

SUMMARY SHEET  
 BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
 December 9, 2010

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

  X   INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control (“EQC”) and the Bureau of Environmental Health (“BEH”).
- II. **SUBJECT:** Administrative and Consent Orders issued by EQC during the period October 1, 2010 – October 31, 2010 and Administrative Orders issued by BEH during the period of July 1, 2010 – October 31, 2010.
- III. **FACTS:** For the periods October 1, 2010 through October 31, 2010, EQC issued thirty-one (31) Consent Orders with total assessed civil penalties in the amount of \$182,005.00. Two (2) Administrative Orders were also reported during this period with total assessed civil penalties in the amount of \$26,418.00.

For the period of July 1, 2010 through October 31, 2010, the BEH issued thirty-two (32) Administrative Orders with total assessed penalties in the amount of \$15,250.00.

Unless otherwise specified, “Previous Orders” as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

Bureau	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
<b>Land &amp; Waste Management</b>				
UST Program	1	\$ 1,400.00	1	\$ 1,025.00
Hazardous Waste	0	0	1	17,500.00
Infectious Waste	0	0	1	2,500.00
Solid Waste	1	25,018.00	1	6,000.00
<b>SUBTOTAL</b>	<b>2</b>	<b>\$ 26,418.00</b>	<b>4</b>	<b>\$ 27,025.00</b>
<b>Water</b>				
Drinking Water	0	\$ 0	21	\$ 16,430.00
Water Pollution	0	\$ 0	2	5,950.00
<b>SUBTOTAL</b>	<b>0</b>	<b>\$ 0</b>	<b>23</b>	<b>\$ 22,380.00</b>

<b>Air Quality</b>				
<b>SUBTOTAL</b>	0	\$ 0	3	\$ 132,600.00
<b>TOTAL</b>	<b>2</b>	<b>\$ 26,418.00</b>	<b>31</b>	<b>\$ 182,005.00</b>

**Environmental Health**

Food Protection	23	\$ 12,750.00	0	\$ 0.00
Onsite Wastewater	8	2,250.00	0	0.00
General Sanitation	1	250.00	0	0.00
<b>TOTAL</b>	<b>32</b>	<b>\$ 15,250.00</b>	<b>0</b>	<b>\$ 0.00</b>

**ANALYSIS:** During the reporting period, Solid Waste Enforcement issued an Administrative Order against Rita C. Johnson (Respondent), owner of the Railroad Street Property located in Roebuck, SC. Violations include the disposal of waste tires at a site that was not permitted as a solid waste management facility and the discharge solid wastes into the environment without a permit from the Department. To comply with the Order, all solid waste, including the waste tires, must be properly disposed of and disposal receipts submitted. A civil penalty in the amount of twenty five thousand four hundred eighteen dollars (\$25,418.00) was assessed.

Drinking Water Enforcement entered into twenty-one (21) orders during the reporting period. Of those 21 orders, eight (8) were for violations related to swimming pools and nine (9) were for violations related to maximum contaminant levels of various contaminants. Total civil penalties assessed for the 21 orders was sixteen thousand four hundred thirty dollars (\$16,430.00).

Air Quality Enforcement entered into a Consent Order with Tanner Industries, Inc. (Respondent), owner and operator of an ammonia distribution facility located in Swansea, SC. Violations include failure to address the identification and evaluation of excess flow valves; failure to update and revalidate the process hazard analysis (PHA); failure to develop and implement operating procedures that provide clear instructions for safely conducting activities involved in each covered process; and, failure to perform a pre-startup safety review prior to the introduction of a regulated substance to the process. To comply with the Order, the Respondent must ensure the PHA is appropriate for the complexity of the process and that it identifies, evaluates, and controls the hazards involved in the process; the PHA must be updated and revalidated; operating procedures must be developed and implemented properly; pre-startup safety reviews must be performed prior to the introduction of a regulated substance to a process; and, an internal alarm system must be installed and must be operational. A civil penalty in the amount of ninety one thousand dollars (\$91,000.00) was assessed.

The BEH utilized only Administrative Orders during this period; there were no cases that presented opportunities for consent orders.

The BEH issued twenty-three (23) Administrative Orders to retail food establishments for violations of Regulation 61-25, Retail Food Establishments:

- a. Little Panda, Richland County – \$500 penalty for consecutive critical violations - Improper holding temperatures. Permit was suspended until violations corrected and penalty paid; violations corrected/penalty has been paid and the permit has been reinstated.
- b. Cadillac’s, Richland County – \$500 penalty for repeat violations – floor in poor repair. The facility has closed and the penalty was waived.
- c. Publix Supermarket, Columbia - \$500 penalty for consecutive violation - improper holding temperatures. Violations corrected and penalty paid.
- d. Subway, West Columbia - \$500 penalty for consecutive critical violation - improper sanitizer strength. Violations corrected and penalty paid.
- e. Sbarro, Columbia - \$500 penalty for consecutive critical violation - improper holding temperature. Violations corrected and penalty paid.
- f. Jimmy Johns, Columbia – Order for permit revocation, no civil penalty – Inspector physically accosted by facility employee. The order has been rescinded pursuant to an agreement between the Department and the facility for the facility to address this issue through an internal policy.
- g. Miyo’s, Columbia - \$1,000 penalty for numerous repeat violations. Violations corrected and penalty paid.
- h. Los Puentes, Rock Hill - \$500 penalty for consecutive critical violations – improper hygiene and improper sanitizer strength. Violations corrected and penalty paid.
- i. Milton Zanders/True BBQ, Cayce - \$1,000 penalty and a 3-day permit suspension for operating a mobile food service operation without the proper permit – this was the second enforcement action against this operation in a 6-month period. The suspension has been completed, the penalty has been paid, and the permit has been reinstated.
- j. Wendy’s, Columbia - \$500 penalty for consecutive critical violation: improper sanitizer strength. Facility requested a penalty reduction because of a management change in the facility; \$250 of the penalty was waived. Violations corrected and remaining \$250 penalty paid.
- k. Monterrey Mexican Restaurant, Cayce - \$1,000 penalty for routine inspection score below 70 and follow-up inspection score below 70. Violations corrected and penalty paid.
- l. Salsarita’s, Lexington - \$500 penalty for consecutive critical violation - improper cooling/heating of potentially hazardous foods. Owner/operator was out of the country at the time of the violations and requested a reduction of penalty. \$250 of the penalty

was waived with the facility implementing internal policies to prevent future violations. Violations corrected and remaining \$250 penalty paid.

- m. Chen's, Lexington - \$500 penalty for consecutive critical violation - improper holding temperature. Violations corrected and penalty paid.
- n. Smith's Grocery, Sumter - \$1,000 penalty for operating a retail food establishment without a permit from the Department. Order included requirement to obtain permit before continuing operation; site visits have been conducted to assist in getting permit. Case still pending.
- o. Pita Pit, Charleston- \$250 penalty for consecutive critical violation - improper holding temperatures. Violations corrected and penalty paid.
- p. China Dragon, Charleston - \$500 penalty for consecutive violations - improper holding temperatures and prevention of cross-contamination. Violations corrected and penalty paid.
- q. Super WalMart Deli, North Charleston- \$500 penalty for consecutive violation – insects, rodents, animals restricted. Violations corrected and penalty paid.
- r. El Dorado, Charleston - \$500 penalty for consecutive critical violation - improper holding temperatures. Violations corrected and penalty paid.
- s. Pitt Stop/Subway, Lexington – \$500 penalty for consecutive critical violations - Improper holding temperatures. Violations corrected and the penalty has been paid.
- t. China House, Columbia – \$500 penalty for repeat consecutive critical violations - Improper holding temperatures. Violations corrected and the penalty has been paid.
- u. Centerplate/Williams-Brice Stadium, Columbia - \$500 penalty for consecutive violation - improper holding temperatures. Violations corrected and penalty paid.
- v. Best of China Hut, Columbia - \$500 penalty for consecutive critical violation - improper holding temperatures. Violations corrected and penalty paid.
- w. McDonald's, Columbia - \$500 penalty for consecutive critical violation - improper hygiene. Violation corrected and penalty paid.

Eight (8) Administrative Orders were issued to individuals for violations of onsite wastewater regulations:

- a. Mejia Preciliano, Spartanburg - \$250 penalty for sewage discharge to ground surface and ordered to make necessary repairs. Repairs made and violation corrected; invoice for repair costs allowed to stand in lieu of penalty.

- b. Michael R. Wilson, Union – \$250 penalty for dwelling occupied more than 2 hours per day without an approved means of sewage disposal and sewage discharging to the ground surface; ordered to install an approved onsite disposal system. Case still pending.
- c. Paaty Sullivan, Lexington - \$250 penalty for sewage discharging to ground surface and ordered to make necessary repairs. Case still pending.
- d. Maede Folk, Erhardt - \$250 penalty for sewage discharging to ground surface and ordered to make necessary repairs. Case still pending.
- e. William Ritter, Aiken - \$250 penalty for sewage discharging to ground surface and ordered to make necessary repairs. Case still pending.
- f. Goodfellas Mobile Home Park/Judson Stanley, Conway - \$500 penalty for multiple violations of multiple regulations, including sewage discharging to ground surface, and ordered to make necessary repairs and corrections. Case still pending.
- g. Ann Haskins, Lynchburg - \$250 penalty for sewage discharge to ground surface and ordered to make necessary repairs. Order place on hold pending notification of property owner.
- h. Bobby Wright, Lynchburg – \$250 penalty for dwelling occupied more than 2 hours per day without an approved means of sewage disposal and sewage discharging to the ground surface; ordered to install an approved onsite disposal system. Order place on hold pending notification of property owner.

One (1) Administrative Order was issued to an individual for violation of general sanitation regulations:

- a. Steve Tucker, Union - \$250 penalty for an accumulation of building materials, trash and junk harboring rodents and other public health vectors. Case pending local follow-up.

Submitted by:

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Environmental Quality Control