Number: Consent Order 13-041-A
Order Date: October 23, 2013
Respondent: **Cruz Tree Service, LLC**
Facility: Cruz Tree Service, LLC
Location: 2468 Cape Road
Johns Island, SC 29455
Mailing Address: Same
County: Charleston
Previous Orders: 07-054-A (\$3,500.00)
Permit/ID Number: N/A
Violations Cited: 5 S.C. Code Ann. Regs. 61-62.2,
Prohibition of Open Burning

Summary: Cruz Tree Service, LLC (Respondent) is a landscaping and tree service company located at 2468 Cape Road in Johns Island, South Carolina (“site”). On October 11, 2012 and March 5, 2013, the Department conducted an investigation in response to notification received from City of Charleston’s Fire Department of open burning at the site. The Respondent violated South Carolina Air Pollution control Regulations in that it burned land-clearing debris generated from another location.

Action: The Respondent is required to: cease open burning, except as in accordance with 5 S.C. Code Ann. Regs. 61-62.2, Prohibition of Open Burning and pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

42) Order Type and Number: Consent Order 13-042-A
Order Date: October 9, 2013
Respondent: **Southern Asphalt, Inc.**
Facility: Southern Asphalt, Inc.
Location: 3374 Mt. Pisgah Cemetery Road
Conway, SC 29528
Mailing Address: P.O. Box 1549
Conway, SC 29528
County: Horry
Previous Orders: None
Permit/ID Number: 9900-0474
Violations Cited: U.S. EPA 40 CFR 60.92(a)(1), 5
S.C. Code Ann. Regs. 61-62.60, Subpart I, and 5 S.C. Code Ann. Regs.
61-62.1, Section II, Permit Requirements

Summary: Southern Asphalt, Inc. (Respondent) owns and operates a hot-mix asphalt production facility. The Department issued General Conditional Major Operating Permit 9900-0474 to the Respondent, effective July 1, 2009, and re-issued on July 15, 2013. On October 23, 2012, the Respondent conducted a Department-approved source test to determine compliance with its permitted particulate matter emission limit. Based on the results of the source test, the Respondent violated U.S. EPA Regulations at 40 CFR, South Carolina Air Pollution Control Regulations, and their Permit as follows: exceeded its particulate matter emission limit during the Department-approved source test.

Action: The Respondent is required to: comply with the particulate matter emission limit established in the Permit and applicable regulations and pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**).

43) Order Type and Number: Consent Order 13-043-A
Order Date: October 23, 2013

Respondent: **Mr. Jeff Green and Ms. Darlene S. Pate**
Facility: Residential Property
Location: 1395 Locustwood Ave.
Lancaster, SC 29720
Mailing Address: Same
County: Lancaster
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: 5 South Carolina Code Ann. Regs.
61-62.2, Prohibition of Open Burning

Summary: Mr. Jeff Green and Ms. Darlene S. Pate (Respondents) reside at 1395 Locustwood Ave., Lancaster, South Carolina (site). On June 11, 2013, the Department conducted an investigation in response to a complaint of open burning at the site. Based on the observations, the Respondents violated South Carolina Air Pollution Control Regulations in that they burned prohibited materials.

Action: The Respondent is required to: cease open burning except as in accordance with the regulations and pay a civil penalty in the amount of one hundred dollars (**\$100.00**).

44) Order Type and Number: Consent Order 13-044-A
Order Date: October 23, 2013
Respondent: **Jerry Blackmon**
Facility: Residential Property
Location: 1885 Campbell Court
Sumter, SC 29154
Mailing Address: Same
County: Sumter
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: 24A S.C. Code Ann. Regs. 61-62.2
(Supp. 2012), Prohibition of Open Burning

Summary: Mr. Jerry Blackmon (Respondent) owns and resides on property located at 1885 Campbell Court in Sumter, South Carolina (site). On October 2, 2012, the Department conducted an investigation in response to a complaint of open burning at the site. The Respondent violated South Carolina Air Pollution Control Regulations as follows: burned materials prohibited by the Regulation.

Action: The Respondent is required to: cease open burning, except as in accordance with the regulations and pay a civil penalty in the amount of two hundred fifty dollars (**\$250.00**).

45) Order Type and Number: Consent Order 13-045-A
Order Date: October 23, 2013
Respondent: **Pilgrim's Pride Corporation**
Facility: Pilgrim's Pride Corporation
Location: 2050 Highway 15 South
Sumter, SC 29150
Mailing Address: Same
County: Sumter
Previous Orders: None
Permit/ID Number: 2140-0006
Violations Cited: U.S. EPA 40 CFR 68 and 5 S.C.
Code Ann. Regs. 61-62.68, Chemical Accident Prevention Provisions

Summary: Pilgrim's Pride Corporation (Respondent) owns and operates a facility that processes raw, partially cooked, and fully cooked chicken products in Sumter, South Carolina. On November 28, 2012, the Department conducted an inspection determine compliance with the Chemical Accident Prevention Provisions and to verify the ongoing implementation of its Risk Management Program. The Respondent violated U.S. EPA Regulations at 40 CFR and South Carolina Air Pollution Control Regulations as follows: failed to accurately identify the maximum intended inventory of hazardous chemicals; failed to provide annual certification for operating procedures involved in each covered process; failed to follow recognized and generally accepted good engineering practices; failed to document each inspection and test that has been performed on process equipment; failed to establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and failed to inform contractors of the applicable provisions of the emergency response program.

Action: The Respondent is required to: henceforth comply with all applicable requirements of the applicable regulations; attend a training program covering maintenance and repair on ammonia refrigeration systems; submit documentation demonstrating satisfactory completion of the training course to the Department; and, pay a civil penalty in the amount of seven thousand dollars (**\$7,000.00**).

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

46) Order Type and Number: Consent Order 2013-206-001

Order Date: October 14, 2013
Respondent: **Nam S. Jeong**
Facility: Obok Korean Restaurant
Location: 1616 Decker Blvd.
Columbia, SC 29206
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-206-05698
Violation(s) Cited: R.61-25, Ch.2, Sec. B.1.

Summary: Nam S. Jeong (Respondent) owns and operates the Obok Korean Restaurant located in Columbia, South Carolina. On July 20, 2010, May 31, 2011 and May 29, 2012 the Department conducted routine inspections. The Respondent violated the South Carolina Retail Food Establishment Regulations as follows: improper holding temperatures of potentially hazardous foods.

Action: The Respondent is required to: establish methods to properly monitor holding temperatures of potentially hazardous foods during hours of operation and pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

47) Order Type and Number: Consent Order 2013-206-008
Order Date: October 14, 2013
Respondent: **Vandana Patel**
Facility: Dairy Queen Treat Center
Location: 100 Columbiana Circle, Unit 1252
Columbia, SC 29212
Mailing Address: Same
County: Richland
Previous Order(s): None
Permit/ID Number: 40-206-05595
Violation(s) Cited: R.61-25, Ch.2, Sec. B.1.

Summary: Vandana Patel (Respondent) owns and operates the Dairy Queen Treat Center, a restaurant located in Columbia, South Carolina. On August 10, 2011, May 01, 2012 and February 07, 2013 the Department conducted routine inspections. The Respondent violated the South Carolina Retail Food Establishment Regulations as follows: improper holding temperatures of potentially hazardous foods.

Action: The Respondent is required to: establish methods to properly monitor holding temperatures of potentially hazardous foods twice a day on Dairy Queen/Orange Julius corporate Food Temperature Recording Logs; receive unannounced audits by Dairy Queen/Orange Julius corporate staff every two months; require National Restaurant Association ServSafe Manager training for

the permit holder and management staff; and, pay a civil penalty in the amount of three hundred seventy five dollars (**\$375.00**).

48) Order Type and Number: Consent Order #2013-206-006
Order Date: October 14, 2013
Respondent: **Qin Qin Lin**
Facility: Egg Roll Express of Columbia
Location: 1807 Decker Blvd. Suite A-12
Columbia, SC 29206
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-206-06134
Violation(s) Cited: R.61-25, Ch.2, Sec. B.1.

Summary: Qin Qin Lin (Respondent) owns and operates the Egg Roll Express of Columbia, a restaurant located in Columbia, South Carolina. On May 23, 2011, July 26, 2011 and June 14, 2012 the Department conducted routine inspections. The Respondent violated the South Carolina Retail Food Establishment Regulations as follows: improper holding temperatures of potentially hazardous foods.

Action: The Respondent is required to: prepare and cook smaller batches at a time to lessen the amount of potentially hazardous foods requiring cold holding and hot holding after preparation and cooking; properly monitor holding temperatures of potentially hazardous foods during hours of operation at a minimum of two times a day at the lunch hour and in the mid to late afternoon; and, pay a civil penalty in the amount of seven hundred fifty dollars (**\$750.00**).

49) Order Type and Number: Consent Order #2013-206-007
Order Date: October 14, 2013
Respondent: **Geraldine Doctor**
Facility: Mom's Kitchen
Location: 3007 Colonial Drive
Columbia, SC 29203
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-206-03420
Violation(s) Cited: R.61-25, Ch.2, Sec. B.1.

Summary: Geraldine Doctor (Respondent) owns and operates Mom's Kitchen, a restaurant located in Columbia, South Carolina. On March 10, 2010, February 04, 2011, January 25, 2012 and January 24, 2013 the Department

conducted routine inspections. The Respondent violated the South Carolina Retail Food Establishment Regulations as follows: improper holding temperatures of potentially hazardous foods.

Action: The Respondent is required to: prepare and cook smaller batches at a time to lessen the amount of potentially hazardous foods requiring cold holding and hot holding after preparation and cooking; prepare potentially hazardous foods to order or hold potentially hazardous foods at 130°F (54°C) or above; properly monitor holding temperatures of potentially hazardous foods during hours of operation at a minimum of two times a day at the lunch hour and in the mid to late afternoon; and, pay a civil penalty in the amount of five hundred dollars (**\$500.00**). The penalty has been paid.

50)	<u>Order Type and Number:</u>	Consent Order #2013-206-003
	<u>Order Date:</u>	October 14, 2013
	<u>Respondent:</u>	M.D. Patel
	<u>Facility:</u>	Schlotzsky's Deli
	<u>Location:</u>	529 Bush River Road Columbia, SC 29210
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	40-206-03769
	<u>Violation(s) Cited:</u>	R.61-25, Ch.2, Sec. B.1.

Summary: M.D. Patel (Respondent) owns and operates Schlotzshy's Deli, a restaurant located in Columbia, South Carolina. On July 22, 2010, July 13, 2011, and June 19, 2012 the Department conducted routine inspections. The Respondent violated the South Carolina Retail Food Establishment Regulations as follows: improper holding temperatures of potentially hazardous foods.

Action: The Respondent is required to: establish a system to properly monitor holding temperatures of potentially hazardous foods during hours of operation at a minimum three times a day; establish a procedure to maintain lid closure on all preparation cooler equipment also during peak times of operation, to increase efficiency of holding potentially hazardous foods at a temperature of 45°F (7°C) or below; provide copies of the invoices for service and repair of the coolers cited during the aforementioned inspections; and, pay a civil penalty in the amount of three hundred seventy five dollars (**\$375.00**). The penalty has been paid.

51)	<u>Order Type and Number:</u>	Consent Order 2013-206-005
	<u>Order Date:</u>	October 30, 2013
	<u>Respondent:</u>	Kamlesh Shaw

Facility: Subway #14937
Location: 572-101 John Ross Parkway
Rock Hill, SC 29730
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-206-00482
Violation(s) Cited: R.61-25, Ch.2. Sec. B.1.

Summary: Kamlesh Shaw (Respondent) owns and operates the Subway #14937, a restaurant located in Rock Hill, South Carolina. On July 28, 2011, December 13, 2011, and June 21, 2012 the Department conducted routine inspections. The Respondent violated the South Carolina Retail Food Establishment Regulations as follows: improper holding temperatures of potentially hazardous foods.

Action: The Respondent is required to: replace the main preparation line refrigerated units; provide metal covers for preparation refrigerated units; establish monitoring procedures to check holding temperatures twice daily; establish a timeline for all employees to attend training using National Restaurant Association ServSafe Food Handler certification, to be completed by December 2013; and, pay a civil penalty in the amount of three hundred seventy five dollars (\$375.00). The penalty has been paid.

52) Order Type and Number: Consent Order - #2013-206-004
Order Date: October 30, 2013
Respondent: **Marquita Ramires**
Facility: Los Paisanos
Location: 1505 Batchelor Street
West Columbia, SC 29169
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit/ID Number: 32-206-05855
Violation(s) Cited: R.61-25, Ch.2, Sec. B.1.

Summary: Marquita Ramires (Respondent) owns and operates Los Paisanos, a restaurant located in West Columbia, South Carolina. On March 22, 2012, May 22, 2012 and July 16, 2012 the Department conducted routine inspections. The Respondent violated the South Carolina Retail Food Establishment Regulations as follows: improper holding temperatures of potentially hazardous foods.

Action: The Respondent is required to: establish a maintenance schedule for refrigerated equipment; purchase new thermometers for all employees to

monitor food temperatures throughout daily operations; provide thermometers in all refrigerated equipment; and, pay a civil penalty in the amount of six hundred twenty five dollars (**\$625.00**). The penalty has been paid.

53) Order Type and Number: Consent Order 2013-206-009
Order Date: October 30, 2013
Respondent: **Andrew Gendil**
Facility: Hampton Place Cafe
Location: 1230 Hampton Street
Columbia, SC 29201
Mailing Address: Same
County: Richland
Previous Orders: None
Permit/ID Number: 40-206-05970
Violation(s) Cited: R.61-25, Ch.6. Sec. E.1(b)

Summary: Andrew Gendil (Respondent) owns and operates the Hampton Place Cafe, a restaurant located in Columbia, South Carolina. On February 02, 2011, January 26, 2012, and February 22, 2013 the Department conducted routine inspections. The Respondent has violated the South Carolina Retail Food Establishment Regulations as follows: lavatories (hand-sink) were not accessible to employees at all times.

Action: The Respondent is required to: discontinue the practice of covering the hand-sink for preparation space; establish alternative methods of gaining additional preparation counter space; and, pay a civil penalty in the amount of two hundred fifty dollars (**\$250.00**). The penalty has been paid.

DIVISION OF OCEAN AND COASTAL RESOURCE MANAGEMENT

54) Order Type and Number: Consent Order 13C-003P
Order Date: October 30, 2013
Respondent: **Mark A. Nash**
Location: 1618 Teal Marsh Road
Charleston, SC 29412
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: CC-91-126

Violations Cited: S.C. Code Ann. §48-39-130(A) and
23A S.C. Code Ann. Regs. 30-2(B). Permit # CC-91-126, Special
Condition # 2

Summary: Mark A. Nash (Respondent) is the owner of certain property abutting the tidelands critical area. An inspection of the dock at the site was conducted on May 30, 2013 and a Notice of Violation and Admission Letter was issued on August 22, 2013. Mr. Nash has violated the Coastal Zone Management Act and Critical Area Permitting Regulations as follows: constructed a private recreational dock out of compliance with Permit #CC-91-126 and added an unauthorized boat storage structure in the tidelands critical area regulated by the Department.

Action: The Respondent is required to: reduce the total square footage of the fixed pierhead and floating dock to no more than 240 square feet and pay a civil penalty in the amount of one thousand, nine hundred dollars (**\$1,900.00**).

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