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South Carolina Board of Health and Environmental Control

Agenda March 9, 2017

**Call to Order – 10:00 a.m., Board Room (#3420)
South Carolina Department of Health and Environmental Control
2600 Bull Street, Columbia, S.C.**

1. Minutes of January 5, 2017 and January 13, 2017 meetings
2. Administrative Orders and Consent Orders issued by Environmental Affairs
3. Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
4. Public Hearing – Wave Dissipation System
5. Agency Affairs

Executive Session (if needed)

Adjournment

Note: The next scheduled meeting of the S.C. Board of Health and Environmental Control will be Thursday, April 13.

SUMMARY SHEET
 BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
 March 9, 2017

_____ ACTION/DECISION

X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Affairs.
- II. **SUBJECT:** Administrative and Consent Orders issued by Environmental Quality Control (EQC) and Ocean and Coastal Resource Management (OCRM) during the period December 1, 2016 – January 31, 2017.
- III. **FACTS:** For the period of December 1, 2016, through January 31, 2017, Environmental Affairs issued one hundred ninety (190) Consent Orders with total assessed civil penalties in the amount of \$440,206.00. Also, five (5) Administrative Orders were issued during the reporting period with total assessed penalties in the amount of \$26,375.00.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land and Waste Management				
UST Program	2	\$20,775.00	4	\$2,240.00
Aboveground Tanks	0	0	0	0
Solid Waste	1	\$4,600.00	0	0
Hazardous Waste*	0	0	5	\$69,150.00
Infectious Waste	0	0	2	\$9,600.00
Mining	0	0	1	\$1,200.00
SUBTOTAL	3	\$25,375.00	12	\$82,190.00
Water				
Recreational Water	1	\$1,000.00	67	\$69,340.00
Drinking Water	1	0	2	0
Water Pollution	0	0	13	\$116,851.00
SUBTOTAL	2	\$1,000.00	82	\$186,191.00
Air Quality				
SUBTOTAL	0	0	6	\$95,525.00
Environmental Health Services				
SUBTOTAL	0	0	87	\$72,300.00
OCRM				
SUBTOTAL	0	0	3	\$4,000.00
TOTAL	5	\$26,375.00	190	\$440,206.00

*Hazardous Waste Enforcement and Solid Waste Enforcement entered into one (1) Joint Consent Order during the reporting period. Hazardous Waste Enforcement was given credit for the Order.

Submitted by:



Myra C. Reece
 Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
March 9, 2017**

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 16-0018-UST
 Order Date: June 16, 2016
 Individual/Entity: **Joaquim Morais**
 Facility: Amy's Grill
 Location: 12132 North Highway 905
 Longs, SC 29568
 Mailing Address: 8454 Highway 544
 Myrtle Beach, SC 29588-9232

 County: Horry
 *Previous Orders: None
 Permit/ID Number: 13066
 Violations Cited: State Underground Petroleum Environmental
 Response Bank Act of 1988 (SUPERB Act) (2002 and Supp. 2014), Section 44-2-60(A);
 and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann.
 Regs. 61-92.280.20(g)(3), 280.31(b), 280.34(c), 280.35(c), 280.35(e), 280.35(f),
 280.40(a), 280.41(b)(1)(ii), 280.44(a), 280.93(a), 280.110(c), 280.111. (Supp 2012).

Summary: Joaquim Morais (Individual/Entity) owns underground storage tanks (USTs) located in Longs, South Carolina. On December 11, 2015, the Department conducted a routine inspection of the Facility and issued a Notice of Alleged Violation. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to monitor secondary containment using interstitial monitoring; failed to have the corrosion protection system inspected by a qualified tester every three years; failed to provide records to the Department upon request; failed to complete a/b operator training; failed to validate monthly requirements have been performed at the facility; failed to physically visit each assigned facility once a quarter; failed to provide adequate release detection methods for an UST system; failed to conduct an annual line tightness test on pressurized lines or have monthly monitoring; failed to conduct annual test of automatic line leak detectors and/or sump sensors; failed to provide financial responsibility for an UST system; failed to demonstrate financial responsibility upon request from the Department; and, failed to pay annual tank registration fees and associated late fees for fiscal years 2015 and 2016.

Action: The Individual/Entity is required to: submit proof of interstitial monitoring; submit current corrosion protection system test results; provide proof that a/b operator training has been completed and log is being kept; submit current tank tightness, line

tightness, and line leak detector test results and/or sump sensor test results; submit a completed Certificate of Financial Responsibility and proof of financial mechanism; pay annual tank registration fees and associated late fees in the amount of two thousand, one hundred seventy-eight dollars (\$2,178.00); and, pay a civil penalty in the amount of nine thousand, eight hundred dollars (**\$9,800.00**).

2) Order Type and Number: Administrative Order 16-0380-UST
 Order Date: December 29, 2016
 Individual/Entity: **Lavern Bluefort**
 Facility: Rail Express
 Location: 3056 Nesmith Road
 Nesmith, SC 29580
 Mailing Address: 1757 Old Georgetown Road
 Hemingway, SC 29554-6070
 County: Williamsburg
 Previous Orders: 15-0240-UST (\$600.00)
 Permit/ID Number: 16723
 Violations Cited: State Underground Petroleum Environmental
 Response Bank Act of 1988 (SUPERB Act) Section 44-2-60 (A) (Supp. 2014) and the
 South Carolina Underground Storage Tank Control Regulation 61-92.280.34(c), R.61-
 92.280.35(e), R.61-92.280.35(f), R.61-92.280.40(a)(2), R.61-92.280.44(a), R.61-
 92.280.45(b)(1), R.61-92.280.93(a), and, R.61-92.280.110(c) (2012).

Summary: Lavern Bluefort (Individual/Entity) owns underground storage tanks (USTs) in Williamsburg County, South Carolina. An inspection was conducted on July 30, 2015 and Notices of Alleged Violations were issued August 4, 2016, and September 1, 2016. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulations as follows: failed to pay annual tank registration fees to the Department, failed to provide records to the Department upon request; failed to validate that monthly requirements have been performed; failed to visit each assigned facility once per quarter; failed to properly maintain release detection equipment; failed to conduct an annual test of automatic line leak detectors or have monthly monitoring; failed to maintain monitoring records for at least one year; failed to demonstrate financial responsibility; and, failed to provide financial responsibility documentation to the Department upon request.

Action: The Individual/Entity is required to: submit a Certificate of Financial Responsibility and proof of a financial responsibility mechanism; submit line leak detector tests for all USTs; submit a Class A/B operator log; submit proof that the ATG probe on the premium UST has been repaired; pay annual tank registration fees and associated late fees for fiscal year 2017 in the amount of \$605.00; and, pay a civil penalty in the amount of ten thousand, nine hundred seventy-five dollars (**\$10,975.00**).

3) Order Type and Number: Consent Order 16-0341-UST
 Order Date: December 1, 2016
 Individual/Entity: **Allied Systems, Ltd.**
 Facility: Allied Systems, Ltd.
 Location: 111 Burroughs Avenue
 West Columbia, SC
 Mailing Address: 150 Ponce De Leon Avenue, Suite 375,
 Decatur, GA 30030
 County: Lexington

Previous Orders: None
Permit/ID Number: 05978
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act) (Supp. 2014)

Summary: Allied Systems, Ltd. (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. A Notice of Alleged Violation was issued after a file review was conducted on August 4, 2016. The Individual/Entity has violated the State Underground Petroleum Environmental Response Bank Act of 1988 Supp. 2014) for: failed to pay annual underground storage tank fees for fiscal year 2017.

Action: The Individual/Entity is required to: pay annual underground storage tank fees and associated late fees for fiscal year 2017 in the amount of one thousand, two hundred ten dollars (\$1,210.00) and pay a civil penalty in the amount of two hundred forty dollars **(\$240.00)**.

4) Order Type and Number: Consent Order 16-0232-UST
Order Date: January 23, 2017
Individual/Entity: **Carolina Convenience Corporation**
Facility: S Mart 102
Location: 436 Blossom Street
Columbia, SC 29201
Mailing Address: 557 Whiteford Way
Lexington, SC 29072
County: Richland
Previous Orders: None
Permit/ID Number: 07637
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act) (Supp. 2014) and the South Carolina Underground Storage Tank Control Regulation 61-92.280.20(c)(1)(ii) (2012).

Summary: Carolina Convenience Corporation (Individual/Entity) owns underground storage tanks (USTs) in Lee County, South Carolina. An inspection was conducted on December 12, 2016. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulations as follows: failed to equip an underground storage tank system with adequate overfill protection.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

5) Order Type and Number: Consent Order 16-0455-UST
Order Date: January 23, 2017
Individual/Entity: **Ohm Corp**
Facility: Ohm Corp
Location: 2575 Sumter Highway
Bishopville, SC 29010
Mailing Address: Same
County: Lee
Previous Orders: None
Permit/ID Number: 12620

Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act) (Supp. 2014) and the South Carolina Underground Storage Tank Control Regulation 61-92.280.20(c)(1)(ii) (2012).

Summary: Ohm Corp (Individual/Entity) owns underground storage tanks (USTs) in Lee County, South Carolina. An inspection was conducted on December 12, 2016. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulations as follows: failed to equip an underground storage tank system with adequate overfill protection.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

6) Order Type and Number: Consent Order 16-0169-UST
Order Date: January 30, 2017
Individual/Entity: **Solon Dobbs**
Facility: Dobbs BP
Location: 2706 B Trask Parkway
Burton, SC 29902-9730
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 14441
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 *et seq.* (2002 and Supp. 2014), R.61-92, Section 280.34(c), R.61-92, Section 280.35(c)(1 & 2), R.61-92, Section 280.40(a), R.61-92, Section 280.41(b)(1)(ii), R.61-92, Section 280.43(d), R.61-92, Section 280.44(a), R.61-92, Section 280.93(a), R.61-92, Section 280.110(c) and R.61-92, Section 280.111.

Summary: Solon Dobbs (Individual/Entity) owns and operates underground storage tanks (USTs) located in Beaufort, South Carolina. On April 14, 2016, the Department conducted a routine inspection. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to provide records to the Department upon request; failed to have a trained A/B operator; failed to provide an adequate release detection method for an UST system; failed to conduct annual line tightness test; failed to conduct proper release detection using an automatic tank gauge; failed to conduct annual test of automatic line leak detectors and/or sump sensors; failed to demonstrate financial responsibility for an UST system; failed to provide financial responsibility documentation to the Department upon request; and, failed to maintain a Certificate of Financial Responsibility on site.

Action: The Individual/Entity is required to: submit a completed Certificate of Financial Responsibility and proof of financial responsibility mechanism; tank tightness test results on all tanks; proof that A/B operator training has been completed; line tightness test and line leak detector function check results for the premium UST; proof that the premium line leak detector has been repaired; and pay a **stipulated penalty** in the amount of three thousand, two hundred fifty dollars (**\$3,250.00**) should any requirement of the Order not be met.

Solid Waste Enforcement

- 7) Order Type and Number: Administrative Order 16-13-SW
Order Date: October 31, 2016
Individual/Entity: **Robert Wright**
Facility: N/A
Location: 2206 Pocketville Road
Ehrhardt, SC
Mailing Address: P.O. Box 141
Ehrhardt, SC 29138
County: Bamberg
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002 & Supp. 2014), S.C. Code Ann. § 44-96-290(A) and Solid Waste Management: Waste Tires, 8 S.C. Code Ann. Regs., R. 61-107.3, Part III, Section A.1 (Rev. 2015)

Summary: Robert Wright (Individual/Entity) operated an unpermitted waste tire and solid waste disposal facility in Bamberg County. The Department conducted inspections of the Site on April 11, 2016, and June 14, 2016. The Individual/Entity has violated the Solid Waste Policy and Management Act as follows: greater than one hundred twenty (120) waste tires were collected and stored at the Site without obtaining a permit from the Department and solid waste was being managed on the Site without obtaining a permit from the Department.

Action: The Individual/Entity is required to: remove and dispose of the waste tires and solid waste at a permitted facility; provide the disposal receipts to the Department; and, pay a civil penalty in the amount of four thousand, six hundred dollars (**\$4,600.00**).

Hazardous Waste Enforcement

- 8) Order Type and Number: Consent Order 16-16-HW
Order Date: December 8, 2016
Individual/Entity: **Greenville Health System – GMMC Campus**
Facility: Greenville Health System – GMMC Campus
Location: 701 Grove Road
Greenville, SC 29605
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: SCD 982 083 354
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §44-56-10 *et seq.* (2002 & Supp. 2015), and the

South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2015).

Summary: Greenville Health System – GMMC Campus (Individual/Entity) provides health care services at its facility located at 701 Grove Road, Greenville, South Carolina. On April 14, 2016, the Department conducted an inspection. The Individual/Entity has violated the Hazardous Waste Management Regulations as follows: failed to accurately determine if a waste was a hazardous waste; failed to ensure that the date upon which each period of accumulation began was clearly marked and visible for inspection on each container; failed to ensure while being accumulated onsite, each container was labeled or clearly marked with the EPA Hazardous Waste Number and the words: “Hazardous Waste – federal laws prohibit improper disposal;” failed to keep containers holding hazardous waste closed except when necessary to add or remove waste; failed to receive an extension from the Department granting hazardous waste to remain onsite for longer than 180 days; offering hazardous waste to a transporter, treatment, storage, or disposal facility that had not received an EPA identification number and a Department permit; failed to prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and if necessary, EPA Form 8700-22A, according to the instructions included in the Appendix to 262 – Manifest Forms; and, failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Action: The Individual/Entity is required to: ensure that an accurate waste determination is made according to the regulations; ensure that hazardous waste containers are managed and hazardous waste training is conducted according to the regulations; ensure that manifests are completed according to the regulations; and, pay a civil penalty in the amount of twenty-one thousand dollars **(\$21,000.00)**.

9) Order Type and Number: Consent Order 16-19-HW
Order Date: December 8, 2016
Individual/Entity: **South Carolina State University**
Facility: South Carolina State University
Location: 300 College Street NE
Orangeburg, SC 29115
Mailing Address: Same
County: Orangeburg
Previous Orders: 15-25-HW (\$1,000.00),
14-10-HW (\$5,150.00)
Permit/ID Number: SCR 000 003 665
Violations Cited: The South Carolina Hazardous Waste Management Act S.C. Code Ann. §44-56-130(2) *et seq.* (2002); The South Carolina Hazardous Waste Management Regulations, 6 and 7 S.C. Code Ann. Regs. 61-79.262.11, R.61-79.262.34(d)(2)/R.61-79.265.173(a), R.61-79.262.34(d)(2)/R.61-79.265.173(b), R.61-79.262.34(d)(2)/R.61-79.265.173(c), R.61-79.262.34(d)(2)/R.61-79.265.173(d), R.61-79.262.34(d)(2)/R.61-79.265.171, R.61-79.262.90, R.61-79.262.34(c)(1), R. 61-79.262.34(d)(2)/R.61-79.265.177(c), R. 61-79.262.34(d)(2)/R.61-79.265.174, and, R.61-79.265.35(d)(5)(iii) (2012).

Summary: South Carolina State University (Individual/Entity) operates a facility in Orangeburg, South Carolina. On June 17, 2016, the Department conducted an inspection of the facility. The Individual/Entity has violated the Hazardous Waste Management Regulations

as follows: failed to make an accurate hazardous waste determination; failed to ensure that a hazardous waste container is closed, except when necessary to add or remove waste; failed to ensure that a hazardous waste container is not stored in a manner that causes it to rupture or leak; failed to mark each container holding hazardous waste permanently and legibly with the words "Hazardous waste - federal laws prohibit improper disposal;" failed to ensure that a container holding hazardous waste is appropriately labeled with an EPA Hazardous Waste Number; failed to ensure that if a container that holds hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition; failed to clean up any hazardous waste discharge that occurs during generation or storage and take other such action as required so that the hazardous waste no longer presents a hazard to human health or the environment; failed to have satellite accumulation containers which are under the control of the operator of the process generating the waste; failed to ensure that any container holding hazardous waste that is compatible with any waste or other materials stored nearby in containers must be separated from the other materials or protected from them by means of a dike, berm, wall or other device; failed to inspect areas where containers are stored at least weekly; and, failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Action: The Individual/Entity is required to: ensure that hazardous waste is managed according to the regulations; ensure that hazardous waste containers are managed in accordance with the regulations; ensure that hazardous waste discharges are managed in accordance with the regulations; ensure that employee training is managed in accordance with the regulations; and, pay a civil penalty in the amount of seven thousand, five hundred dollars (**\$7,500.00**) in accordance with a promissory note.

10) <u>Order Type and Number:</u>	Consent Order 16-18-HW
<u>Order Date:</u>	December 1, 2016
<u>Individual/Entity:</u>	Ulbrich Specialty Wire
<u>Facility:</u>	Ulbrich Specialty Wire
<u>Location:</u>	692 Plant Road Westminster, SC 29693
<u>Mailing Address:</u>	Same
<u>County:</u>	Oconee
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	SCD 045 495 454
<u>Violations Cited:</u>	The South Carolina Hazardous Waste Management Act S.C. Code Ann. §44-56-130(2) <i>et seq.</i> (2002); The South Carolina Hazardous Waste Management Regulations, 6 and 7 S.C. Code Ann. Regs. 61-79.262.34(a)(3), R. 61-79.265.192(g), R. 61-79.265.52(d), and, R. 61-79.265.15(d) (2012).

Summary: Ulbrich Specialty Wire (Individual/Entity) operates a facility in Westminster, South Carolina. On February 10, 2016, the Department conducted an inspection of the facility. The Individual/Entity has violated the Hazardous Waste Management Regulations as follows: failed to ensure that each tank is labeled or marked clearly with the EPA Hazardous Waste Number and the words "Hazardous waste - federal laws prohibit improper disposal;" failed to obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements to attest that the

tank system was properly designed and installed; failed to include the home address of all persons qualified to act as emergency coordinator; and, failed to record inspections in an inspection log or summary.

Action: The Individual/Entity is required to: ensure hazardous waste containers are managed according to the regulations; ensure that hazardous waste tanks are managed in accordance with the regulations; ensure that the contingency plan is managed in accordance with the regulations; ensure that inspections of areas where hazardous waste is stored are managed in accordance with the regulations; and, pay a civil penalty in the amount of six thousand, fifty dollars (**\$6,050.00**) in accordance with a promissory note.

11) Order Type and Number: Consent Order 16-13-HW & 16-25-SW
Order Date: December 1, 2016
Individual/Entity: **Southern Sales, Inc. & BLH Properties, LLC**
Facility: Southern Sales, Inc. & BLH Properties, LLC
Location: 1906 Greer Highway
Travelers Rest, SC 29690
Mailing Address: P.O. Box 1106
Travelers Rest, SC 29690
County: Greenville, South Carolina
Previous Orders: None
Permit/ID Number: SCR 000 765 396
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §44-56-10 *et seq.* (2002 & Supp. 2015), the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2015), the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §44-96-10 *et seq.* (2002), the Solid Waste Management: Solid Waste Landfills and Structural Fill, 8 S.C. Code Ann. Regs. 61-107.19 (2012), and the South Carolina Solid Waste Management: Used Oil Regulations, 8 S.C. Code Regs. 61-107.279 (2012).

Summary: Southern Sales, Inc. (Individual/Entity) manufactures, sells and services trailers and haulers at its facility located in Travelers Rest, South Carolina. BLH Properties, LLC (Individual/Entity) is the owner of record of the real property on which Southern Sales, Inc. operates its business. On April 12, 2016, and April 29, 2016, the Department conducted inspections. The Individuals/Entities have violated the Hazardous Waste Management Regulations and the Solid Waste Management Regulations as follows: failed to accurately determine if a waste was a hazardous waste; failed to ensure that the date upon which each period of accumulation began was clearly marked and visible for inspection on each container; failed to ensure while being accumulated onsite, each container was labeled or clearly marked with the EPA Hazardous Waste Number and the words: "Hazardous Waste – federal laws prohibit improper disposal;" failed to keep containers holding hazardous waste closed except when necessary to add or remove waste; failed to maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment; failed to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors; failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies; failed to obtain a copy of the manifest signed by the owner or operator of the designated facility within 60 days; failed to label containers

used to store used oil with the words "Used Oil;" engaged in open dumping which is prohibited; operated a landfill as a disposal facility or part of a facility where solid waste was placed in and on the land, which was not a land treatment facility, surface impoundment, or an injection well; disposed of a solid waste, which is defined as any garbage, refuse, and other discarded material, including solid material resulting from industrial or commercial operations and from community activities; and, failed to obtain a permit from the Department prior to operating a Class Two Landfill.

Action: The Individuals/Entities are required to: submit to the Department for review and approval a Sampling and Analysis Plan (the SAP) for the Site to investigate and evaluate any potential threat to human health and the environment resulting from the burial of solid waste and industrial waste or materials; after the Department's approval of the SAP, implement the SAP and submit a written report that includes sampling results, disposal receipts, and pictures to the Department; after the Department's comments and/or approval of the sampling results, submit to the Department for review and approval a Remediation Plan depending on soil sampling results; upon approval of the Remediation Plan by the Department, implement the plan; pay a civil penalty in the amount of three thousand, four hundred dollars (**\$3,400.00**); and, pay a stipulated penalty in the amount of twenty-seven thousand, two hundred dollars (\$27,200.00) should any requirement of the Order not be met.

12) Order Type and Number: Consent Order 16-9-HW
Order Date: December 8, 2016
Individual/Entity: **Care Environmental Corporation**
Facility: Care Environmental Corporation
Location: 409 Bradley Circle
Myrtle Beach, SC
Mailing Address: 1620 Route 57, Unit A
Hackettstown, NJ 07840
County: Horry
Previous Orders: None
Permit/ID Number: NJR 986 637 296
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-10 *et seq.* (2002 & 2015), the South Carolina Hazardous Waste Management Regulations 6 and 7 S.C. Code Ann. Regs. 61-79 (Supp. 2015), the South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act, S.C. Code Ann. § 48-60-05 *et seq.* (2008 and Supp. 2015) and, the South Carolina Consumer Electronic Equipment Collection and Recovery Regulations, (Doc. No. 4539, S.C. State Register 40-2 effective February 26, 2016).

Summary: Care Environmental Corporation (Individual/Entity) is a transporter of hazardous waste and a recycler of electronic devices at its facility located in Myrtle Beach, South Carolina. The Individual/Entity has violated the South Carolina Hazardous Waste Management Regulations and the South Carolina Consumer Electronic Equipment Collection and Recovery Regulations as follows: failed to take appropriate immediate action to protect human health and the environment; failed to give notice of a discharge caused by off-gassing drums of hazardous waste, as required; failed to store manifested shipments of hazardous waste in containers for a period of ten days or less at a transfer facility; stored hazardous waste for greater than 10 days; failed to deliver the entire quantity of hazardous waste it accepted from a generator to a designated facility or an alternate designated facility;

failed to obtain a copy of the original manifest, the rejecting facility's signature and date attesting to the rejection; failed to include the description of the rejection in the discrepancy block of the manifest and the name, address, phone number and Identification Number for the alternate facility or generator to whom the shipment must be delivered; failed to retain a copy and give a copy of the rejected manifest to the designated facility; failed to ensure that the manifest accompanied the hazardous waste shipment; operated as a recoverer of covered devices without registering with the Department the location of its storage and processing facility; and, failed to meet the recoverer requirements set forth the regulation.

Action: The Individual/Entity is required to: ensure compliance with the South Carolina Hazardous Waste Management Act and Regulations; ensure compliance with the South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act and Regulations; ensure that proper notification to the authorities is made according to the regulations in the event of a hazardous waste release; ensure that hazardous waste containers are not stored more than 10 days according to the regulations; ensure that manifests are completed according to the regulations; ensure that the manifest is kept with the hazardous waste according to the regulations; immediately cease accepting and processing covered devices until such time that Care Environmental becomes registered with the Department; submit Form DHEC 2661 to the Department to register as a recoverer of covered devices; submit a financial assurance mechanism and the amount of financial assurance for Department review; and, pay a civil penalty in the amount of thirty-one thousand, two hundred dollars (**\$31,200.00**).

Infectious Waste Enforcement

13) Order Type and Number: Consent Order 16-07-IW
Order Date: December 13, 2016
Individual/Entity: **Greenville Medical Associates PA**
Facility: Greenville Medical Associates PA
Location: 2601 North Pleasantburg Drive
Greenville, SC 29609
Mailing Address: P.O. Box 721
Mauldin, SC 29662
County: Greenville
Previous Orders: None
Permit/ID Number: SC23-1281G
Violations Cited: The South Carolina Infectious Waste Management Act §44-93-30 (2002), and the South Carolina Infectious Waste Management Regulation, 8 S.C. Code Ann. Regs. 61-105 (2012).

Summary: Greenville Medical Associates PA (Individual/Entity) operates a primary health care facility located in Greenville, South Carolina. On June 7, 2016, the Department conducted an inspection. The Individual/Entity has violated the Infectious Waste Management Regulations as follows: failed to register with the Department in writing on a Department approved form; failed to segregate infectious waste from solid waste as close to the point of generation as practical to avoid commingling of the waste; failed to place, store, and maintain before and during transport all other types of infectious in a rigid or semi-rigid, leak resistant container that is impervious to moisture; failed to seal and close tightly and securely containers of infectious waste when full by weight or volume, to prevent any discharge of the contents at any time until the container enters the treatment system; failed

to contain infectious waste in containers that are appropriate for the type and quantity of waste and that is compatible with selected storage, transportation, and treatment processes; failed to label containers of infectious waste offered for transport offsite with the biohazard symbol sign on the outside surfaces so it is readily visible; failed to label the storage area with the universal biohazard symbol sign; failed to prepare manifests in accordance with the instructions for DHEC Form 2116 or another Department approved form, in that the manifests did not include the Department issued generator's identification number (registration number); and, failed to prepare manifests in accordance with the instructions for Department approved form, in that the manifests did not include the Department issued transporter's registration number.

Action: The Individual/Entity is required to: segregate infectious waste according to the regulation; package and label containers in accordance according to the regulation; prepare manifests according to the regulation; and, pay a civil penalty in the amount of six thousand, six hundred dollars **(\$6,600.00)** in installments.

14) Order Type and Number: Consent Order 16-08-IW
Order Date: December 13, 2016
Individual/Entity: **Rural Health Services, Inc.**
Facility: Rural Health Services, Inc.
Location: 1000 Clyburn Place
Aiken, SC 29801
Mailing Address: P.O. Box 277
Clearwater, SC 29822
County: Aiken
Previous Orders: None
Permit/ID Number: SC02-0178G
Violations Cited: The South Carolina Infectious Waste Management Act §44-93-30 (2002); and the South Carolina Infectious Waste Management Regulation, 8 S.C. Code Ann. Regs. 61-105 (2012).

Summary: Rural Health Services, Inc. (Individual/Entity) manages the Clyburn Center for Primary Care, a comprehensive, patient-focused health care facility located in Aiken, South Carolina. On July 7, 2016, the Department conducted an inspection. The Individual/Entity has violated the Infectious Waste Management Regulations as follows: failed to make sure within thirty (30) days of relocating, to dispose of all infectious waste and treatment residue and notify the Department in writing in accordance with the regulation; failed to manage infectious waste in a manner which prevents exposure to the public or release to the environment; failed to seal and close tightly and securely containers of infectious waste when full by weight or volume, or when putrescent, to prevent any discharge of the contents at any time until the container enters the treatment system; failed to label containers of infectious waste offered for transport offsite with the Department issued number of the in-state generator; failed to label containers of infectious waste offered for transport offsite with the date the container was placed in storage or sent offsite, if not stored; failed to store infectious waste in a manner and location that does not provide a food source or breeding place for insects or rodents; failed to store infectious waste in a manner and location that protects and maintains the integrity of the packaging and provides protection from weather conditions such as water, rain, and wind; failed to store waste in a manner to prevent a release or discharge of the contents; failed to keep the outdoor storage area locked; failed to label the storage area with the universal biohazard symbol sign; failed to maintain infectious waste in a nonputrescent state in onsite storage not to

exceed fourteen (14) days without refrigeration or thirty (30) days if maintained at or below 42 degrees Fahrenheit; and, failed to prepare manifests in accordance with the instructions for DHEC Form 2116 or another Department approved form, in that the manifests did not include the Department issued generator's identification number (registration number).

Action: The Individual/Entity is required to: manage infectious waste according to the regulation; package and label containers according to the regulation; store infectious waste according to the regulation; prepare manifests according to the regulation; pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**); and, pay a stipulated penalty in the amount of nine thousand, five hundred dollars (\$9,500.00) should any requirement of the Order not be met.

Mining Enforcement

15) Order Type and Number: Consent Order 16-51-MSWM
Order Date: December 13, 2016
Individual/Entity: **Lafarge Building Materials, Inc.**
Facility: Felkel Mine
Location: Intersection of US Highways 301 and 176
Elloree, SC
Mailing Address: 6401 Golden Triangle Drive, Suite 400
Greenbelt, MD 20770-3204
County: Orangeburg
Previous Orders: None
Permit/ID Number: I-000939
Violations Cited: South Carolina Mining Act (2008 and Supp. 2015), and South Carolina Mining Regulation (2012).

Summary: Lafarge Building Materials, Inc. (Individual/Entity) operates a mine located in Elloree, South Carolina. On July 1, 2015, and July 1, 2016, the Department sent invoices for annual reclamation report (ARR) and annual operating fees for fiscal years 2016 and 2017, respectively. The Individual/Entity has violated the South Carolina Mining Act and the South Carolina Mining Regulation as follows: failed to submit ARR's and annual operating fees for fiscal years 2016 and 2017.

Action: The Individual/Entity is required to: submit to the Department ARR's for fiscal years 2016 and 2017; pay annual operating fees for fiscal years 2016 and 2017 and associated late fees in the amount of one thousand, fifty dollars (\$1,050.00); and, pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

BUREAU OF WATER

Recreational Water Enforcement

16) Order Type and Number: Administrative Order 16-202-RW
Order Date: December 8, 2016
Individual/Entity: **Center Lodging, Inc.**
Facility: Super 8
Location: 488 South Blackstock Road

Spartanburg, SC 29303
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: 42-187-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Center Lodging, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 21, 2016, and July 27, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; the chlorine level was not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; a handrail was not tight and secure; and, a section of the perimeter fencing had openings greater than four inches.

Action: The Individual/Entity 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 dollars **(\$1,000.00)**.

17) Order Type and Number: Consent Order 16-193-RW
Order Date: December 2, 2016
Individual/Entity: **Sunset Country Club Board of Directors,
Individually and d.b.a. Sunset Country
Club**
Facility: Sunset Country Club
Location: 1005 Golf Crest Road
Sumter, SC 29154
Mailing Address: Same
County: Sumter
Previous Orders: None
Permit/ID Number: 43-048-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sunset Country Club Board of Directors, Individually and d.b.a. Sunset Country Club (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 8, 2016, and July 12, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; the waterline tiles had broken and sharp edges; the deck was uneven with sharp edges; the pavers had settled at the edge of the coping; the chlorine level was not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; there were no "No Lifeguard On Duty – Swim At Your Own Risk" signs posted; the shepherd's crook was not permanently attached to the handle; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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)**.

18) Order Type and Number: Consent Order 16-194-RW
Order Date: December 2, 2016
Individual/Entity: **Harbor Pointe Associates, LLP**
Facility: Harbor Pointe Apartments
Location: 331 Harbor Pointe Drive
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-346-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Harbor Pointe Associates, LLP (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 14, 2016, and July 25, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was missing a bolt cover; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operating; the "No Lifeguard On Duty - Swim At Your Own Risk" signs did not have the correct wording; the bound and numbered log book was not maintained on a daily basis; and, a skimmer was missing a weir.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

19) Order Type and Number: Consent Order 16-195-RW
Order Date: December 6, 2016
Individual/Entity: **Brookstone Meadows Homeowners Association, Inc.**
Facility: Brookstone Meadows
Location: 100 River Club Drive
Anderson, SC 29621
Mailing Address: 121 Turnberry Road
Anderson, SC 29621
County: Greenwood
Previous Orders: None
Permit/ID Number: 04-107-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Brookstone Meadows Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 7, 2016, and July 14, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; a ladder was not tight and secure; there was debris in the skimmer baskets; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device did not have the correct address listed with the operator; the log book was not properly bound and numbered; and, the automatic controller was not operating properly.

Action: The Individual/Entity 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.

20) Order Type and Number: Consent Order 16-196-RW
Order Date: December 6, 2016
Individual/Entity: **Balaji, LLC**
Facility: Comfort Suites
Location: 131 Big John Road
Beaufort, SC 29902
Mailing Address: 463 Pooler Parkway #223
Pooler, GA 31322
County: Beaufort
Previous Orders: 13-205-DW (\$2,400.00),
14-311-DW (\$1,600.00)
Permit/ID Number: 07-1110D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Balaji, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa. On February 19, 2016, June 1, 2016, and July 7, 2016, the spa was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; the spa temperature was above 104 degrees Fahrenheit; and, the facility could not produce current valid documentation of pool operator certification.

Action: The Individual/Entity 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 thousand, one hundred sixty dollars (**\$8,160.00**).

21) Order Type and Number: Consent Order 16-197-RW
Order Date: December 6, 2016
Individual/Entity: **Kingsland Homeowners' Association, Inc.**
Facility: Kingsland Subdivision
Location: 117 Kingsland Way
Piedmont, SC 29673
Mailing Address: 206 South Main Street
Greenville, SC 29602
County: Anderson
Previous Orders: None
Permit/ID Number: 04-095-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Kingsland Homeowners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 15, 2016, and July 21, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was algae on the walls and floor of the pool; there was debris in the skimmer baskets; a section of the perimeter fencing was broken; the gate did not self-close and latch;

the chlorine level was not within the acceptable range of water quality standards; the water was cloudy; the main drain grates were not visible; the life ring did not have a rope attached; the pool rules sign was not legible; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and, the recirculation and filtration system was not operating.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**; and, contact Department staff to schedule a re-inspection prior to opening the Pool.

22)	<u>Order Type and Number:</u>	Consent Order 16-198-RW
	<u>Order Date:</u>	December 6, 2016
	<u>Individual/Entity:</u>	Bhavani Enterprise, Inc.
	<u>Facility:</u>	Country Inn and Suites
	<u>Location:</u>	7429 Stafford Road North Charleston, SC 29406
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-1106B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Bhavani Enterprise, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 1, 2016, and August 8, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing step treads; a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring was deteriorated; and, the life ring was not United States Coast Guard approved.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

23)	<u>Order Type and Number:</u>	Consent Order 16-199-RW
	<u>Order Date:</u>	December 6, 2016
	<u>Individual/Entity:</u>	Palmetto Place Homeowners Association, Individually and d.b.a. Palmetto Place
	<u>Facility:</u>	Palmetto Place
	<u>Location:</u>	3198 Maplewood Drive North Augusta, SC 29841
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Aiken
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	02-093-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Palmetto Place Homeowners Association, Individually and d.b.a. Palmetto Place (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 31, 2016, July 12, 2016, and August 5, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the disinfection equipment and the recirculation and filtration systems were not accessible; the chlorine level was not within the acceptable range of water quality standards; and, the bound and numbered log book was not available for review.

Action: The Individual/Entity 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 eighty dollars (**\$1,680.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

24)	<u>Order Type and Number:</u>	Consent Order 16-200-RW
	<u>Order Date:</u>	December 9, 2016
	<u>Individual/Entity:</u>	Renaissance on Charleston Harbor Homeowners' Association
	<u>Facility:</u>	Renaissance on Charleston Harbor
	<u>Location:</u>	100 North Plaza Court Mount Pleasant, SC 29464
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-200-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Renaissance on Charleston Harbor Homeowners' Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 10, 2016, and July 25, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was missing a bolt cover; a skimmer was missing a weir; the "Shallow Water - No Diving Allowed" signs were obstructed, did not have the correct wording, and did not have the appropriate size lettering; the current pool operator of record information was not posted to the public; and, a ladder was missing bumpers.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

25)	<u>Order Type and Number:</u>	Consent Order 16-201-RW
	<u>Order Date:</u>	December 9, 2016
	<u>Individual/Entity:</u>	Wendover Dunes Owners' Association, Inc.
	<u>Facility:</u>	Wendover Dunes
	<u>Location:</u>	87 Ocean Lane Hilton Head Island, SC 29928
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Beaufort

Previous Orders: None
Permit/ID Number: 07-1009D
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Wendover Dunes Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa. On June 30, 2016, and August 19, 2016, the spa was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; and, the facility could not produce current valid documentation of pool operator certification.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

26) Order Type and Number: Consent Order 16-203-RW
Order Date: December 12, 2016
Individual/Entity: **SC Student Housing, LLC**
Facility: Villages at Town Creek
Location: 1007 Rusk Circle
Pendleton, SC 29670
Mailing Address: 5998 Place Boulevard
Hattisburg, MS 39402
County: Anderson
Previous Orders: None
Permit/ID Number: 04-1074B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: SC Student Housing, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 27, 2016, and August 2, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity 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 cyanuric acid level was above the water quality standards acceptable limit; the facility address was not posted at the emergency notification device; the "Shallow Water - No Diving Allowed" signs did not have the correct wording; the "No Lifeguard On Duty - Swim At Your Own Risk" signs did not have the correct wording; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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**).

27) Order Type and Number: Consent Order 16-204-RW
Order Date: December 13, 2016
Individual/Entity: **Greystar DI Investors, LLC**
Facility: Daniel Island Village Apartments

Location: 7725 Farr Street
Charleston, SC 29492
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1168B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Greystar DI Investors, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 22, 2016, and August 4, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a skimmer was missing a weir; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; there were chlorine pucks in the skimmer baskets; the emergency notification device was not operational; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

28) Order Type and Number: Consent Order 16-205-RW
Order Date: December 13, 2016
Individual/Entity: **Crickentree, LLC**
Facility: Crickentree Apartments
Location: 1061 N Highway 17
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: 14-265-DW (\$800.00)
Permit/ID Number: 10-140-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Crickentree, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 8, 2016, and July 21, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; there was no foot rinse shower; the chlorine level was not within the acceptable range of water quality standards; a skimmer was missing a weir; and, the life ring and life ring rope were deteriorated.

Action: The Individual//Entity 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, three hundred sixty dollars **(\$1,360.00)**.

29) Order Type and Number: Consent Order 16-206-RW
Order Date: December 13, 2016
Individual/Entity: **Hotel Ventures of Manning, Inc.**

Facility: Hampton Inn Manning
Location: 2822 Paxville Highway
Manning, SC 29102
Mailing Address: Same
County: Clarendon
Previous Orders: None
Permit/ID Number: 14-1008B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hotel Ventures of Manning, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 9, 2016, and July 11, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the drinking water fountain and the foot rinse shower were not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; there was no shepherd's crook; only one "Shallow Water – No Diving Allowed" sign was posted; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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.

30) Order Type and Number: Consent Order 16-207-RW
Order Date: December 13, 2016
Individual/Entity: **MHC Carolina LC, Inc.**
Facility: Carolina Landing
Location: 120 Carolina Landing Drive
Fair Play, SC 29643
Mailing Address: Same
County: Oconee
Previous Orders: 13-081-DW (\$1,200.00)
Permit/ID Number: 37-009-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: MHC Carolina LC, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 29, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the gate did not self-close and latch; the foot rinse shower was not operating properly; there was no drinking water fountain; 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; 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 Individual/Entity 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**).

31) Order Type and Number: Consent Order 16-208-RW

Order Date: December 15, 2016
Individual/Entity: **Northgate Apartments, L.L.C.**
Facility: Northgate Apartments
Location: Highway 28 Bypass & US 78
Anderson, SC 29621
Mailing Address: 118 Hammett Acres
Anderson, SC 29621
County: Anderson
Previous Orders: None
Permit/ID Number: 04-047-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Northgate Apartments, L.L.C. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 31, 2016, June 29, 2016, and July 11, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; a ladder was not tight and secure; there was debris in the skimmer baskets; there were chlorine sticks in the skimmer baskets; there was no drinking water fountain; 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 emergency notification device was not operating; the facility address was not posted at the emergency notification device; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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 two thousand, forty dollars (**\$2,040.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

32) Order Type and Number: Consent Order 16-209-RW
Order Date: December 16, 2016
Individual/Entity: **Graybul Spanish Oaks, LLC**
Facility: Spanish Oaks
Location: 1515 Ashley River Road
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-092-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Graybul Spanish Oaks, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 21, 2016, and July 19, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; a ladder was not tight and secure; the pH level was not within the acceptable range of water quality standards; the lifeline was in disrepair; a skimmer was missing a weir; the life ring rope was too short; 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 Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

33) Order Type and Number: Consent Order 16-210-RW
Order Date: December 16, 2016
Individual/Entity: **Graybul Planters Trace, LLC**
Facility: Planters Trace
Location: 2222 Ashley River Road
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-109-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Graybul Planters Trace, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 7, 2016, and July 15, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool rules sign did not have all of the required rules; only one "No Lifeguard On Duty – Swim At Your Own Risk" sign was posted; the current pool operator of record information was not posted to the public; the facility could not produce current valid documentation of pool operator certification; the chlorine and pH levels were not within the acceptable range of water quality standards; the pool rules sign was not properly hung; and, the bound and numbered log book was not available for review.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

34) Order Type and Number: Consent Order 16-211-RW
Order Date: December 16, 2016
Individual/Entity: **South Carolina Bluffton, LLC**
Facility: Avalon Shores
Location: 20 Simmonsville Road
Bluffton, SC 29910
Mailing Address: 380 Union Street, Suite 300
West Springfield, MA 010189
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-499-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: South Carolina Bluffton, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2016, and July 18, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder

was not tight and secure; a skimmer was missing a weir; the drinking water fountain was not operating properly; the chlorine level was not within the acceptable range of water quality standards; the pool rules sign did not have all of the required rules; there were no "Shallow Water - No Diving Allowed" signs posted; only one " No Lifeguard On Duty - Swim At Your Own Risk" sign was posted on the first inspection, and the sign posted did not have the correct wording or the appropriate size letters; there were no "No Lifeguard On Duty - Swim At Your Own Risk" signs posted on the second inspection; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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.

35) Order Type and Number: Consent Order 16-212-RW
Order Date: December 20, 2016
Individual/Entity: **Bordeleaux Owners Association, Inc.**
Facility: Bordeleaux Condos
Location: 220 3rd Avenue 3B
Charleston, SC 29403
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1171B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Bordeleaux Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 16, 2016, and July 29, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder did not have bumpers; the pH level was not within the acceptable range of water quality standards; the pool rules sign was not completely filled out; a handrail was not tight and secure; the emergency notification device was not approvable; the pool rules sign was not legible; and, there was only one "Shallow Water - No Diving Allowed" sign posted.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

36) Order Type and Number: Consent Order 16-213-RW
Order Date: December 20, 2016
Individual/Entity: **Latitude Charleston Arms, LLC**
Facility: Monument Square Apartments
Location: 1551 Sam Rittenburg Boulevard
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-022-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) & 61-51(K)(1)(c)

Summary: Latitude Charleston Arms, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2016, and July 21, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain; and, on July 25, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain and for re-opening prior to receiving Department approval. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a skimmer was missing a weir; the gate did not self-close and latch; the pH level was not within the acceptable range of water quality standards; the lifeline floats were deteriorated; there was no foot rinse shower; the emergency notification device was not operating properly; and, the pool was operating prior to receiving Department approval.

Action: The Individual/Entity is required to: keep the pool closed until the deficiencies have been corrected; submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of two thousand, three hundred eighty dollars **(\$2,380.00)**.

37)	<u>Order Type and Number:</u>	Consent Order 16-214-RW
	<u>Order Date:</u>	December 20, 2016
	<u>Individual/Entity:</u>	Latitude Georgetown Charleston, LLC
	<u>Facility:</u>	Carlyle Apartments
	<u>Location:</u>	1476 Orange Grove Road Charleston, SC 29407
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-066-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Latitude Georgetown Charleston, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 20, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a lifeline with floats was not attached to the pool wall; ladders were missing bumpers; a skimmer was missing a weir; the gate did not self-close and latch; there was no drinking water fountain; there was no foot rinse shower; the chlorine level was not within the acceptable range of water quality standards; the emergency notification device was not operating properly; the pool rules sign was missing; and, the current pool operator of record information was not posted to the public.

Action: The Individual/Entity 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 three hundred forty dollars **(\$340.00)**.

38)	<u>Order Type and Number:</u>	Consent Order 16-215-RW
	<u>Order Date:</u>	December 20, 2016
	<u>Individual/Entity:</u>	1735 Ashley, LLC
	<u>Facility:</u>	Ashley Grove Apartments
	<u>Location:</u>	1735 Ashley Hall Road

	Charleston, SC 29407
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	15-120-RW (\$340.00)
<u>Permit/ID Number:</u>	10-018-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: 1735 Ashley, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 10, 2016, and July 21, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a lifeline with floats was not attached to the pool wall; a handrail was not tight and secure; the chlorine level was not within the acceptable range of water quality standards; the log book was not properly bound and numbered; the log book was not maintained on a daily basis or maintained a minimum of 3 times per week by the pool operator of record; the plaster on the pool floor was chipped; waterline depth marker tiles were broken; and, a skimmer was missing a weir.

Action: The Individual//Entity 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, three hundred sixty dollars **(\$1,360.00)**.

39)	<u>Order Type and Number:</u>	Consent Order 16-216-RW
	<u>Order Date:</u>	December 20, 2016
	<u>Individual/Entity:</u>	Bridgepointe Condo Owners Association, Inc.
	<u>Facility:</u>	Bridgepointe
	<u>Location:</u>	4926 Bluffton Parkway Bluffton, SC 29910
	<u>Mailing Address:</u>	2 Corpus Christi, Suite 302 Hilton Head Island, SC 29928
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-1103B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Bridgepointe Condo Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 10, 2016, and July 18, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the facility address was not posted at the emergency notification device; the pool rules sign was not completely filled out; and, the facility could not produce current valid documentation of pool operator certification.

Action: The Individual/Entity 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)**.

40)	<u>Order Type and Number:</u>	Consent Order 16-217-RW
	<u>Order Date:</u>	December 22, 2016

<u>Individual/Entity:</u>	Timba, LLC
<u>Facility:</u>	Red Roof Inn and Suites
<u>Location:</u>	138 Frampton Drive Yemassee, SC 29945
<u>Mailing Address:</u>	Same
<u>County:</u>	Jasper
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	16-217-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Timba, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 14, 2016, and July 25, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity 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; and, the cyanuric acid level was above the water quality standards acceptable limit.

Action: The Individual/Entity 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.

41)	<u>Order Type and Number:</u>	Consent Order 16-218-RW
	<u>Order Date:</u>	December 29, 2016
	<u>Individual/Entity:</u>	AVR Charleston Riviera, LLC
	<u>Facility:</u>	Riviera at Seaside Apartments
	<u>Location:</u>	1405 Long Grove Road Mount Pleasant, SC 29464
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-1247B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: AVR Charleston Riviera, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 7, 2016, and July 15, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool furniture was not at least four feet from the pool edge; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

42)	<u>Order Type and Number:</u>	Consent Order 16-219-RW
	<u>Order Date:</u>	December 29, 2016

<u>Individual/Entity:</u>	Sunrise Hotels of Charleston, LLC
<u>Facility:</u>	Comfort Inn
<u>Location:</u>	144 Bee Street Charleston, SC 29401
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	14-070-DW (\$800.00)
<u>Permit/ID Number:</u>	10-411-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Sunrise Hotels of Charleston, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 15, 2016, and July 27, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted; the log book was not properly bound and was not maintained on a daily basis; and, the depth marker tiles were damaged.

Action: The Individual/Entity 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, three hundred sixty dollars **(\$1,360.00)**. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

43) <u>Order Type and Number:</u>	Consent Order 16-220-RW
<u>Order Date:</u>	December 29, 2016
<u>Individual/Entity:</u>	RCB Hospitality #3, LLC
<u>Facility:</u>	Radisson Charleston Airport Hotel
<u>Location:</u>	5981 Rivers Avenue North Charleston, SC 29418
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-094-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: RCB Hospitality #3, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 21, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; the pool floor was not clean; and, the recirculation and filtration system was not operating properly. On August 4, 2016, a follow-up inspection was conducted and it was determined that all of the deficiencies had been addressed.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**.

44) <u>Order Type and Number:</u>	Consent Order 16-221-RW
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Order Date: December 22, 2016
Individual/Entity: **RJY, LLC**
Facility: Quality Inn & Suites
Location: 19000 Whyte Hardee Boulevard
Hardeeville, SC 29927
Mailing Address: Same
County: Jasper
Previous Orders: None
Permit/ID Number: 27-022-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: RJY, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On August 3, 2016, and August 26, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the water level was low; a skimmer was missing a weir; there was no drinking water fountain; a gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring was deteriorated and did not have a permanently attached rope; the pool rules sign was not completely filled out; one of the "No Lifeguard On Duty - Swim At Your Own Risk" signs did not have the correct sized lettering; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity is required to: keep the pool closed until the corrections are made; 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.

45) Order Type and Number: Consent Order 17-001-RW
Order Date: January 3, 2017
Individual/Entity: **Hagan Family, LLC**
Facility: Castlewood II
Location: 885 Castlewood Boulevard
Charleston, SC 29414
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-389-1 & 10-447-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hagan Family, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and kiddie pool. On May 31, 2016, and July 13, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain; and, on May 31, 2016, and August 11, 2016, the kiddie pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the life ring rope was too short; the pool rules sign was not completely filled out; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; a handrail was missing a bolt cover; and, only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted.

Action: The Individual/Entity 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 three hundred sixty dollars (**\$1,360.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan.

46) Order Type and Number: Consent Order 17-002-RW
Order Date: January 3, 2017
Individual/Entity: **KVH Hospitality Group, LLC**
Facility: Holiday Inn Express
Location: 350 Johnnie Dodds Boulevard
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1190B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: KVH Hospitality Group, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2016, and July 26, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity 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 pH level was not within the acceptable range of water quality standards; the emergency notification device was not operational; there was only one "Shallow Water – No Diving Allowed" sign posted; and, there was only one "No Lifeguard On Duty - Swim At Your Own Risk" sign posted.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

47) Order Type and Number: Consent Order 17-003-RW
Order Date: January 3, 2017
Individual/Entity: **Serendipity, An Inn, LLC**
Facility: Serendipity
Location: 407 71st Avenue North
North Myrtle Beach, SC 29572
Mailing Address: Same
County: Horry
Previous Orders: 13-042-DW (\$800.00)
Permit/ID Number: 26-251-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Serendipity, An Inn, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 7, 2016, and July 27, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; and, the bound and numbered log book was not

maintained on a daily basis on the first inspection, and was not available for review on the second inspection.

Action: The Individual/Entity 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 three hundred sixty dollars (**\$1,360.00**).

48) Order Type and Number: Consent Order 17-004-RW
Order Date: January 4, 2016
Individual/Entity: **Market Pavilion Hotel, Inc.**
Facility: Market Pavilion Hotel
Location: 225 East Bay Street
Charleston, SC 29402
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-638-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Market Pavilion Hotel, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 14, 2016, and July 26, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; and, the cyanuric acid level was above the water quality standards acceptable limit.

Action: The Individual/Entity 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.

49) Order Type and Number: Consent Order 17-005-RW
Order Date: January 3, 2016
Individual/Entity: **AREG HDP FFIS Charleston Owner, LLC**
Facility: Fairfield Inn and Suites
Location: 2540 Notch Forest Drive
Charleston, SC 29420
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1104B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: AREG HDP FFIS Charleston Owner, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 1, 2016, and August 8, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring was deteriorated; and, a ladder was missing step treads.

Action: The Individual/Entity 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.

50) Order Type and Number: Consent Order 17-006-RW
 Order Date: January 4, 2017
 Individual/Entity: **George Cut It, Inc.**
 Facility: Mermaid Inn
 Location: 5400 North Ocean Boulevard
 Myrtle Beach, SC 29577

 Mailing Address: Same
 County: Horry
 Previous Orders: None
 Permit/ID Number: 26-326-1
 Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: George Cut It, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 29, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

51) Order Type and Number: Consent Order 17-007-RW
 Order Date: January 3, 2017
 Individual/Entity: **P&R Properties, LLC**
 Facility: Quality Inn
 Location: 5055 North Arco Lane
 Charleston, SC 29418

 Mailing Address: Same
 County: Charleston
 Previous Orders: None
 Permit/ID Number: 10-329-1
 Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: P&R Properties, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 22, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; there was no drinking water fountain; there was no foot rinse shower; the chlorine level was not within the acceptable range of water quality standards; and, the life ring rope was not permanently attached to the life ring.

Action: The Individual/Entity 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)**.

52) Order Type and Number: Consent Order 17-008-RW
Order Date: January 5, 2017
Individual/Entity: **Spa on Port Royal Sound Horizontal Property Regime, Inc.**
Facility: Spa on Port Royal Sound
Location: 239 Beach City Road
Hilton Head Island, SC 29928
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-284-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Spa on Port Royal Sound Horizontal Property Regime, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 28, 2016, and August 9, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a skimmer was missing a weir; the emergency notification device was not operational; and, the facility address was not posted at the emergency notification device.

Action: The Individual/Entity 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)**.

53) Order Type and Number: Consent Order 17-009-RW
Order Date: January 6, 2017
Individual/Entity: **Island Links Owners Association, Inc.**
Facility: Island Links
Location: 1 Coggins Point Road
Hilton Head, SC 29928
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-1092C
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Island Links Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a kiddie pool. On June 30, 2016, and August 9, 2016, the kiddie pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity 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**).

54) Order Type and Number: Consent Order 17-010-RW
Order Date: January 10, 2017
Individual/Entity: **Victoria Square Property Owners' Association, Inc.**
Facility: Victoria Square
Location: 60 Victoria Square Drive
Hilton Head Island, SC 299
Mailing Address: P.O. Box 7431
Hilton Head Island, SC 29938
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-584-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Victoria Square Property Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 16, 2016, and July 18, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted; and, the facility could not produce current valid documentation of pool operator certification.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

55) Order Type and Number: Consent Order 17-011-RW
Order Date: January 10, 2017
Individual/Entity: **RT Anderson, LLC**
Facility: Raintree Apartments
Location: March Banks Avenue
Anderson, SC 29621
Mailing Address: 1200 Greensboro Avenue
Tuscaloosa, AL 35401
County: Anderson
Previous Orders: None
Permit/ID Number: 04-025-1 & 04-026-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: RT Anderson, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of two pools. On June 14, 2016, and July 20, 2016, the pools were inspected and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing a bumper; a ladder was not tight and secure; the water level was low;

the gate did not self-close and latch; a section of the perimeter fencing had openings greater than four inches; there was no drinking water fountain; there was no foot rinse shower; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring rope was too short and was tied to the fence; the pool rules sign was not completely filled out; and, the "No Lifeguard On Duty - Swim At Your Own Risk" signs did not have the appropriate sized lettering.

Action: The Individual/Entity 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 three hundred sixty dollars **(\$1,360.00)**. The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

56) Order Type and Number: Consent Order 17-012-RW
Order Date: January 10, 2017
Individual/Entity: **Cross Creek Development of Oconee, Inc.**
Facility: Cross Creek Plantation
Location: 130 Cross Creek Drive
Seneca, SC 29678
Mailing Address: Same
County: Oconee
Previous Orders: None
Permit/ID Number: 37-040-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Cross Creek Development of Oconee, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 30, 2016, and July 29, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the emergency notification device was not operational; the facility address was not posted at the emergency notification device; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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.

57) Order Type and Number: Consent Order 17-013-RW
Order Date: January 10, 2017
Individual/Entity: **Rose Hill Plantation Property Owners Association, Inc.**
Facility: Willow Lake
Location: 1 Rosehill Way
Bluffton, SC 29910
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-368-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Rose Hill Plantation Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 8, 2016, and July 14, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were damaged; a skimmer was missing a weir; a ladder was missing bumpers; the chlorine level was not within the acceptable range of water quality standards; and, the facility could not produce current valid documentation of pool operator certification.

Action: The Individual/Entity 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.

58) Order Type and Number: Consent Order 17-014-RW
Order Date: January 11, 2017
Individual/Entity: **Hamilton's Bay Condominium Association**
Facility: Hamilton's Bay Apartments
Location: 24 Hamilton's Harbor Drive
Lake Wylie, SC 29710
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 46-099-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hamilton's Bay Condominium Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 20, 2016, and July 29, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a skimmer lid was cracked; the chlorine and pH levels were not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring rope was deteriorated; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

59) Order Type and Number: Consent Order 17-015-RW
Order Date: January 11, 2017
Individual/Entity: **The Palms Course Management, LLC**
Facility: The Palms Course
Location: 3700 Lake Oakdale Drive
Florence, SC 29501
Mailing Address: Same
County: Florence
Previous Orders: None
Permit/ID Number: 21-008-1 & 21-008-2
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Palms Course Management, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and kiddie pool. On July 18, 2016, and July 22, 2016, the pool and kiddie pool were inspected and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; the bathrooms did not have toilet paper, soap, or paper towels; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis or maintained a minimum of three times per week by the pool operator of record; and, the life ring was not properly hung in its designated location.

Action: The Individual/Entity 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 three hundred sixty dollars **(\$1,360.00)**.

60)	<u>Order Type and Number:</u>	Consent Order 17-017-RW
	<u>Order Date:</u>	January 18, 2017
	<u>Individual/Entity:</u>	Moss Creek Owners Association, Inc.
	<u>Facility:</u>	Royal Pointe
	<u>Location:</u>	1523 Fording Island Road Hilton Head Island, SC 29926
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-504-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Moss Creek Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 20, 2016, and July 26, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity 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 chlorine and pH levels were not within the acceptable range of water quality standards; and, the recirculation and filtration system was not operating at the time of the inspection.

Action: The Individual/Entity 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.

61)	<u>Order Type and Number:</u>	Consent Order 17-018-RW
	<u>Order Date:</u>	January 18, 2017
	<u>Individual/Entity:</u>	Bayview Farms Homeowners Association, Inc.
	<u>Facility:</u>	Bayview Farms
	<u>Location:</u>	1300 Bayview Boulevard James Island, SC 294012
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-393-1 & 10-583-1

Violations Cited:

S.C. Code Ann. Regs. 61-51(J)

Summary: Bayview Farms Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and kiddie pool. On June 7, 2016, and July 14, 2016, the pool and kiddie pool were inspected and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were non-pool related items stored in the equipment room; the chlorine level was not within the acceptable range of water quality standards; the pool rules sign was missing; the current pool operator of record information was not posted to the public; and, there were chlorine sticks in the skimmer baskets.

Action: The Individual/Entity 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 three hundred sixty dollars (**\$1,360.00**).

62) Order Type and Number: Consent Order 17-019-RW
Order Date: January 18, 2017
Individual/Entity: **Umang Properties, LLC**
Facility: Country Inn & Suites
Location: 220 Holiday Drive
Summerville, SC 29483
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit/ID Number: 08-1016B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Umang Properties, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 14, 2016, July 14, 2016, and August 12, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; the main drain grates were not visible due to cloudy water; only one "No Lifeguard On Duty – Swim At Your Own Risk" sign was posted; the gate did not self-close and latch; the emergency notification device was not operating properly; the bound and numbered log book was not maintained on a daily basis; a ladder was missing a bolt cover; and, the foot rinse shower was not operating properly.

Action: The Individual/Entity 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 two thousand forty dollars (**\$2,040.00**). The civil penalty has been paid.

63) Order Type and Number: Consent Order 17-020-RW
Order Date: January 23, 2017
Individual/Entity: **Bloody Point Properties, LLC**
Facility: Bloody Point Golf Club & Resort
Location: 56 Fuskie Lane, Box 11
Daufuskie Island, SC 29915
Mailing Address: Same
County: Beaufort

Previous Orders: 14-198-DW (\$800.00)
Permit/ID Number: 07-496-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Bloody Point Properties, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 27, 2016, and August 2, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a skimmer was missing a weir; the chlorine level was not within the acceptable range of water quality standards; and, the pool rules sign was not completely filled out.

Action: The Individual/Entity 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 three hundred sixty dollars (**\$1,360.00**). The civil penalty has been paid.

64) Order Type and Number: Consent Order 17-021-RW
Order Date: January 23, 2017
Individual/Entity: **DGN Hotels, Inc.**
Facility: Quality Inn
Location: 2390 Broad Street
Sumter, SC 29150
Mailing Address: Same
County: Sumter
Previous Orders: None
Permit/ID Number: 43-031-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: DGN Hotels, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 25, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was no drinking water fountain or foot rinse shower; the main drain grates were not visible due to cloudy water; the shepherd's crook handle was attached to a telescoping pole; the emergency notification device was not operational; only one "Shallow Water – No Diving Allowed" sign was posted; the facility could not produce current valid documentation of pool operator certification; and, the log book was not available for review.

Action: The Individual/Entity 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 three hundred forty dollars (**\$340.00**).

65) Order Type and Number: Consent Order 17-022-RW
Order Date: January 23, 2017
Individual/Entity: **SK Charleston Paces, LLC**
Facility: The Watch on Shem Creek Apartments
Location: 977 Johnnie Dodds Boulevard
Mount Pleasant, SC 29464
Mailing Address: Same

County: Charleston
Previous Orders: None
Permit/ID Number: 10-384-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: SK Charleston Paces, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 15, 2016, July 28, 2016, and August 12, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were no universal "no diving" tiles; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was cracked; only one "Shallow Water – No Diving Allowed" sign was posted; the "No Lifeguard On Duty – Swim At Your Own Risk" signs did not have the correct wording; a skimmer was missing a weir; a skimmer lid was cracked; the chlorine and pH levels were not within the acceptable range of water quality standards; the pool rules sign did not have all of the required rules; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; and, the pool equipment room was not locked.

Action: The Individual/Entity 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 two thousand forty dollars **(\$2,040.00)**.

66) Order Type and Number: Consent Order 17-023-RW
Order Date: January 23, 2017
Individual/Entity: **Brothers Property Management Corporation**
Facility: Charleston Harbor Resort
Location: 20 Patriots Point Road
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-529-1 & 10-534-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Brothers Property Management Corporation (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and spa. On June 3, 2016, and July 25, 2016, the pool and spa were inspected and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing a bolt cover; the gate did not self-close and latch; there was no drinking water fountain; one of the "No Lifeguard On Duty – Swim At Your Own Risk" signs was cracked on the first inspection, and one of the "No Lifeguard On Duty – Swim At Your Own Risk" signs did not have the correct wording on the second inspection; the current pool operator of record information was not posted to the public; there were no universal "no diving" tiles; and, the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity 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 three hundred sixty dollars **(\$1,360.00)**. The civil penalty has been paid.

67) Order Type and Number: Consent Order 17-024-RW
Order Date: January 23, 2017
Individual/Entity: **Hammond Hall Lakes Homeowners' Association**
Facility: Hammond Hall
Location: 413 Cathey Road
Anderson, SC 29621
Mailing Address: 108 Vining Crossing
Belton, SC 29627
County: Anderson
Previous Orders: 14-244-DW (\$800.00)
Permit/ID Number: 04-1029B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hammond Hall Lakes Homeowners' Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 7, 2016, and July 14, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; the pool floor was not clean; there was debris in the skimmer baskets; the drinking water fountain was not operating properly; the chlorine 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 and was not maintained a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity 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 three hundred sixty dollars (**\$1,360.00**). The civil penalty has been paid.

68) Order Type and Number: Consent Order 17-025-RW
Order Date: January 23, 2017
Individual/Entity: **Springhouse Apartments, LLC**
Facility: Springhouse Apartments
Location: 7930 St. Ives Road
Charleston, SC 29406
Mailing Address: Same
County: Charleston
Previous Orders: 13-132-DW, \$680.00
Permit/ID Number: 24-017-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Springhouse Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 30, 2016, and August 5, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was missing a bolt cover; 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 "No Lifeguard On Duty – Swim At Your Own Risk" signs did not have the correct wording; and, the bound and numbered log book was not maintained on a daily

basis.

Action: The Individual/Entity 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 three hundred sixty dollars **(\$1,360.00)**. The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

69) Order Type and Number: Consent Order 17-026-RW
Order Date: January 23, 2017
Individual/Entity: **Sweetwater at Indian Wells Homeowners' Association, Inc.**
Facility: Sweetwater at Indian Wells
Location: 301 Sweetwater Boulevard
Murrells Inlet, SC 29526
Mailing Address: 18A Indian Oak
Surfside Beach, SC 29575
County: Horry
Previous Orders: None
Permit/ID Number: 26-L20-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Sweetwater at Indian Wells Homeowners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 24, 2016, July 26, 2016, and August 15, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the walls and floor of the pool were not clean; the chlorine and pH levels were not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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 two thousand forty dollars **(\$2,040.00)**.

70) Order Type and Number: Consent Order 17-027-RW
Order Date: January 23, 2017
Individual/Entity: **Heritage Village Horizontal Property Regime, Inc.**
Facility: Heritage Village
Location: 105 Heritage Circle
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: 14-076-DW (\$1,200.00)
Permit/ID Number: 10-105-2
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Heritage Village Horizontal Property Regime, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a kiddie pool. On June 15, 2016, and July 27, 2016, the kiddie pool was inspected and a violation was issued for failure

to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the gate did not self-close and latch; the foot rinse shower was not operating properly; there was no drinking water fountain; the chlorine and pH levels were not within the acceptable range of water quality standards; and, the cyanuric acid level was above the water quality standards acceptable limit.

Action: The Individual/Entity 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 three hundred sixty dollars **(\$1,360.00)**. The civil penalty has been paid.

71) Order Type and Number: Consent Order 17-028-RW
Order Date: January 24, 2017
Individual/Entity: **Rass, Inc.**
Facility: Hampton Inn
Location: 1835 Sniders Highway
Walterboro, SC 29488
Mailing Address: P.O. Box 4540
Florence, SC 29502
County: Colleton
Previous Orders: 14-196-DW (\$800.00)
Permit/ID Number: 15-030-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Rass, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 29, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; there was dirt on the waterline tiles; and, the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

72) Order Type and Number: Consent Order 17-029-RW
Order Date: January 24, 2017
Individual/Entity: **Wellstone at Bluffton Property Owners Association, Inc.**
Facility: Wellstone at Bluffton
Location: 258 Buck Island Road
Bluffton, SC 29910
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-1116B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Wellstone at Bluffton Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 9, 2016, and July 14, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; the facility could not produce current valid documentation of pool operator certification; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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.

73) Order Type and Number: Consent Order 17-030-RW
Order Date: January 30, 2017
Individual/Entity: **Yogiji Corporation**
Facility: Days Inn
Location: 2998 West Montague Avenue
North Charleston, SC 29418
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-165-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Yogiji Corporation (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 22, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity 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; there were chlorine tablets in the skimmer baskets; the lifeline floats were not properly spaced; a handrail was not tight and secure; there was no drinking water fountain; there was no foot rinse shower; and, the life ring was in the pool and tangled on the lifeline.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan.

74) Order Type and Number: Consent Order 17-031-RW
Order Date: January 30, 2017
Individual/Entity: **Griffin Stafford North Charleston, LLC**
Facility: Suburban Extended Stay
Location: 7582 Stafford Road
North Charleston, SC 29406
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1155B

Violations Cited:

S.C. Code Ann. Regs. 61-51(J)

Summary: Griffin Stafford North Charleston, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 1, 2016, and August 8, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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)**.

75) Order Type and Number: Consent Order 17-032-RW
Order Date: January 30, 2017
Individual/Entity: **Night Heron Pavilion Owners' Association, Inc.**
Facility: Night Heron Pavilion
Location: 4000 Sea Forest Drive
Kiawah Island, South Carolina 29455
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-121-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Night Heron Pavilion Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 21, 2016, and July 28, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were damaged; a skimmer was missing a weir; the emergency notification device was not operational; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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)**.

76) Order Type and Number: Consent Order 17-033-RW
Order Date: January 30, 2017
Individual/Entity: **Garden City Guest House Homeowners Association, Inc.**
Facility: Garden City Guest House
Location: 120 North Dogwood Drive
Garden City, SC 29576
Mailing Address: P.O. Box 1286
Garden City Beach, SC 29576
County: Horry

Previous Orders: None
Permit/ID Number: 26-A51-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Garden City Guest House Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 28, 2016, and August 5, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

77) Order Type and Number: Consent Order 17-034-RW
Order Date: January 30, 2017
Individual/Entity: **East Bridge Lofts Property Owners Association, Inc.**
Facility: East Bridge Town Lofts
Location: 269 Alexandra Drive
Mount Pleasant, SC 29464
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: 10-262-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: East Bridge Lofts Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 16, 2016, and July 27, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; a handrail was not tight and secure; a skimmer was missing a weir; the gate did not self-close and latch; there was no drinking water fountain; and, the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity 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**).

78) Order Type and Number: Consent Order 17-035-RW
Order Date: January 30, 2017
Individual/Entity: **Low Country Hotel Associates, LLC**
Facility: Sleep Inn Mt. Pleasant
Location: 299 Wingo Way
Mount Pleasant, SC 29464
Mailing Address: Same

County: Charleston
Previous Orders: None
Permit/ID Number: 10-543-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Low Country Hotel Associates, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2016, and July 26, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; a section of the perimeter fencing had openings greater than four inches; there was no drinking water fountain or foot rinse shower; 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 life ring did not have a permanently attached rope.

Action: The Individual/Entity 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**).

79) Order Type and Number: Consent Order 17-036-RW
Order Date: January 30, 2017
Individual/Entity: **Shipyard Property Owners Association, Inc.**
Facility: Bridgeport of Shipyard
Location: 10 Shipyard Drive
Hilton Head Island, SC 29928
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit/ID Number: 07-172-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Shipyard Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 11, 2016, and July 28, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were damaged; the water level was too high; the gate did not self-close and latch; a skimmer was missing a weir; the chlorine level was not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity 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**).

80) Order Type and Number: Consent Order 17-037-RW
Order Date: January 31, 2017
Individual/Entity: **Abbey Glen Owners' Association**
Facility: Abbey Glen

Location: 221 Abbey Glen Way
Hardeeville, SC 29927
Mailing Address: 110 North Main Street
Greenville, SC 29601
County: Jasper
Previous Orders: None
Permit/ID Number: 32-142-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Abbey Glen Owners' Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 1, 2016, and August 3, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there were cracks on the deck; the pH level was not within the acceptable range of water quality standards; and, the "No Lifeguard On Duty - Swim At Your Own Risk" signs did not have the correct wording or the appropriate sized lettering.

Action: The Individual/Entity 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.

81) Order Type and Number: Consent Order 17-038-RW
Order Date: January 30, 2017
Individual/Entity: **Ocean Forest Villas Homeowners Association, Inc.**
Facility: Ocean Forest Villas
Location: 5601 North Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: 8425 Raintree Lane
Charlotte, NC 28277
County: Horry
Previous Orders: None
Permit/ID Number: 26-J15-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Ocean Forest Villas Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 5, 2016, and July 28, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the facility address was not posted at the emergency notification device; and, the pool rules sign was not legible.

Action: The Individual/Entity 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**).

82) Order Type and Number: Consent Order 17-039-RW
Order Date: January 30, 2017

<u>Individual/Entity:</u>	Palmetto Greens Property Owners' Association, Inc.
<u>Facility:</u>	Palmetto Greens
<u>Location:</u>	2902 Mashie Drive Myrtle Beach, SC 29577
<u>Mailing Address:</u>	2904 Midiron Court Myrtle Beach, SC 29577
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-I06-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Palmetto Greens Property Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 13, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the bathrooms were not accessible; there was no drinking water fountain; the chlorine and pH levels were not within the acceptable range of water quality standards; and, the facility address was not posted at the emergency notification device.

Action: The Individual/Entity 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)**.

83) <u>Order Type and Number:</u>	Consent Order 17-040-RW
<u>Order Date:</u>	January 30, 2017
<u>Individual/Entity:</u>	Windward Longpoint Apartments, LLC
<u>Facility:</u>	Woodfield Longpoint Apartments
<u>Location:</u>	335 Stonewall Court Mount Pleasant, SC 29464
<u>Mailing Address:</u>	1703 Laurel Street Columbia, SC 29201
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-1204B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Windward Longpoint Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 17, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; and, the cyanuric acid level was above the water quality standards acceptable limit.

Action: The Individual/Entity 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)**.

Drinking Water Enforcement

84) Order Type and Number: Administrative Order 16-057-DW
 Order Date: December 8, 2016
 Individual/Entity: **Richard Linder and Terri Linder**
 Location: 310 Grassland Road
 Campobello, SC 29322

 Mailing Address: Same
 County: Spartanburg
 Previous Orders: None
 Permit/ID Number: None
 Violations Cited: S.C. Code Ann. Regs. 61-71(G)

Summary: Richard Linder and Terri Linder (Individual/Entity) own and are responsible for the proper maintenance of a bored well located in Campobello, South Carolina. On February 3, 2016, and May 5, 2016, the site was inspected and it was determined that there was a bored well that had been removed from service, was not capped or sealed so that it was not a source or channel of contamination, and had not been properly abandoned. The Individual/Entity has violated the South Carolina Well Standards as follows: failed to properly abandon a bored well that was removed from service for longer than thirty-six months.

Action: The Individual/Entity is required to: have the bored well located at the site properly abandoned by a South Carolina certified well driller; and, submit to the Department the Water Well Record Form 1903 for the abandonment.

85) Order Type and Number: Consent Order 16-056-DW
 Order Date: December 1, 2016
 Individual/Entity: **Ronald O. Carpenter, Individually and
 d.b.a. Ron's Mobile Home Park**

 Facility: Ron's Mobile Home Park
 Location: 130 Pebblebrook Road
 West Columbia, SC 29170

 Mailing Address: Same
 County: Lexington
 Previous Orders: None
 Permit/ID Number: 3260078
 Violations Cited: S.C. Code Ann. Regs. 61-58.5.B(2)(h)

Summary: Ronald O. Carpenter, Individually and d.b.a. Ron's Mobile Home Park (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On September 15, 2016, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulations as follows: the PWS exceeded the maximum contaminant level (MCL) for nitrate.

Action: The Individual/Entity is required to: submit a corrective action plan to include proposed steps to address the MCL violation at the PWS; and, pay a **stipulated penalty** in the amount of four thousand dollars **(\$4,000.00)** should any requirement of the Order not be met.

86)	<u>Order Type and Number:</u> <u>Order Date:</u> <u>Individual/Entity:</u> <u>Facility:</u> <u>Location:</u> <u>Mailing Address:</u> <u>County:</u> <u>Previous Orders:</u> <u>Permit/ID Number:</u> <u>Violations Cited:</u>	Consent Order 16-058-DW December 13, 2016 Rafael Navarrete, Individually and d.b.a. Navarrete Mobile Home Park #2 Navarrete Mobile Home Park #2 206 Chickweed Lane Batesburg, SC 29006 P.O. Box 152 Saluda, SC 29138 Saluda None 4160012 S.C. Code Ann. Regs. 61-58.17.K(1)
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Summary: Rafael Navarrete, Individually and d.b.a. Navarrete Mobile Home Park #2 (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On October 31, 2016, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulations as follows: the PWS tested present for total coliform and E. coli, which resulted in a violation of the maximum contaminant level (MCL) for E. coli.

Action: The Individual/Entity is required to: submit a corrective action plan to include proposed steps to address the MCL violation; and, pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Water Pollution Enforcement

87)	<u>Order Type and Number:</u> <u>Order Date:</u> <u>Individual/Entity:</u> <u>Facility:</u> <u>Location:</u> <u>Mailing Address:</u> <u>County:</u> <u>Previous Orders:</u> <u>Permit/ID Number:</u> <u>Law Citations:</u>	Consent Order 16-038-W December 08, 2016 Mr. James C. Hallman Crout Pond Dam 744 Drawdebil Road Gilbert, SC 29054 228 Deer Springs Trail Lexington, SC 29073 Lexington None D 0945 SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-170 (2008) and Dams and Reservoirs Safety Act Regulation 72.1, et seq. (2012)
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Summary: Mr. James C. Hallman (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Crout Pond Dam (Dam) in Lexington County, South Carolina. On September 19, 2016, a Notice of Violation was issued notifying the Individual/Entity of the deficiencies regarding the Dam. The Individual/Entity has violated the SC Dams and Reservoirs Safety Act as follows: the dam or reservoir was not maintained in safe condition throughout the life of the structure.

Action: The Individual/Entity is required to: immediately lower and maintain water level in the reservoir as to not present a hazard to surrounding residents and property; submit to the Department results of a detailed inspection and a plan of action, including engineering recommendations and an application, for the repair, restoration or removal of the dam; and, complete all work associated with repair, restoration or removal of the dam.

88) Order Type and Number: Consent Order 16-039-W
Order Date: December 22, 2016
Individual/Entity: **Carolina Water Service, Inc.**
Facility: Friarsgate WWTF
Location: Off of Irmo Drive
Irmo, SC 29063
Mailing Address: 150 Foster Brothers Drive
West Columbia, SC 29172
County: Lexington
Previous Orders: None
Permit/ID Number: SC0036137
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d)(Supp. 2015), Water Pollution Control Permits S.C. Code Ann. Regs. 3 S.C. Code Ann. Regs. 61-9.122.41(a) and (d) (2014).

Summary: Carolina Water Service, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Lexington County, South Carolina. On August 29, 2016, and September 16, 2016, Notices of Violation were issued as a result of discharge monitoring reports received by the Department. The Individual/Entity has violated the Pollution Control Act, Water Pollution Control Permits Regulation, and its National Pollutant Discharge Elimination System (NPDES) Permit SC0036137 as follows: failed to comply with effluent discharge limits of its NPDES permit for Fecal Coliform.

Action: The Individual/Entity is required to: submit a corrective action plan (CAP) to address the potential sources contributing the Fecal Coliform violations; submit an updated operation maintenance manual; continue increased frequency of sampling the WWTF effluent for Fecal Coliform; modify the Comprehensive Control Testing Program at the WWTF; complete repairs to the WWTF equalization basin liner; submit a staffing plan for the WWTF; utilize the services of an independent laboratory to conduct sampling required by the NPDES permit; utilize the services of an independent certified operator to operate the WWTF; submit a recommendation for maintenance of the WWTF disinfection system; and, pay a civil penalty in the amount of seventy-eight thousand, nine hundred forty dollars **(\$78,940.00)**.

89) Order Type and Number: Consent Order 16-040-W
Order Date: December 29, 2016
Individual/Entity: **Harbor Island Utilities, Inc.**
Facility: Harbor Island WWTF
Location: 2 Harbor Drive
Harbor Island
Beaufort, SC 29901
Mailing Address: P.O. Box 1028

Beaufort, SC 29901-1028
County: Beaufort
Previous Orders: 14-014-W (\$3,150.00)
Permit/ID Number: ND0088013
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110(d) (Supp. 2015), Water Pollution Control Permits, 3 S.C. Code Ann. Regs. 1-9.122.41(a)(1) (2011).

Summary: Harbor Island Utilities, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located on Harbor Island, in Beaufort County, South Carolina. On October 28, 2015, a Notice of Violation was issued as a result of discharge monitoring reports received by the Department. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to comply with effluent limits of its National Pollutant Discharge Elimination System (NPDES) permit for Total Suspended Solids.

Action: The Individual/Entity is required to: submit a corrective action plan (CAP) to address the deficiencies; and, pay a **stipulated penalty** in the amount of two thousand, eight hundred dollars (**\$2,800.00**) should it fail to meet any requirement of the Order, or fail to complete actions specified in the CAP.

90) Order Type and Number: Consent Order 16-041-W
Order Date: December 29, 2016
Individual/Entity: **Town of Pageland**
Facility: Pageland Southeast WWTF
Location: Near Gum Street, East of Highway 151
Pageland, SC 29728
Mailing Address: 126 North Pearl Street
Pageland, SC 29728
County: Chesterfield
Previous Orders: None
Permit/ID Number: SC0021539
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110(d) (Supp. 2015), Water Pollution Control Permits, 3 S.C. Code Ann Regs. 61-9.122.41 (a) and (d) (2015).

Summary: The Town of Pageland (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Chesterfield County, South Carolina. On March 24, 2016, and August 18, 2016, Notices of Violation were issued as a result of discharge monitoring reports received by the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limitations of its National Pollutant Discharge Elimination System (NPDES) permit for Whole Effluent Chronic Toxicity (CTOX).

Action: The Individual/Entity is required to: submit a corrective action plan to address the deficiencies; and, pay a civil penalty in the amount of three thousand, two hundred dollars (**\$3,200.00**).

91) Order Type and Number: Consent Order 16-042-W

Order Date: December 29, 2016
Individual/Entity: **Oconee County School District**
Facility: Ravenel Elementary School Site
Location: 150 Ravenel School Road
Seneca, SC 29678
Mailing Address: 414 South Pine Street
Walhalla, SC 29691
County: Oconee
Previous Orders: None
Permit/ID Number: SCR10W784
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-90(A)(1) and 110(d)(Supp. 2015), Water Pollution Control Permits S.C. Code Ann. Regs. 24 S.C. Code Ann. Regs. 61-9.122.21(a) and 122.41(a) (2011).

Summary: Oconee County School District (Individual/Entity) is responsible for land disturbing activity located in Oconee County, South Carolina. On February 22, 2016, March 25, 2016, and April 6, 2016, the Department forwarded inspection reports to the Individual/Entity, notifying of deficiencies at the Site. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to properly operate and maintain all components and equipment associated with a stormwater management system; and, discharged sediment into waters of the State in a manner other than in compliance with its National Pollutant Discharge Elimination System (NPDES) permit.

Action: The Individual/Entity is required to: submit to the Department a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that all storm water and sediment control devices are installed and functioning properly; and, pay a civil penalty in the amount of thirteen thousand, two hundred dollars (**\$13,200.00**).

92) Order Type and Number: Consent Order 17-001-W
Order Date: January 11, 2017
Individual/Entity: **Rolling Meadows I, LLC**
Facility: Hermitage Farms WWTF
Location: off Precipice Road
Camden, SC
Mailing Address: c/o Heritage Financial Group
120 West Lexington Avenue
Elkhart, IN 46516
County: Kershaw
Previous Orders: None
Permit/ID Number: ND0069868
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110(d) (Supp. 2015), Water Pollution Control Permits, 3 S.C. Code Ann. Regs. 61-9.122.41(a)(1) (2011), and State Land Application permit ND0069868.

Summary: Rolling Meadows I, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF), located in Kershaw County, South Carolina. On March 9, 2016, and May 23, 2016, Notices of Violation were issued as a result of discharge monitoring reports received by the Department. The Individual/Entity has violated the Pollution Control Act, Water Pollution Control Permits Regulation and State Land Application ND0069868 as follows: failed to comply with effluent

discharge limits of its Permit for E. Coli, Total Suspended Solids, and Biochemical Oxygen Demand.

Action: The Individual/Entity is required to: submit a corrective action plan (CAP) to address the deficiencies; and, pay a civil penalty in the amount of two thousand one hundred dollars **(\$2,100.00)**.

93) Order Type and Number: Consent Order 17-002-W
 Order Date: January 12, 2017
 Individual/Entity: **Town of Cheraw**
 Facility: Town of Cheraw WWTF
 Location: Roddy Street
 Cheraw, SC
 Mailing Address: P.O. Box 219
 Cheraw, SC
 County: Chesterfield
 Previous Orders: None
 Permit/ID Number: SC0020249
 Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110
 (d) (Supp. 2015), Water Pollution Control Permits, 3 S.C. Code Ann. Regs. 61-9.122.21
 (d) (2014), and National Pollutant Discharge Elimination System permit SC0020249.

Summary: The Town of Cheraw (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Chesterfield County, South Carolina. During January 2017, the Department issued a letter notifying the Individual/Entity of deficiencies related to an incomplete permit application. The Individual/Entity has violated the Pollution Control Act, Water Pollution Control Permits Regulation, and its National Pollutant Discharge Elimination System (NPDES) permit as follows: failed to submit a permit renewal application 180 days before the expiration of the existing permit.

Action: The Individual/Entity is required to: submit an administratively complete application for renewal of the NPDES permit; continue to discharge wastewater in accordance with the most recently issued NPDES Permit until a new permit becomes effective; and, pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

94) Order Type and Number: Consent Order 17-003-W
 Order Date: January 11, 2017
 Individual/Entity: **Look Up Forest Homes Association, Inc.**
 Facility: Look Up Forest Homes Association WWTF
 Location: 2.3 miles east of the intersection of U.S.
 Highway 25 and Highway 11
 Greenville County, SC
 Mailing Address: P.O. Box 91
 Tigerville, SC 29688
 County: Greenville
 Previous Orders: None
 Permit/ID Number: SC0026379

Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110
(d) (Supp. 2015), Water Pollution Control Permits, 3 S.C. Code Ann Regs. 61-9.122.41
(a) and (d) (2015).

Summary: Look Up Forest Homes Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF), located in Greenville County, South Carolina. On September 23, 2015, the Department issued a Notice of Violation as a result of discharge monitoring reports received by the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limitations of its National Pollutant Discharge Elimination System permit for Biochemical Oxygen Demand, Ammonia, and Chronic Toxicity.

Action: The Individual/Entity is required to: submit a corrective action plan to address the deficiencies; pay a civil penalty in the amount of three thousand dollars **(\$3,000.00)** and pay a stipulated penalty in the amount of seven thousand eighty dollars (\$7,080.00) should any requirement of the Order not be met.

95) Order Type and Number: Consent Order 17-004-W
Order Date: January 11, 2017
Individual/Entity: **Ashley Anderson Farm**
Facility: Barnhill Mine
Location: off of Old Highway 90
Conway, SC
Mailing Address: 7853 Old Reaves Ferry Road
Conway, SC 29526
County: Horry
Previous Orders: None
Permit/ID Number: SCG731280
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110
(d) (Supp. 2015), Water Pollution Control Permits, 3 S.C. Code Ann Regs. 61-9.122.41
(a) and (d) (2011).

Summary: Ashley Anderson Farm (Individual/Entity) owns and is responsible for the proper operation and maintenance of Barnhill Mine located in Horry County, South Carolina. On April 12, 2016, and July 21, 2016, the Department issued Notices of Violation as a result of discharge monitoring reports received by the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limitations of its National Pollutant Discharge Elimination System permit for Total Suspended Solids.

Action: The Individual/Entity is required to: submit a corrective action plan to address the deficiencies and pay a civil penalty in the amount of two thousand, five hundred dollars **(\$2,500.00)**.

96) Order Type and Number: Consent Order 17-005-W
Order Date: January 11, 2017
Individual/Entity: **McCormick County WSA**
Facility: McCormick County Satellite Sewer System
Location: 362 Airport Road

Mailing Address: McCormick, SC 29835
610 South Mine Street
McCormick, SC 29838

County: McCormick

Previous Orders: None

Permit/ID Number: SSS000040

Violations Cited: Pollution Control Act, S.C Code Ann § 48-1- 90 (A) (1) (5); Pollution Control Act, S.C. Code Ann § 48-1-95(D) (1) (Supp. 2015); Water Pollution Control Permits, 3 S.C. Code Ann Regs. 61-9.122.41 (a) and (d) (2015).

Summary: McCormick County Water and Sewer Authority (Individual/Entity) owns and is responsible for the proper operation and maintenance of a Satellite Sewer System (SSS) in McCormick County, South Carolina. On July 18, 2016, the Department issued a Notice of Alleged Violation in response to sewer system overflow reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: discharged untreated wastewater into the environment in a manner other than in compliance with a permit issued by the Department.

Action: The Individual/Entity is required to: report to the Department all wastewater spills of any volume within twenty-four (24) hours within five (5) days; submit to the Department copies of public notices for all significant spills from the SSS; conduct a capacity, management, operations, and maintenance (CMOM) audit; submit a summary of corrective actions addressing deficiencies identified by the CMOM audit; and, pay a civil penalty in the amount of four thousand, eight hundred dollars **(\$4,800.00)**.

97) Order Type and Number: Consent Order 17-006-W

Order Date: January 11, 2017

Individual/Entity: **The Palms Course at Oakdale**

Facility: Lake Oakdale Dam

Location: 3700 West Lake Drive
Florence, SC 29501

Mailing Address: Same

County: Florence

Previous Orders: None

Permit/ID Number: D 1627

Violations Cited: SC Dams and Reservoirs Safety Act, S.C. Code Ann. § 49-11-170 (2008) and Dams and Reservoirs Safety Act Regulation 72.1, et seq. (2012)

Summary: The Palms Course at Oakdale (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Lake Oakdale Dam in Lexington County, South Carolina. On September 19, 2016, a Notice of Alleged Violation was issued for deficiencies regarding the Dam. The Individual/Entity has violated the SC Dams and Reservoirs Safety Act as follows: the dam or reservoir was not maintained in safe condition throughout the life of the structure.

Action: The Individual/Entity is required to: immediately lower and maintain water level as to not present a hazard to surrounding residents and property; submit the results of a detailed inspection and a plan of action, including engineering recommendations and an application, for the repair, restoration or removal of the dam; and, complete all work associated with repair, restoration or removal of the dam.

98) Order Type and Number: Consent Order 17-007-W
Order Date: January 30, 2017
Individual/Entity: **Inland Property Management, LLC**
Facility: R&J Trucking Terminal
Location: Off of Bellinger Lane
Calhoun County, SC
Mailing Address: 8063 Southern Boulevard
Boardman, OH 44512
County: Calhoun
Previous Orders: None
Permit/ID Number: SCR10U539
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Pollution Control Act, S.C. Code Ann § 48-1-90(A) (1) (Supp. 2015); Water Pollution Control Permits, 4 S.C. Code Ann Regs. 61-0.122.26 and 61-9.122.41 (a) (2015).

Summary: Inland Property Management, LLC (Individual/Entity) is responsible for land clearing activity at the proposed R&J Trucking Terminal (Site) in Calhoun County, South Carolina. On February 16, 2016, and March 16, 2016, Department staff forwarded inspection reports notifying the Individual/Entity of deficiencies and unsatisfactory conditions at the Site. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: engaged in land disturbing activities outside of the area designated by the approved Stormwater Pollution Prevention Plan; and, failed to properly install, operate and maintain all storm water, sediment and erosion control devices as required by its National Pollution Discharge Elimination System permit.

Action: The Individual/Entity is required to: submit a corrective action plan to correct the deficiencies; submit a report, completed, stamped, and sealed by a S.C. Registered Professional Engineer, certifying that all storm water and sediment control devices are installed and functioning properly; and, pay a civil penalty in the amount of five thousand three hundred and eleven dollars (**\$5,311.00**).

99) Order Type and Number: Consent Order 17-008-W
Order Date: January 30, 2017
Individual/Entity: **Town of Calhoun Falls**
Facility: Sawney Creek Wastewater Treatment Plant
Location: 125 Walnut Street
Calhoun Falls, SC
Mailing Address: P.O. Box 246
Calhoun Falls, SC 29628
County: Abbeville
Previous Orders: None
Permit/ID Number: SC0025721
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, 3 S.C. Code Ann Regs. 61-9.122.41 (a) and (d) (2015).

Summary: The Town of Calhoun Falls (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment plant (WWTP) in Abbeville

County, South Carolina. On June 17, 2016, Department staff issued a Notice of Violation as a result of discharge monitoring reports received by the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollution Discharge Elimination System permit for E. Coli.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation; and, pay a civil penalty in the amount of two thousand, eight hundred dollars (**\$2,800.00**).

BUREAU OF AIR QUALITY

100) Order Type and Number: Consent Order 16-035-A
Order Date: December 8, 2016
Individual/Entity: **Argos Cement, LLC**
Facility: Argos Cement LLC
Location: 463 Judge Street
Harleyville, SC 29448
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit/ID Number: 0900-0004
Violations Cited: U.S. EPA Regulations at 40 CFR 63.6655(f) and 5 S.C. Code Ann. Regs. 61-62.63, Subpart ZZZZ; 5 S.C. Code Ann. Regs. 61-62.5, Standard No. 4; and 5 S.C. Code Ann. Regs. 61-62.1, Section II, Permit Requirements

Summary: Argos Cement, LLC (Individual/Entity) operates a Portland cement manufacturing facility. The Department issued a renewed Part 70 (Title V) Air Quality Permit TV-0900-0004 (Title V Permit) to the Individual/Entity, effective July 1, 2014. The Department conducted a comprehensive inspection at the facility on June 1, 2015, July 2, 2015 and July 4, 2015. Between July 9, 2015, and July 15, 2015, and on November 30, 2015, the Individual/Entity conducted Department-approved source tests. The Individual/Entity violated U.S. EPA Regulations and South Carolina Air Pollution Control Regulations as follows: failed to conduct source tests of Kiln System #1 within 30 months of a prior performance test; failed to document hours of operation for emergency use of its Emergency Generator; failed to limit carbon monoxide (CO) emissions from the Kiln Stack to 8.835 lb/ton of clinker during a Department-approved source test; failed to limit particulate matter (PM) emissions from the PCM Stack to 4.29 lb/hr during a Department-approved source test; failed to limit lead (Pb) emissions from the PCM Stack to 4.12×10^{-5} lb/hr of clinker during a Department-approved source test; and failed to limit PM emissions from CD-38 to 0.02 grains per actual cubic feet during a Department-approved source test.

Action: The Individual/Entity is required to: henceforth ensure that source tests are conducted in accordance with timeframes established in the Title V Permit; henceforth ensure that hours of operation for the Emergency Generator are maintained in accordance with Subpart ZZZZ; henceforth limit CO emissions from the Kiln Stack; PM emissions from CD-38 and the PCM Stack; and Pb emissions from the PCM Stack in accordance with its permit and applicable regulations; and, pay a civil penalty in the amount of forty thousand dollars (**\$40,000.00**).

101) Order Type and Number: Consent Order 16-036-A
Order Date: December 8, 2016
Individual/Entity: **Mr. Derek Anderson**
Facility: Ashley Shores Townhouse Development
Location: 3819 Ashley Shores Drive, North
Charleston, SC
Mailing Address: 2040 Savage Road
Charleston, SC
County: Charleston
Previous Orders: None
Permit/ID Number: BI-01044
Violations Cited: 7 S.C. Code Ann. Regs. 61-86.1 (2012),
Standards of Performance for Asbestos Projects, Section VI.D.1

Summary: Mr. Derek Anderson (Individual/Entity) is a Department-licensed asbestos building inspector (BI-01044) employed by GEL Engineering, LLC. On October 21, 2014, the Department conducted an investigation in response to a complaint. The Department determined that an asbestos building inspection conducted by the Individual/Entity was inadequate. The Individual/Entity violated South Carolina Air Pollution Control Regulations as follows: failed to collect bulk samples, in a statistically random manner, from each homogeneous area.

Action: The Individual/Entity is required to: henceforth comply with all requirements of Regulation 61-86.1, including but not limited to, collecting adequate or correct amounts of bulk samples from each homogeneous area in a statistically random manner; and, pay a civil penalty in the amount of five-hundred dollars (**\$500.00**).

102) Order Type and Number: Consent Order 16-037-A
Order Date: December 8, 2016
Individual/Entity: **Ms. Sarah Browning**
Facility: Ashley Shores Townhouse Development
Location: 3819 Ashley Shores Drive, North
Charleston, SC
Mailing Address: 2040 Savage Road
Charleston, SC
County: Charleston
Previous Orders: None
Permit/ID Number: BI-01095
Violations Cited: 7 S.C. Code Ann. Regs. 61-86.1 (2012),
Standards of Performance for Asbestos Projects, Section VI.D.1

Summary: Ms. Sarah Browning (Individual/Entity) is a Department-licensed asbestos building inspector (BI-01095) employed by GEL Engineering, LLC. On October 21, 2014, the Department conducted an investigation in response to a complaint. The Department determined that the asbestos building inspection conducted by the Individual/Entity was inadequate. The Individual/Entity violated South Carolina Air Pollution Control Regulations as follows: failed to collect bulk samples, in a statistically random manner, from each homogeneous area.

Action: The Individual/Entity is required to: henceforth comply with all requirements of Regulation 61-86.1, including but not limited to, collecting adequate or correct amounts of bulk samples from each homogeneous area in a statistically random manner; and, pay a civil penalty in the amount of five-hundred dollars **(\$500.00)**.

103) Order Type and Number: Consent Order 16-038-A
Order Date: December 14, 2016
Individual/Entity: **Shutterfly, Inc.**
Facility: Shutterfly, Inc.
Location: 1000 Shutterfly Boulevard
Fort Mill, SC 29708
Mailing Address: Same
County: York
Previous Orders: None
Permit/ID Number: 2440-0212
Violations Cited: U.S. Environmental Protection Agency
Regulations at 40 CFR Part 70, State Operating Permit Programs, and 5 South
Carolina Code Ann. Regs. 61-62.70, Title V Operating Permit Program (Supp. 2015)
(collectively "Title V Regulations"), and 5 S.C. Code Ann. Regs. 61-62.1 (Supp. 2015),
Section II, Permit Requirements

Summary: Shutterfly, Inc. (Individual/Entity) produces digital photo products at its facility located in Fort Mill, South Carolina. On May 6, 2016, the Department received a revised construction permit application for its existing facility. Based upon the review of the revised construction permit application, the Department determined that the Individual/Entity constructed and operated sources of air contaminants prior to applying for and obtaining Department-issued permits and issued a Notice of Alleged Violation on June 17, 2016. The Individual/Entity has violated U.S. EPA Regulations at 40 CFR and South Carolina Air Pollution Control Regulations as follows: failed to submit an application for a Title V Operating Permit within 12 months of becoming subject to the Title V permit program, or accept federally-enforceable limits to avoid the requirements of Title V, prior to installing and operating sources of air contaminants; maintain emissions calculations and/or any other information necessary to demonstrate that its equipment was exempt from permitting prior to September of 2014; and, failed to submit a construction permit application for a federally enforceable synthetic minor construction permit, prior to constructing, altering, and adding to a source of air contaminants.

Action: The Individual/Entity is required to: obtain required Department-issued permits, prior to making changes that require permitting; include complete and accurate emissions calculations with any future permit applications; limit facility-wide emissions, including VOCs, to the limits established in the Department-issued construction and operating permits; and, pay a civil penalty in the amount of twenty-five thousand dollars **(\$25,000.00)**.

104) Order Type and Number: Consent Order 17-001-A
Order Date: January 11, 2017
Individual/Entity: **New South Lumber Company, Inc.**
Facility: New South Lumber Company, Inc.
Location: 1100 Chesterfield Lumber Drive
Darlington, SC 29532

<u>Mailing Address:</u>	P.O. Box 116 Darlington, SC 29532
<u>County:</u>	Darlington
<u>Previous Orders:</u>	CO 13-001-A (\$3,000.00) CO 14-020-A (\$8,000.00) CO 16-006-A (\$20,475.00)
<u>Permit/ID Number:</u>	0820-0045
<u>Violations Cited:</u>	5 S.C. Code Ann. Regs. 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, Section II, Particulate Matter Emissions, and 5 S.C. Code Ann. Regs. 61-62.1, Section II, Permit Requirements

Summary: New South Lumber Company, Inc. (Individual/Entity) operates a lumber mill that processes raw southern pine logs. The Department issued renewed Part 70 (Title V) Permit TV-0820-0045 to the Individual/Entity, effective January 1, 2015. Results of a June 21, 2016 source test on Boiler 2 indicate average particulate matter ("PM") emissions were 0.68 lb/MMBtu, an exceedence of the 0.6 lb/MMBtu PM limit contained in the Title V Permit. The Individual/Entity has violated South Carolina Air Pollution Control Regulations and its Permit as follows: failed to limit PM emissions from Boiler 2 to 0.6 lb/mmBtu.

Action: The Individual/Entity is required to: comply with applicable PM limits, including limits contained in the Title V Permit, Standard No. 1, and, as of January 31, 2017, the Boiler MACT, and pay to the Department a civil penalty in the amount of twenty-seven thousand, six hundred and twenty-five dollars **(\$27,625.00)**.

105) <u>Order Type and Number:</u>	Consent Order 17-002-A
<u>Order Date:</u>	January 19, 2017
<u>Individual/Entity:</u>	Viva Recycling of South Carolina, LLC
<u>Facility:</u>	111 Old Depot Road Moncks Corner SC 29461
<u>Location:</u>	Same
<u>Mailing Address:</u>	Same
<u>County:</u>	Berkeley
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	CM-0420-0069
<u>Violations Cited:</u>	5 South Carolina Code Ann. Regs. 61- 62.1 (Supp. 2015), Section II, <i>Permit Requirements</i>

Summary: Viva Recycling of South Carolina, LLC, (Individual/Entity) operates a tire recycling facility located in Moncks Corner, South Carolina. On January 2, 2014, the Department received an application for the renewal of the Conditional Major Permit. The Department requested additional and updated information regarding processes and emissions, but did not receive the requested information. On August 19, 2015, the Department conducted a comprehensive inspection of the facility. The Individual/Entity has violated U.S. EPA Regulations at 40 CFR and South Carolina Air Pollution Control Regulations, as follows: failed to obtain a construction permit from the Department prior to altering sources of air contaminants; failed to determine if equipment met applicable exemption requirements and maintain documentation prior to modifying and operating the equipment; failed to submit a complete request for a revised conditional major operating permit that included potential emission calculations; and, failed to maintain records of daily pressure drop readings and weekly operation and maintenance checks.

Action: The Individual/Entity is required to: ensure that documentation is maintained to demonstrate that applicable exemption requirements are met; submit a construction permit application to the Department prior to installing, altering, and/or operating a source of air contaminants for sources that are subject to construction permitting requirements; submit to the Department a facility-wide exemption request, including emissions calculations and justifications for the existing equipment at the facility. If the Department determines that Department-issued permits are required following its review of the exemption request, submit the appropriate applications; and pay a civil penalty in the amount of one thousand, nine hundred dollars **(\$1,900.00)** and pay a suspended penalty in the amount of seventeen thousand one hundred dollars (\$17,100.00) should any requirement of the Order not be met.

BUREAU OF ENVIRONMENTAL HEALTH SERVICES

106) Order Type and Number: Consent Order 2016-206-04-030
Order Date: December 1, 2016
Individual/Entity: **Bojangles**
Facility: Bojangles
Location: 608 East McGregor Street
Pageland, SC 29728
Mailing Address: P.O. Box 47
Chesterfield, SC 29709
County: Chesterfield
Previous Orders: None
Permit Number: 13-206-01112
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles (Individual/Entity) is a restaurant located in Pageland, South Carolina. The Department conducted inspections on May 4, 2016, and May 13, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

107) Order Type and Number: Consent Order 2016-206-04-024
Order Date: December 1, 2016
Individual/Entity: **Shug's Smoke House**
Facility: Shug's Smoke House
Location: 2404 Kellytown Road
Hartsville, SC 29550
Mailing Address: Same
County: Darlington
Previous Orders: None

Permit Number: 16-206-01722
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Shug's Smoke House (Individual/Entity) is a restaurant located in Hartsville, South Carolina. The Department conducted inspections on August 26, 2015, and March 8, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

108) Order Type and Number: Consent Order 2016-206-06-072
Order Date: December 1, 2016
Individual/Entity: **Johnny Rockets**
Facility: Johnny Rockets
Location: 4712 South Kings Highway
North Myrtle Beach, SC 29582
Mailing Address: P.O. Box 70339
Myrtle Beach, SC 29572
County: Horry
Previous Orders: None
Permit Number: 26-206-07149
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Johnny Rockets (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on May 28, 2015, and April 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

109) Order Type and Number: Consent Order 2016-206-04-032
Order Date: December 1, 2016
Individual/Entity: **Makkoli**
Facility: Makkoli
Location: 1318 North Main Street
Marion, SC 29571
Mailing Address: Same
County: Marion
Previous Orders: None
Permit Number: 33-206-01215
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Makkoli (Individual/Entity) is a restaurant located in Marion, South Carolina. The Department conducted inspections on May 18, 2015, and April 12, 2016. The

Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store foods in a manner to prevent cross contamination.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

110) Order Type and Number: Consent Order 2016-206-06-071
Order Date: December 1, 2016
Individual/Entity: **Bob Evans Farms #405**
Facility: Bob Evans Farms #405
Location: 801 North Kings Highway
North Myrtle Beach, SC 29582
Mailing Address: 8111 Smith Mill Road
New Albany, OH 43054
County: Horry
Previous Orders: None
Permit Number: 26-206-08640
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bob Evans Farms #405 (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on March 29, 2016, and July 12, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

111) Order Type and Number: Consent Order 2016-206-07-032
Order Date: December 1, 2016
Individual/Entity: **Po' Pigs Bo-B-Q**
Facility: Po' Pigs Bo-B-Q
Location: 487 Highway 174
Edisto Island, SC 29438
Mailing Address: 603 Palmetto Pointe Lane
Edisto Island, SC 29438
County: Charleston
Previous Orders: None
Permit Number: 10-206-09097
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Po' Pigs Bo-B-Q (Individual/Entity) is a restaurant located on Edisto Island, South Carolina. The Department conducted inspections on June 5, 2015, and June 2, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

112) Order Type and Number: Consent Order 2016-206-07-039
Order Date: December 1, 2016
Individual/Entity: **Carolina Ale House**
Facility: Carolina Ale House
Location: 145 Calhoun Street, Suites 200 and 300
Charleston, SC 29401
Mailing Address: P.O. Box 7367
Columbia, SC 29202
County: Charleston
Previous Orders: None
Permit Number: 10-206-09627
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Carolina Ale House (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on July 8, 2015, and June 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

113) Order Type and Number: Consent Order 2016-206-07-033
Order Date: December 1, 2016
Individual/Entity: **Church's Chicken #757**
Facility: Church's Chicken #757
Location: 5343 Dorchester Road
North Charleston, SC 29418
Mailing Address: 215 East Bay Street
Charleston, SC 29401
County: Charleston
Previous Orders: None
Permit Number: 10-206-09547
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Church's Chicken #757 (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on June 28, 2016, July 11, 2016, July 21, 2016, August 1, 2016, and September 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to keep food contact surfaces, nonfood contact surfaces, and utensils clean and free of accumulation of dust, dirt, food residue and other debris; and, failed to provide a written plan for the restriction, exclusion and re-instatement of food employees when they have symptoms and/or diseases that are transmissible through food.

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

114) Order Type and Number: Consent Order 2016-206-06-107
Order Date: December 1, 2016
Individual/Entity: **Hwy 55 Burgers**
Facility: Hwy 55 Burgers
Location: 4628 Factory Stores Boulevard,
Unit B210
Myrtle Beach, SC 29579
Mailing Address: 412 South Cottonwood Drive
Goldsboro, NC 27530
County: Horry
Previous Orders: None
Permit Number: 26-206-12061
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hwy 55 Burgers (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted an inspection on May 24, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

115) Order Type and Number: Consent Order 2016-206-06-073
Order Date: December 1, 2016
Individual/Entity: **Jaybos Pizza & Grill**
Facility: Jaybos Pizza & Grill
Location: 2005-C North Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: 409 Patterson Drive
Myrtle Beach, SC 29577
County: Horry
Previous Orders: None
Permit Number: 26-206-09056
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jaybos Pizza & Grill (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on March 16, 2016, and September 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

116) Order Type and Number: Consent Order 2016-206-07-010
Order Date: December 1, 2016
Individual/Entity: **IHOP #3141**
Facility: IHOP #3141
Location: 4936 Centre Point Drive
North Charleston, SC 29418
Mailing Address: 1401 B Cherokee Road
Florence, SC 29501
County: Charleston
Previous Orders: None
Permit Number: 10-206-05892
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: IHOP #3141 (Individual/Entity) is a restaurant located in North Charleston, South Carolina. The Department conducted inspections on July 17, 2015, and February 18, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash their hands between tasks or working with foods, prior to donning gloves.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

117) Order Type and Number: Consent Order 2016-206-06-067
Order Date: December 1, 2016
Individual/Entity: **Damon's Ocean Front**
Facility: Damon's Ocean Front
Location: 2985 South Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: P.O. Box 7670
Myrtle Beach, SC 29572
County: Horry
Previous Orders: 2015-206-06-024 (\$800.00)
Permit Number: 26-206-07991
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Damon's Ocean Front (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on April 14, 2016, and June 21, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

118) Order Type and Number: Consent Order 2016-206-06-023
Order Date: December 1, 2016

<u>Individual/Entity:</u>	McDonald's
<u>Facility:</u>	McDonald's
<u>Location:</u>	100 Main Street North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	P.O. Box 14748 Surfside Beach, SC 29583
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-11426
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: McDonald's (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on April 13, 2015, and January 26, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

119) <u>Order Type and Number:</u>	Consent Order 2016-206-06-098
<u>Order Date:</u>	December 2, 2016
<u>Individual/Entity:</u>	K & W Cafeteria #8
<u>Facility:</u>	K & W Cafeteria #8
<u>Location:</u>	7900 North Kings Highway Myrtle Beach, SC 29572
<u>Mailing Address:</u>	P.O. Box 25048 Winston Salem, NC 27114
<u>County:</u>	Horry
<u>Previous Orders:</u>	2016-206-06-036 (\$1,200.00)
<u>Permit Number:</u>	26-206-00751
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: K & W Cafeteria #8 (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted an inspection on August 15, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of three hundred fifty dollars (**\$350.00**).

120) <u>Order Type and Number:</u>	Consent Order 2016-206-02-023
<u>Order Date:</u>	December 2, 2016
<u>Individual/Entity:</u>	OJ's Diner
<u>Facility:</u>	OJ's Diner
<u>Location:</u>	907 Pendleton Street

Mailing Address: Greenville, SC 29601
County: Same
Previous Orders: Greenville
Permit Number: None
Violations Cited: 23-206-08630
S.C. Code Ann. Regs. 61-25

Summary: OJ's Diner (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on April 18, 2016, and April 28, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to use effective methods to 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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

121) Order Type and Number: Consent Order 2016-206-06-109
Order Date: December 2, 2016
Individual/Entity: **T-Bonz at Barefoot Landing**
Facility: T-Bonz at Barefoot Landing
Location: 4732 South Kings Highway
North Myrtle Beach, SC 29582
Mailing Address: 1177 Southgate Drive
Charleston, SC 29407
County: Horry
Previous Orders: None
Permit Number: 26-206-05056
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: T-Bonz at Barefoot Landing (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on September 9, 2015, and June 6, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

122) Order Type and Number: Consent Order 2016-211-01-001
Order Date: December 2, 2016
Individual/Entity: **Zeke's Country Store**
Facility: Zeke's Country Store
Location: 5629 Highway 76
Pendleton, SC 29670
Mailing Address: Same
County: Anderson
Previous Orders: None

Permit Number: 04-211-00463
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Zeke's Country Store (Individual/Entity) is a retail market located in Pendleton, South Carolina. The Department conducted inspections on May 19, 2015, and May 2, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

123) Order Type and Number: Consent Order 2015-206-07-075
Order Date: December 5, 2016
Individual/Entity: **La Hacienda**
Facility: La Hacienda
Location: 5070 International Boulevard, Suite 121
North Charleston, SC 29418
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit Number: 10-206-05791
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: La Hacienda (Individual/Entity) is a restaurant located in North Charleston, South Carolina. The Department conducted inspections on July 28, 2015, and August 7, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to use effective methods to 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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

124) Order Type and Number: Consent Order 2016-206-01-036
Order Date: December 5, 2016
Individual/Entity: **Taqueria Picante**
Facility: Taqueria Picante
Location: 221 B Brown Road
Anderson, SC 29625
Mailing Address: Same
County: Anderson
Previous Orders: None
Permit Number: 04-206-03966
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Taqueria Picante (Individual/Entity) is a restaurant located in Anderson, South Carolina. The Department conducted inspections on November 23, 2015, and May 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment

Regulation as follows: failed to store foods in a manner to prevent cross contamination; failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to ensure employees washed their hands between tasks or working with foods, prior to donning gloves; and, failed to ensure there was no bare hand contact with ready-to-eat 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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

125) Order Type and Number: Consent Order 2016-206-02-017
Order Date: December 5, 2016
Individual/Entity: **Corona's Mexican Restaurant**
Facility: Corona's Mexican Restaurant
Location: 2002 Augusta Street
Greenville, SC 29605
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-11043
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Corona's Mexican Restaurant (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on September 30, 2015, and May 3, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and, failed to clean food contact surfaces of equipment at a frequency necessary to preclude accumulation of soil residues.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

126) Order Type and Number: Consent Order 2015-206-02-022
Order Date: December 5, 2016
Individual/Entity: **Brick Street Café**
Facility: Brick Street Café
Location: 315 Augusta Street
Greenville, SC 29601
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-10870
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Brick Street Café (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on June 11, 2015, June 19, 2015, and March 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

127) Order Type and Number: Consent Order 2016-206-02-018
Order Date: December 5, 2016
Individual/Entity: **City Range**
Facility: City Range
Location: 615 Haywood Road
Greenville, SC 29607
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-07592
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: City Range (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on May 5, 2016, May 16, 2016, and May 26, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of one thousand, two hundred dollars **(\$1,200.00)**.

128) Order Type and Number: Consent Order 2016-206-06-115
Order Date: December 5, 2016
Individual/Entity: **Mama B's Soul Food**
Facility: Mama B's Soul Food
Location: 306 Broadway Street
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-13167
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mama B's Soul Food (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on April 7, 2016, and May 17, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to ensure there was no bare hand contact with ready-to-eat foods; and, failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

129) Order Type and Number: Consent Order 2016-206-04-033
Order Date: December 5, 2016
Individual/Entity: **Bojangles #504**
Facility: Bojangles #504
Location: 60 East DeKalb Street
Camden, SC 29020
Mailing Address: Same
County: Kershaw
Previous Orders: None
Permit Number: 28-206-00438
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bojangles #504 (Individual/Entity) is a restaurant located in Camden, South Carolina. The Department conducted inspections on June 4, 2015, and May 17, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

130) Order Type and Number: Consent Order 2016-206-06-114
Order Date: December 7, 2016
Individual/Entity: **River City Café**
Facility: River City Café
Location: 11 North Seaside Drive
Surfside Beach, SC 29575
Mailing Address: 2504 S Kings Highway
Myrtle Beach, SC 29577
County: Horry
Previous Orders: None
Permit Number: 26-206-08810
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: River City Cafe (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on February 29, 2016, and July 5, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

131) Order Type and Number: Consent Order 2016-206-06-068
Order Date: December 9, 2016
Individual/Entity: **In Shore Restaurant**

Facility: In Shore Restaurant
Location: 1601 North Ocean Boulevard
Surfside Beach, SC 29575
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-11819
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: In Shore Restaurant (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on October 29, 2015, and April 12, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to store foods in a manner to prevent cross contamination.

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 and pay a civil penalty in the amount of five hundred dollars **(\$500.00)**.

132) Order Type and Number: Consent Order 2016-206-06-082
Order Date: December 9, 2016
Individual/Entity: **Bombay at the Beach**
Facility: Bombay at the Beach
Location: 702 North Kings Highway
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-11050
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bombay at the Beach (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on April 20, 2016, and October 18, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

133) Order Type and Number: Consent Order 2016-206-06-100
Order Date: December 9, 2016
Individual/Entity: **Lee's Inlet Apothecary**
Facility: Lee's Inlet Apothecary
Location: 3579 Highway 17 Business
Murrells Inlet, SC 29576
Mailing Address: Same
County: Georgetown

Previous Orders: None
Permit Number: 22-206-05676
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lee's Inlet Apothecary (Individual/Entity) is a compounding pharmacy that operates a retail food establishment located in Murrells Inlet, South Carolina. The Department conducted inspections on August 17, 2015, and June 7, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

134) Order Type and Number: Consent Order 2015-206-06-098
Order Date: December 9, 2016
Individual/Entity: **Mama Mia's #2 at Tropical Seas**
Facility: Mama Mia's #2 at Tropical Seas
Location: 2807 South Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-11132
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mama Mia's #2 at Tropical Seas (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on October 23, 2015, and April 21, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

135) Order Type and Number: Consent Order 2015-206-07-088
Order Date: December 9, 2016
Individual/Entity: **Shug's**
Facility: Shug's
Location: 5792 Memorial Boulevard
Saint George, SC 29477
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit Number: 18-206-08763
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Shug's (Individual/Entity) is a restaurant located in Saint George, South Carolina. The Department conducted inspections on June 5, 2014, May 27, 2015, June 5, 2015, and August 20, 2015. 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; failed to keep the premises free of insects, rodents, and other pests; and, failed to keep food safe, unadulterated and honestly presented.

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 and pay a civil penalty in the amount of one thousand, two hundred dollars **(\$1,200.00)**.

136) Order Type and Number: Consent Order 2016-206-02-021
Order Date: December 9, 2016
Individual/Entity: **Rick Erwin's Deli & Market**
Facility: Rick Erwin's Deli & Market
Location: 101 West Camperdown Way, Suite 100
Greenville, SC 29601
Mailing Address: 40 West Broad Street, Suite 301
Greenville, SC 29601
County: Greenville
Previous Orders: None
Permit Number: 23-206-10665
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Rick Erwin's Deli & Market (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on September 3, 2015, May 6, 2016, and May 16, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of one thousand, two hundred dollars **(\$1,200.00)**.

137) Order Type and Number: Consent Order 2016-206-02-025
Order Date: December 9, 2016
Individual/Entity: **Barley's Taproom & Pizzeria**
Facility: Barley's Taproom & Pizzeria
Location: 25 West Washington Street
Greenville, SC 29601
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-07890
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Barley's Taproom & Pizzeria (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on October 21, 2015, August 24, 2016, and September 2, 2016. The Individual/Entity has violated the South

Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and, failed to clean food contact surfaces of equipment frequently.

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 and pay a civil penalty in the amount of one thousand, two hundred dollars **(\$1,200.00)**.

138)	<u>Order Type and Number:</u>	Consent Order 2016-206-01-035
	<u>Order Date:</u>	December 9, 2016
	<u>Individual/Entity:</u>	Ingles #16 Deli Bakery
	<u>Facility:</u>	Ingles #16 Deli Bakery
	<u>Location:</u>	426 South Main Street Belton, SC 29627
	<u>Mailing Address:</u>	P.O. Box 6676 Asheville, NC 28816
	<u>County:</u>	Anderson
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	04-206-02411
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Ingles #16 Deli Bakery (Individual/Entity) is a grocery store that operates a deli/bakery located in Belton, South Carolina. The Department conducted inspections on December 15, 2015, and May 26, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

139)	<u>Order Type and Number:</u>	Consent Order 2016-206-06-060
	<u>Order Date:</u>	December 9, 2016
	<u>Individual/Entity:</u>	New Tai Chang
	<u>Facility:</u>	New Tai Chang
	<u>Location:</u>	20 East Main Street Andrews, SC 29510
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Georgetown
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	22-206-06224
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: New Tai Chang (Individual/Entity) is a restaurant located in Andrews, South Carolina. The Department conducted inspections on July 7, 2015, and March 17, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

140) Order Type and Number: Consent Order 2016-206-01-037
Order Date: December 13, 2016
Individual/Entity: **O'Charley's #246**
Facility: O'Charley's #246
Location: 3723 Clemson Boulevard
Anderson, SC 29621
Mailing Address: 3038 Sidco Drive
Nashville, TN 37204
County: Anderson
Previous Orders: 2015-206-01-040 (\$800.00)
Permit Number: 04-206-02393
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: O'Charley's #246 (Individual/Entity) is a restaurant located in Anderson, South Carolina. The Department conducted inspections on August 17, 2015, and June 6, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to ensure employees wash their hands between tasks or working with foods, prior to donning gloves.

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 and pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

141) Order Type and Number: Consent Order 2016-206-06-010
Order Date: December 13, 2016
Individual/Entity: **Lowe's Foods #232 Deli**
Facility: Lowe's Foods #232 Deli
Location: 1399 South Commons Drive
Myrtle Beach, SC 29588
Mailing Address: 1381 Old Mill Circle, Suite 200
Winston-Salem, NC 27103
County: Horry
Previous Orders: None
Permit Number: 26-206-10525
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lowe's Foods #233 Deli (Individual/Entity) is a deli located in Myrtle Beach, South Carolina. The Department conducted inspections on January 13, 2016, and June 16, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

142) Order Type and Number: Consent Order 2015-206-06-102
Order Date: December 13, 2016
Individual/Entity: **Lowe's Foods #233 Deli**
Facility: Lowe's Foods #233 Deli
Location: 11903 Highway 707
Murrells Inlet, SC 29576
Mailing Address: 1381 Old Mill Circle, Suite 200
Winston-Salem, NC 27103
County: Horry
Previous Orders: None
Permit Number: 26-206-10630
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lowe's Foods #233 Deli (Individual/Entity) is a deli located in Murrells Inlet, South Carolina. The Department conducted inspections on October 24, 2014, and October 6, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

143) Order Type and Number: Consent Order 2015-206-05-007
Order Date: December 13, 2016
Individual/Entity: **Choice Cut Grill**
Facility: Choice Cut Grill
Location: 1445 August Highway
Allendale, SC 29810
Mailing Address: Same
County: Allendale
Previous Orders: None
Permit Number: 03-206-00206
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Choice Cut Grill (Individual/Entity) is a restaurant located in Allendale, South Carolina. The Department conducted inspections on June 18, 2015, and August 13, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of one hundred dollars (**\$100.00**).

144) Order Type and Number: Consent Order 2016-206-06-113
Order Date: December 13, 2016
Individual/Entity: **Friendly's**

Facility: Friendly's
Location: 506 South Ocean Boulevard
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: 2015-206-06-072 (\$550.00)
Permit Number: 26-206-07968
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Friendly's (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on April 29, 2016, and September 30, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

145) Order Type and Number: Consent Order 2015-206-03-111
Order Date: December 13, 2016
Individual/Entity: **Tommy's**
Facility: Tommy's
Location: 960 Lydia Highway
Hartsville, SC 29550
Mailing Address: 3316 Cherrywood Road
Florence, SC 29501
County: Darlington
Previous Orders: None
Permit Number: 16-206-02045
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Tommy's (Individual/Entity) is a restaurant located in Hartsville, South Carolina. The Department conducted inspections on October 30, 2014, and October 29, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store poisonous or toxic materials away from food and single-service articles.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

146) Order Type and Number: Consent Order 2015-206-05-002
Order Date: December 13, 2016
Individual/Entity: **Branchville Food Mart**
Facility: Branchville Food Mart
Location: 210 Dorange Road
Branchville, SC 29432
Mailing Address: Same
County: Orangeburg

Previous Orders: None
Permit Number: 38-206-02506
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Branchville Food Mart (Individual/Entity) is a convenience store located in Branchville, South Carolina. The Department conducted inspections on January 26, 2016, February 5, 2016, February 18, 2016, and March 2, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to provide a written plan for the restriction, exclusion and re-instatement of food employees when they have symptoms and/or diseases that are transmissible through food; failed to provide a supply of hand cleaning liquid, powder or bar soap at each handwashing sink; failed to store foods in a manner to prevent cross contamination; failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to provide a food temperature measuring device; and, failed to provide a test kit to measure the sanitizing solution concentration.

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 and pay a civil penalty in the amount of one thousand, six hundred dollars (**\$1,600.00**).

147) Order Type and Number: Consent Order 2016-206-02-020
Order Date: December 13, 2016
Individual/Entity: **Great Wall II**
Facility: Great Wall II
Location: 1527-B Poinsett Highway
Greenville, SC 29609
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-09200
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Great Wall II (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on May 23, 2016, and June 3, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

148) Order Type and Number: Consent Order 2016-206-02-019
Order Date: December 14, 2016
Individual/Entity: **Grill Marks**
Facility: Grill Marks
Location: 209 South Main Street
Greenville, SC 29601
Mailing Address: Same
County: Greenville

Previous Orders: None
Permit Number: 23-206-10591
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Grill Marks (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on September 29, 2015, and May 9, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: 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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

149) Order Type and Number: Consent Order 2016-206-07-028
Order Date: December 14, 2016
Individual/Entity: **McDonald's**
Facility: McDonald's
Location: 333 Folly Road
Charleston, SC 29412
Mailing Address: 364 Anchor Circle
Mount Pleasant, SC 29464
County: Charleston
Previous Orders: None
Permit Number: 10-206-07263
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: McDonald's (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted an inspection on May 12, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of four hundred dollars **(\$400.00)**.

150) Order Type and Number: Consent Order 2016-206-06-085
Order Date: December 14, 2016
Individual/Entity: **Genesis Restaurant**
Facility: Genesis Restaurant
Location: 4685 Dewey Cox Road
Lake City, SC 29560
Mailing Address: P.O. Box 253
Cades, SC 29518
County: Williamsburg
Previous Orders: None
Permit Number: 45-206-00201
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Genesis Restaurant (Individual/Entity) is a restaurant located in Lake City, South Carolina. The Department conducted inspections on July 30, 2015, and May 23, 2016.

The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper sanitization concentration for the three-compartment warewashing sink.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

151) <u>Order Type and Number:</u>	Consent Order 2016-206-01-024
<u>Order Date:</u>	December 15, 2016
<u>Individual/Entity:</u>	Corley's Grill
<u>Facility:</u>	Corley's Grill
<u>Location:</u>	1220 Highway 72 West Greenwood, SC 29649
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenwood
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	24-206-01771
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Corley's Grill (Individual/Entity) is a restaurant located in Greenwood, South Carolina. The Department conducted inspections on August 24, 2015, and April 12, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

152) <u>Order Type and Number:</u>	Consent Order 2016-206-06-111
<u>Order Date:</u>	December 15, 2016
<u>Individual/Entity:</u>	Panchitos Villa
<u>Facility:</u>	Panchitos Villa
<u>Location:</u>	4247 Broad Street Loris, SC 29569
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-12243
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Panchitos Villa (Individual/Entity) is a restaurant located in Loris, South Carolina. The Department conducted inspections on March 28, 2016, and July 14, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

153) Order Type and Number: Consent Order 2016-206-06-116
Order Date: December 16, 2016
Individual/Entity: **River City Cafe**
Facility: River City Cafe
Location: 4455 Highway 17 Business
Murrells Inlet, SC 29576
Mailing Address: 3348 Huger Street
Myrtle Beach, SC 29577
County: Georgetown
Previous Orders: None
Permit Number: 22-206-05199
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: River City Cafe (Individual/Entity) is a restaurant located in Murrells Inlet, South Carolina. The Department conducted inspections on May 25, 2016, and June 16, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

154) Order Type and Number: Consent Order 2016-206-06-101
Order Date: December 19, 2016
Individual/Entity: **Hot Fish Club**
Facility: Hot Fish Club
Location: 4911 Highway 17 Business
Murrells Inlet, SC 29576
Mailing Address: Same
County: Georgetown
Previous Orders: None
Permit Number: 22-206-05616
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hot Fish Club (Individual/Entity) is a restaurant located in Murrells Inlet, South Carolina. The Department conducted inspections on May 26, 2016, and June 7, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure there was no bare hand contact with ready-to-eat 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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

155) Order Type and Number: Consent Order 2016-206-07-048

Order Date: December 19, 2016
Individual/Entity: **Hopsing's**
Facility: Hopsing's
Location: 630 Skylark Drive, Suite N2
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: 2015-206-07-069 (\$800.00)
Permit Number: 10-206-05260
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hopsing's (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted an inspection on July 5, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store foods in a manner to prevent cross contamination and failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

156) Order Type and Number: Consent Order 2016-206-01-033
Order Date: December 20, 2016
Individual/Entity: **Joe Muggs/Books-A-Million #124**
Facility: Joe Muggs/Books-A-Million #124
Location: 3131 North Main Street
Anderson, SC 29621
Mailing Address: 402 Industrial Lane
Birmingham, AL 35211
County: Anderson
Previous Orders: None
Permit Number: 04-206-03817
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Joe Muggs/Books-A-Million #124 (Individual/Entity) is a coffee shop located in Anderson, South Carolina. The Department conducted inspections on May 17, 2016, and May 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

157) Order Type and Number: Consent Order 2016-206-06-061
Order Date: December 21, 2016
Individual/Entity: **Canton Express LLC**
Facility: Canton Express LLC
Location: 205 North Longstreet Street
Kingstree, SC 29556

Mailing Address: 1382 Fulton Street
Kingstree, SC 29556
County: Williamsburg
Previous Orders: None
Permit Number: 45-206-00421
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Canton Express LLC (Individual/Entity) is a restaurant located in Kingstree, South Carolina. The Department conducted inspections on March 7, 2016, and March 18, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to use effective methods to 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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

158) Order Type and Number: Consent Order 2016-206-07-043
Order Date: December 21, 2016
Individual/Entity: **Vespa Pizzeria**
Facility: Vespa Pizzeria
Location: 224 Seven Farms Drive, Suite 101
Daniel Island, SC 29492
Mailing Address: Same
County: Berkeley
Previous Orders: None
Permit Number: 08-206-07224
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Vespa Pizzeria (Individual/Entity) is a restaurant located on Daniel Island, South Carolina. The Department conducted inspections on February 17, 2016, and June 16, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

159) Order Type and Number: Consent Order 2016-206-03-051
Order Date: December 21, 2016
Individual/Entity: **Great China**
Facility: Great China
Location: 3036 Charleston Highway
Cayce, SC 29172
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: 32-206-05180

Violations Cited:

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

Summary: Great China (Individual/Entity) is a restaurant located in Cayce, South Carolina. The Department conducted inspections on July 7, 2015, and June 17, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

160) Order Type and Number: Consent Order 2016-206-05-005
Order Date: January 3, 2017
Individual/Entity: **Short Trip #12**
Facility: Short Trip #12
Location: 3995 North Road
Orangeburg, SC 29118
Mailing Address: P.O. Box 369
Manning, SC 29102
County: Orangeburg
Previous Orders: None
Permit Number: 38-206-02510
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Short Trip #12 (Individual/Entity) is a convenience store located in Orangeburg, South Carolina. The Department conducted inspections on July 21, 2016, and July 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

161) Order Type and Number: Consent Order 2016-206-06-092
Order Date: January 3, 2017
Individual/Entity: **Jimmyz Original Hibachi House**
Facility: Jimmyz Original Hibachi House
Location: 1780 Pine Island Drive
Myrtle Beach, SC 29577
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-12750
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jimmyz Original Hibachi House (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on September 29, 2015 and May 24, 2016. The Individual/Entity violated the South Carolina

Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to use effective methods to 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

162) Order Type and Number: Consent Order 2016-206-08-022
Order Date: January 3, 2017
Individual/Entity: **Giuseppi's**
Facility: Giuseppi's
Location: 25 Bluffton Road, Suite 601
Bluffton, SC 29910
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit Number: 26-206-07149
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Giuseppi's (Individual/Entity) is a restaurant located in Bluffton, South Carolina. The Department conducted inspections on June 22, 2015, and May 19, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

163) Order Type and Number: Consent Order 2016-206-07-049
Order Date: January 3, 2017
Individual/Entity: **Domino's Pizza #7284**
Facility: Domino's Pizza #7284
Location: 1117 Park West, Suite B
Mount Pleasant, SC 29466
Mailing Address: 1610 Sam Rittenberg Boulevard, Suite C
Charleston, SC 29407
County: Charleston
Previous Orders: None
Permit Number: 10-206-09377
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Domino's Pizza #7284 (Individual/Entity) is a restaurant located in Mount Pleasant, South Carolina. The Department conducted inspections on July 6, 2016, and July 18, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to comply with the plan and procedures that were submitted and approved as a basis for the modification or waiver; and maintain and provide to the Department, upon request, records that demonstrate the plan is being employed.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

164) Order Type and Number: Consent Order 2016-206-07-055
Order Date: January 3, 2017
Individual/Entity: **Bubba Gump Shrimp Company Restaurant and Market**
Facility: Bubba Gump Shrimp Company Restaurant and Market
Location: 99 South Market Street, Suite 2
Charleston, SC 29401
Mailing Address: 1510 West Loop South
Houston, TX 77027
County: Charleston
Previous Orders: None
Permit Number: 10-206-07754
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bubba Gump Shrimp Company Restaurant and Market (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on July 17, 2015, July 13, 2016, and July 21, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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 and pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**).

165) Order Type and Number: Consent Order 2015-211-07-002
Order Date: January 3, 2017
Individual/Entity: **Summerville Seafood 2**
Facility: Summerville Seafood 2
Location: 248 North Main St.
Summerville, SC 29483
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit Number: 18-211-07993
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Summerville Seafood 2 (Individual/Entity) is a retail food market located in Summerville, South Carolina. The Department conducted an inspection on April 2, 2015. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of four hundred dollars **(\$400.00)**.

166) Order Type and Number: Consent Order 2016-206-03-020
Order Date: January 3, 2017
Individual/Entity: **Boondocks**
Facility: Boondocks
Location: 3007 Highway 378
Gilbert, SC 29054
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: 32-206-05504
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Boondocks (Individual/Entity) is a restaurant located in Gilbert, South Carolina. The Department conducted inspections on March 23, 2015, and March 15, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

167) Order Type and Number: Consent Order 2016-206-03-045
Order Date: January 3, 2017
Individual/Entity: **First Place Café**
Facility: First Place Café
Location: 5350D Farrow Road
Columbia, SC 29203
Mailing Address: 1543 Victory Street
Columbia, SC 29204
County: Richland
Previous Orders: None
Permit Number: 40-206-07689
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: First Place Café (Individual/Entity) is a restaurant located in Columbia, South Carolina. The Department conducted inspections on February 9, 2016, and May 11, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

168) Order Type and Number: Consent Order 2016-206-06-117
Order Date: January 3, 2017
Individual/Entity: **Ichiros Express**
Facility: Ichiros Express
Location: 7050 Highway 90, Unit E
Longs, SC 29568
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-12703
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ichiros Express (Individual/Entity) is a restaurant located in Longs, South Carolina. The Department conducted an inspection on April 28, 2016, May 5, 2016, and May 13, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded; and failed to maintain proper freezing parameter records for frozen fish intended for consumption in a raw or undercooked form.

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 and pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**).

169) Order Type and Number: Consent Order 2016-206-03-047
Order Date: January 3, 2017
Individual/Entity: **Inakaya Japanese Restaurant**
Facility: Inakaya Japanese Restaurant
Location: 224 O'Neil Court, Suite 8
Columbia, SC 29223
Mailing Address: Same
County: Richland
Previous Orders: None
Permit Number: 40-206-04621
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Inakaya Japanese Restaurant (Individual/Entity) is a restaurant located in Columbia, South Carolina. The Department conducted inspections on July 21, 2015, and May 25, 2016. The Individual/Entity violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure there was no bare hand contact with ready-to-eat 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; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

170) Order Type and Number: Consent Order 2016-206-03-053
Order Date: January 3, 2017
Individual/Entity: **Sodexo/Bridge Creek Elementary**

Facility: Sodexo/ Bridge Creek Elementary
Location: 121 Bombing Range Road
Elgin, SC 29045
Mailing Address: P.O. Box 352
Buffalo, NY 14940
County: Richland
Previous Orders: None
Permit Number: 40-206-06338
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Sodexo/Bridge Creek Elementary (Individual/Entity) is a school cafeteria located in Elgin, South Carolina. The Department conducted inspections on January 28, 2016, and October 10, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

171) Order Type and Number: Consent Order 2016-206-06-079
Order Date: January 9, 2017
Individual/Entity: **Zaxby's #1302**
Facility: Zaxby's #1302
Location: 100 Strand Market Drive
Myrtle Beach, SC 29588
Mailing Address: 1816 Wall Street
Florence, SC 29501
County: Horry
Previous Orders: None
Permit Number: 26-206-09397
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Zaxby's #1302 (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on October 8, 2015, and April 25, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

172) Order Type and Number: Consent Order 2016-206-07-013
Order Date: January 9, 2017
Individual/Entity: **Rivers Mart**
Facility: Rivers Mart
Location: 4625 Rivers Avenue
North Charleston, SC 29405
Mailing Address: Same

County: Charleston
Previous Orders: None
Permit Number: 10-206-09051
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Rivers Mart (Individual/Entity) is a convenience store located in North Charleston, South Carolina. The Department conducted inspections on June 3, 2015, and March 10, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

173) Order Type and Number: Consent Order 2016-206-02-022
Order Date: January 9, 2017
Individual/Entity: **El Nino Tono Pasteleria**
Facility: El Nino Tono Pasteleria
Location: 1127 Cedar Lane Road
Greenville, SC 29617
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-08931
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Nino Tono Pasteleria (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted an inspection on May 19, 2016, and June 2, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

174) Order Type and Number: Consent Order 2016-206-08-026
Order Date: January 9, 2017
Individual/Entity: **Bricks on Boundary**
Facility: Bricks on Boundary
Location: 1422 Boundary Street
Beaufort, SC
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit Number: 07-206-02189
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bricks on Boundary (Individual/Entity) is a restaurant located in Beaufort, South Carolina. The Department conducted inspections on September 23, 2015, and May 25, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

175) Order Type and Number: Consent Order 2016-206-08-030
Order Date: January 9, 2017
Individual/Entity: **Yes! Thai Indeed**
Facility: Yes! Thai Indeed
Location: 2127 Boundary Street #2
Beaufort, SC 29902
Mailing Address: Same
County: Beaufort
Previous Orders: 2016-206-08-005 (\$800.00)
Permit Number: 07-206-02699
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Yes! Thai Indeed (Individual/Entity) is a restaurant located in Beaufort, South Carolina. The Department conducted inspections on March 11, 2016, and June 24, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded; and, failed to store toxic chemicals away from food and food contact surfaces.

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 and pay a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

176) Order Type and Number: Consent Order 2016-206-07-052
Order Date: January 9, 2017
Individual/Entity: **Waffle House #233**
Facility: Waffle House #233
Location: 2229 Savannah Highway
Charleston, SC 29414
Mailing Address: P.O. Box 6450
Norcross, GA 30091
County: Charleston
Previous Orders: None
Permit Number: 10-206-00616
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Waffle House #233 (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on June 1, 2016, and July 14, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment

Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to maintain the plumbing system 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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

177) Order Type and Number: Consent Order 2016-206-03-040
Order Date: January 10, 2017
Individual/Entity: **Doza Rizen**
Facility: Doza Rizen
Location: 107 Virginia Street
Chapin, SC 29036
Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: 32-206-06272
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Doza Rizen (Individual/Entity) is a restaurant located in Chapin, South Carolina. The Department conducted inspections on July 6, 2015, and April 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

178) Order Type and Number: Consent Order 2016-206-03-047
Order Date: January 13, 2017
Individual/Entity: **Wired Goat Café**
Facility: Wired Goat Café
Location: 908 Chapin Road
Chapin, SC 29036
Mailing Address: 246 Columbia Avenue
Chapin, SC 29036
County: Lexington
Previous Orders: None
Permit Number: 32-206-06410
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wired Goat Café (Individual/Entity) is a restaurant located in Chapin, South Carolina. The Department conducted inspections on January 21, 2016, and June 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure there was no bare hand contact with ready-to-eat 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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

179) Order Type and Number: Consent Order 2016-206-06-077
Order Date: January 17, 2017
Individual/Entity: **House of Blues Kitchen**
Facility: House of Blues Kitchen
Location: 4640 South Kings Highway
North Myrtle Beach, SC 29582
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-07364
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: House of Blues Kitchen (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on May 26, 2015, and April 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

180) Order Type and Number: Consent Order 2016-206-06-080
Order Date: January 17, 2017
Individual/Entity: **King Po Chinese Restaurant**
Facility: King Po Chinese Restaurant
Location: 250 East Main Street
Kingstree, SC 29556
Mailing Address: Same
County: Williamsburg
Previous Orders: None
Permit Number: 45-206-00181
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: King Po Chinese Restaurant (Individual/Entity) is a restaurant located in Kingstree, South Carolina. The Department conducted inspections on April 15, 2016, and April 28, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; and failed to 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; and pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

181) Order Type and Number: Consent Order 2016-206-05-006
Order Date: January 17, 2017
Individual/Entity: **Applebee's**
Facility: Applebee's
Location: 1360 Whiskey Road
Aiken, SC 29802
Mailing Address: 170 Wind Chime Court
Raleigh, NC 27615
County: Aiken
Previous Orders: None
Permit Number: 02-206-02741
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Applebee's (Individual/Entity) is a restaurant located in Aiken, South Carolina. The Department conducted inspections on December 11, 2015, and May 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

182) Order Type and Number: Consent Order 2015-206-07-098
Order Date: January 17, 2017
Individual/Entity: **Barberitos**
Facility: Barberitos
Location: 1739 Maybank Highway, Suite A
Charleston, SC 29412
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit Number: 10-206-08552
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Barberitos (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on September 30, 2015, and October 9, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

183) Order Type and Number: Consent Order 2016-206-02-016
Order Date: January 20, 2017
Individual/Entity: **Carolina Fine Foods**
Facility: Carolina Fine Foods
Location: 3400 Augusta Street

Mailing Address: Greenville, SC 29605
1249 South Pleasantburg Drive
Greenville, SC 29605
County: Greenville
Previous Orders: None
Permit Number: 23-206-05450
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Carolina Fine Foods (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on November 16, 2015, November 25, 2015, and July 8, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to keep food contact surfaces, nonfood contact surfaces, and utensils clean and free of accumulation of dust, dirt, food residue and other debris.

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 and pay a civil penalty in the amount of one thousand two hundred dollars **(\$1,200.00)**.

184) Order Type and Number: Consent Order 2016-206-06-011
Order Date: January 20, 2017
Individual/Entity: **Clubhouse NMB**
Facility: Clubhouse NMB
Location: 77 Highway 17 South
North Myrtle Beach, SC 29526
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-12847
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Clubhouse NMB (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on January 8, 2016, and May 25, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

185) Order Type and Number: Consent Order 2016-206-03-049
Order Date: January 23, 2017
Individual/Entity: **Deli**
Facility: Deli
Location: 1616 Taylor Street
Columbia, SC 29201
Mailing Address: Same
County: Richland

Previous Orders: None
Permit Number: 40-206-06689
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Deli (Individual/Entity) is a restaurant located in Columbia, South Carolina. The Department conducted inspections on May 3, 2016, and May 20, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure there was no bare hand contact with ready-to-eat 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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

186) Order Type and Number: Consent Order 2016-206-07-029
Order Date: January 24, 2017
Individual/Entity: **Ichibon Steak House**
Facility: Ichibon Steak House
Location: 1716 Old Towne Road
Charleston, SC 29407
Mailing Address: Same
County: Charleston
Previous Orders: 2015-206-07-032 (\$700.00)
Permit Number: 10-206-08792
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ichibon Steak House (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on June 9, 2016, and June 17, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to store foods in a manner to prevent cross contamination.

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 and pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**).

187) Order Type and Number: Consent Order 2016-206-08-027
Order Date: January 24, 2017
Individual/Entity: **Back Porch Grill**
Facility: Back Porch Grill
Location: 1 Landing Drive
Port Royal, SC 29935
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit Number: 07-206-01843
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Back Porch Grill (Individual/Entity) is a restaurant located in Port Royal, South Carolina. The Department conducted inspections on November 4, 2015, and

July 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of five hundred fifty dollars **(\$550.00)**.

188) <u>Order Type and Number:</u>	Consent Order 2016-206-06-091
<u>Order Date:</u>	January 24, 2017
<u>Individual/Entity:</u>	Matthew's Pancake House
<u>Facility:</u>	Matthew's Pancake House
<u>Location:</u>	1585 Highway 17 Little River, SC 29566
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-12203
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Matthew's Pancake House (Individual/Entity) is a restaurant located in Little River, South Carolina. The Department conducted inspections on April 22, 2015, and April 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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 and pay a civil penalty in the amount of eight hundred dollars **(\$800.00)**.

189) <u>Order Type and Number:</u>	Consent Order 2015-206-06-026
<u>Order Date:</u>	January 26, 2017
<u>Individual/Entity:</u>	Jade Garden Inc
<u>Facility:</u>	Jade Garden Inc
<u>Location:</u>	770 Highway 701 North Loris, SC 29569
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-12228
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Jade Garden Inc (Individual/Entity) is a restaurant located in Loris, South Carolina. The Department conducted inspections on April 20, 2015, and March 24, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

190) Order Type and Number: Consent Order 2016-206-06-094
Order Date: January 26, 2017
Individual/Entity: **Spencerz Sports Pub**
Facility: Spencerz Sports Pub
Location: 1880 Highway 17 North
Surfside Beach, SC 29575
Mailing Address: Same
County: Horry
Previous Orders: None
Permit Number: 26-206-12226
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Spencerz Sports Pub (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on February 5, 2015, November 3, 2015, and May 18, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to clean food contact surfaces of equipment frequently; and, failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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 and pay a civil penalty in the amount of one thousand two hundred dollars (**\$1,200.00**).

191) Order Type and Number: Consent Order 2016-206-02-024
Order Date: January 30, 2017
Individual/Entity: **Compadres MexMex Grill**
Facility: Compadres MexMex Grill
Location: 929 South Main Street
Greenville, SC 29601
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit Number: 23-206-09329
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Compadres MexMex Grill (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on September 30, 2015, and April 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

192) Order Type and Number: Consent Order 2016-206-08-025
Order Date: January 30, 2017
Individual/Entity: **La Nopalera Mexican Restaurant**
Facility: La Nopalera Mexican Restaurant
Location: 1220 Ribaut Road
Beaufort, SC 29902
Mailing Address: Same
County: Beaufort
Previous Orders: None
Permit Number: 07-206-01431
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: La Nopalera Mexican Restaurant (Individual/Entity) is a restaurant located in Beaufort, South Carolina. The Department conducted inspections on June 23, 2016, and July 8, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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 and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

DIVISION OF OCEAN AND COASTAL RESOURCE MANAGEMENT

193) Order Type and Number: Consent Order 16C-017F
Order Date: December 9, 2016
Individual/Entity: **Allan S. Terry and Sandra R. Terry**
Location: 1012 Bakers Landing Drive
North Charleston, SC 29418
Mailing Address: Same
County: Dorchester
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. §48-39-130(A) and 23A S.C. Code Ann. Regs. 30-2(B)

Summary: Allan S. Terry and Sandra R. Terry (Individuals/Entities) are the owners of certain property abutting the tidelands critical area. Inspections were conducted on May 31, 2016, and June 23, 2016. The Individuals/Entities have violated the S.C. Coastal Zone Management Act (Act) and Critical Area Permitting Regulations (Regulations) as follows: cleared marsh vegetation as well as placed concrete paver stones, cinder blocks, and a rubber mat to access a boat stored over marsh vegetation all in the tidelands critical area without a Department permit.

Action: The Individuals/Entities are required to: comply with all requirements of the Act and Regulations, including requesting and receiving a Department permit prior to any future utilization/alteration of any South Carolina critical area and pay a **suspended penalty**

in the amount of two thousand dollars (**\$2,000.00**) should any requirement of the Order not be met.

194) Order Type and Number: Consent Order 15C-015F
Order Date: December 22, 2016
Individual/Entity: **Tommy Mansfield**
Location: 4628 Ashley View Lane
North Charleston, SC 29405
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. §48-39-130(A) and 23A S.C. Code Ann. Regs. 30-2(B); 23A S.C. Code Ann. Regs. 30-12(G)(2)(k)

Summary: Tommy Mansfield (Individual/Entity) is one of the owners of certain property abutting the tidelands critical area. An inspection was conducted on December 14, 2015. The Individual/Entity has violated the S.C. Coastal Zone Management Act (Act) and Critical Area Permitting Regulations (Regulations) as follows: actively participated in agitation dredging of a length of approximately 425 feet covering an area of approximately 3,879 sq. ft. in the tidelands critical area without a Department permit.

Action: The Individual/Entity is required to: comply with all requirements of the Act and Regulations, including requesting and receiving a Department permit prior to any future utilization/alteration of any South Carolina critical area; discontinue use of the tidal canal adjacent to the Site by motorized vessels; and, pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**) in installments.

195) Order Type and Number: Consent Order 15C-016F
Order Date: December 22, 2016
Individual/Entity: **Christopher S. Arnold**
Location: 4632 Ashley View Lane
North Charleston, SC 29405
Mailing Address: Same
County: Charleston
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. §48-39-130(A) and 23A S.C. Code Ann. Regs. 30-2(B); 23A S.C. Code Ann. Regs. 30-12(G)(2)(k)

Summary: Christopher S. Arnold (Individual/Entity) is one of the owners of certain property abutting the tidelands critical area. An inspection was conducted on December 14, 2015. The Individual/Entity has violated the S.C. Coastal Zone Management Act (Act) and Critical Area Permitting Regulations (Regulations) as follows: conducted agitation dredging of a length of approximately 425 feet covering an area of approximately 3,879 sq. ft. in the tidelands critical area without a Department permit.

Action: The Individual/Entity is required to: comply with all requirements of the Act and Regulations, including requesting and receiving a Department permit prior to any future utilization/alteration of any South Carolina critical area; discontinue use of the tidal canal

adjacent to the Site by motorized vessels; and, pay a civil penalty in the amount of two thousand dollars **(\$2,000.00)** in installments.

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

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

March 9, 2017

() ACTION/DECISION

(X) INFORMATION

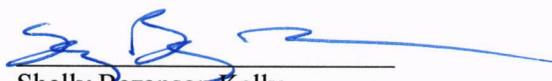
I. TITLE: Health Regulation Administrative and Consent Orders.

II. SUBJECT: Health Regulation Administrative Orders, Consent Orders, and Emergency Suspension Orders for the period of December 1, 2016, through January 31, 2017.

III. FACTS: For the period of December 1, 2016, through January 31, 2017, Health Regulation reports three (3) Administrative Orders, five (5) Consent Orders, one (1) License Renewal Denial, and three (3) Emergency Suspension Orders with a total of twelve thousand six hundred dollars (\$12,600) in assessed monetary penalties.

Health Regulation Bureau	Health Care Facility, Provider or Equipment	Administrative Orders	Consent Orders	Emergency Suspension Orders	License Renewal Denial	Assessed Penalties
Health Facilities Licensing	Community Residential Care Facility	1	0	0	1	\$0
	Unlicensed In-Home Care Provider	2	0	0	0	\$6,800
Radiological Health	Dental X-Ray Facility	0	1	0	0	\$800
EMS & Trauma	Paramedic	0	1	3	0	\$0
	Advanced EMT	0	1	0	0	\$0
	Ambulance Services Provider	0	1	0	0	\$5,000
	EMT	0	1	0	0	\$0
TOTAL		3	5	3	1	\$12,600

Approved By:


Shelly-Bezanson Kelly
Director of Health Regulation

HEALTH REGULATION ENFORCEMENT REPORT
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

March 9, 2017

Bureau of Health Facilities Licensing

Facility Type	Total # of Beds or Participants	Total # of Licensed Facilities in South Carolina
Community Residential Care Facility	17,840	467
In-Home Care Provider (Unlicensed)	N/A	508

1. Low Country Home (CRCF) – Moncks Corner, SC

Investigation: The Department visited Low Country Home ("Low Country") numerous times to conduct routine inspections that the Department conducts on all CRCFs, including: general inspections, inspections, kitchen and sanitation inspections, fire and life safety inspections, as well as follow-up inspections as warranted. Most recently, the Department visited Low Country on July 7, 2016, to conduct a general inspection and a food and sanitation inspection.

Violations: Based upon inspections conducted between June 26, 2014, and July 7, 2016, the Department cited Low Country for seventy-two (72) violations of Regulation 61-84, Standards for Licensing Community Residential Care Facilities, which included forty (40) Class I violations, twenty-seven (27) Class II violations, and five (5) Class III violations. Specifically, Low Country was cited one (1) time for violating Section 103.B, by failing to maintain a current copy of Regulation 61-84 at the facility; two (2) times for violating Section 202.E, by failing to have reports of inspections or investigations conducted by the Department, including the facility's responses, available for review; two (2) times for violating Section 401, by failing to have the facility's policies and procedures available for review and by failing to document the facility's review of its policies and procedures; five (5) times for violating Section 501, by failing to maintain required employee documentation; eighteen (18) times for violating Section 504, by failing to maintain documentation of staff training; two (2) times for violating Section 505.A, by failing to have documentation of a health assessment for staff members completed within twelve (12) months prior to initial resident contact available for review; one (1) time for violating Section 701.B.6, by failing to ensure that notes of observation were documented at least monthly in several residents' records; two (2) times for violating Section 702, by failing to have a resident's written assessment available for review and failing to ensure a resident's written assessment was signed by the staff member that conducted the assessment; seven (7) times for violating Section 703, by failing to adequately update and maintain residents' ICPs; four (4) times for violating Section 901, by failing to provide the required services to residents; four (4) times for violating Section 1101, by failing to have documentation of physical examinations and PPD tests for residents; one (1) time for violating Section 1201.A, by failing to have available for administration residents' medications prescribed by a physician or other authorized healthcare provider; five (5) times for violating Section 1203, by failing to comply with medication administration requirements; two (2) times for violating Section 1205, for noncompliance with medication storage and destruction requirements; two (2) times for violating Section 1206, by failing to have documented reviews of controlled substances and failing to label nonlegend medications as stock medications; four (4) times for violating Section 1300, by failing to comply with dietary requirements; two (2) times for violating Section 1503.B, by failing to post a plan for the evacuation of residents, staff members, and visitors in conspicuous public areas throughout the facility; two (2) times for violating

Section 1601, by failing to ensure that the facility's structure, component parts, and equipment were properly maintained and in good operating condition; one (1) time for violating Section 1702.D.2.a, by failing to have documentation available for review evidencing that the second step of a two-step PPD had been administered to two (2) staff members prior to resident contact; five (5) times for violating Section 1703, by failing to comply with housekeeping requirements; one (1) time for violating Section 1801.A, by failing to have documentation of a written quality improvement program available for review; one (1) time for violating Section 2602.A, by failing to ensure that residents' beds were furnished with moisture-proof covers; and one (1) time for violating Section 2604.C, by failing to ensure that liquid soap was provided in bathrooms used by more than one (1) resident.

Enforcement Action: Pursuant to the Administrative Order executed December 13, 2016, Low Country Home's license to operate as a CRCF is hereby revoked.

Prior Sanctions: Laila Bey is the registered agent of Rainbow Residential Home, LLC, the licensee of Low Country Home. On April 24, 2014, the Department executed an Administrative Order for Ms. Bey's operation of an unlicensed CRCF, unrelated to Low Country Home, which is a violation of the Act and R.61-84. As of December 12, 2016, Ms. Bey has not remitted payment of the five thousand dollar (\$5,000) assessed monetary penalty pursuant to the terms of the April 2014 Administrative Order. Additionally, the Department executed a Consent Order on May 1, 2014, with Low Country Home #2, another CRCF owned and operated by Ms. Bey, for violations of R.61-84.

2. Low Country Home #2 (CRCF) – Moncks Corner, SC

Investigation: The Department visited Low Country Home #2 ("Low Country #2") numerous times to conduct the routine types of inspections that the Department conducts on all CRCFs, including: general inspections, inspections, kitchen and sanitation inspections, fire and life safety inspections, as well as follow-up inspections as warranted. Most recently, the Department visited Low Country #2 on August 18, 2016, to conduct a complaint investigation.

Violations: Based upon inspections conducted between July 9, 2015, and August 18, 2016, the Department cited Low Country #2 for thirty-nine (39) violations of Regulation 61-84, which included sixteen (16) Class I violations, twenty-two (22) Class II violations, and one (1) Class III violation. Specifically, Low Country #2 was cited one (1) time for violating Section 501.A, by failing to have documentation of a criminal background check for staff members available for review and failing to ensure that a criminal background check for a staff member was conducted prior to employment; one (1) time for violating Section 503.C, by failing to maintain documentation to ensure that the facility met the staffing requirements of Regulation 61-84; five (5) times for violating Section 504, by failing to maintain documentation of staff training; one (1) time for violating Section 505.A, by failing to ensure that health assessments for staff members were signed by a physician or other authorized healthcare provider; four (4) times for violating Section 703, by failing to update and maintain residents' ICPs; three (3) times for violating Section 902, by failing to maintain accurate accountings of residents' person monies; one (1) time for violating Section 903.E, by failing to ensure that the facility's posted monthly activity schedule included dates and locations of activities; five (5) times for violating Section 1101, by failing to comply with physical examination requirements for residents; one (1) time for violating Section 1301.A, by failing to comply with Regulation 61-25, Retail Food Establishments; one (1) time for violating Section 1601, by failing to ensure that the facility's structure, component parts, and equipment were properly maintained and in good operating condition; three (3) times for violating Section 1702.D.2.a, by failing to have documentation of the second step of a two-step tuberculin skin test for staff members available for review; seven (7) times for violating Section 1703, by failing to comply with housekeeping requirements; two (2) times for violating Section 2301.B, by failing to ensure that water temperatures at hot water fixtures did not exceed one hundred twenty (120) degrees Fahrenheit; and four (4) times for violating

Section 2604, by failing to ensure that liquid soap and a sanitary method of drying hands was available in bathrooms used by residents and failing to properly store personal bath linens.

Enforcement Action: By letter dated December 21, 2016, the Department denied Low Country Home #2's renewal application based upon the above-referenced violations of R.61-84, and Ms. Bey's failure to pay the assessed monetary penalty for her operation of an unlicensed CRCF.

Prior Sanctions: On April 24, 2014, the Department executed an Administrative Order for Ms. Bey's operation of an unlicensed CRCF, unrelated to Low Country Home #2, which is a violation of the Act and R.61-84. As of December 12, 2016, Ms. Bey has not remitted payment of the five thousand dollar (\$5,000) assessed monetary penalty pursuant to the terms of the April 2014 Administrative Order. Additionally, the Department executed a Consent Order on May 1, 2014, with Low Country Home #2 for violations of R.61-84.

3. Paula Therrien (d/b/a All Types of Care) (Unlicensed In-Home Care Provider) – Rock Hill, SC

Investigation: On July 11, 2016, the Department received a complaint alleging Ms. Therrien and All Types of Care were operating as an unlicensed in-home care provider. Department representatives visited All Types of Care on July 26, 2016, to conduct a complaint investigation and found the following violation.

Violations: Based upon the investigation, the Department cited All Types of Care for violating Section 103.A of Regulation 61-122, for operating, maintaining, and representing itself through advertising and/or marketing as an in-home care provider without first obtaining a license from the Department.

Enforcement Action: Pursuant to the Administrative Order executed January 10, 2017, the Department assessed a five thousand dollar (\$5,000) monetary penalty against Ms. Therrien.

Prior Sanctions: None.

4. Koger Home Care, LLC (Unlicensed In-Home Care Provider) – West Columbia, SC

Investigation: On July 19, 2016, the Department received a complaint alleging Koger Home Care, LLC ("Koger"), was operating as an unlicensed in-home care provider. Department representatives visited Koger on July 28, 2016, to conduct a complaint investigation and found the following violation.

Violations: Based upon the investigation, the Department cited Koger for violating Section 103.A of Regulation 61-122, for operating, maintaining, and representing itself through advertising and/or marketing as an in-home care provider without first obtaining a license from the Department.

Enforcement Action: Pursuant to the Consent Order executed January 11, 2017, the Department assessed a one thousand eight hundred dollar (\$1,800) monetary penalty against Koger.

Prior Sanctions: None.

Bureau of Radiological Health

Facility Type	Total # of Registered Providers in South Carolina
Dental Facilities	1,676

5. J. Don Kelley, DMD (Dental Facility) – Taylors, SC

Investigation: On August 3, 2005, the Department conducted a routine inspection of J. Don Kelley, DMD (“Kelley”) and found the facility in violation of Regulation 61-64, X-Rays, for failure to perform equipment performance testing, which is required every two (2) years. The Department did not receive a response to the August 2005 violation from Kelley within the time specified by R.61-64. Therefore, the Department mailed another letter to Kelley in February 2006 citing him for failing to correct all violations within sixty (60) calendar days of the citation. On April 24, 2006, Kelley submitted evidence of acceptable equipment performance testing. On April 9, 2011, the Department conducted another routine inspection and determined Kelley’s last equipment performance testing to be April 6, 2006. The Department did not receive a response to the April 2011 violation from Kelley within the time specified by R.61-64. The Department then notified Kelley that compliance was past due and documentation of corrective action should be submitted to the Department by November 23, 2011. Kelley indicated to the Department that testing was scheduled for the next day and would provide evidence to the Department upon completion. Kelley submitted evidence of acceptable equipment performance testing on January 9, 2012. On July 19, 2016, the Department conducted another routine inspection and found that Kelley failed to perform equipment performance testing in years 2013 and 2015 as required. Kelley submitted evidence of acceptable equipment performance testing on September 14, 2016.

Violations: Based upon the above-referenced inspections, the Department finds Kelley in violation of RHB 4.2.18.1.3.1 on August 3, 2005, and RHB 4.2.16.1.3.1 on August 9, 2011, and July 19, 2016, by failing to complete equipment performance testing at the required intervals.

Enforcement Action: By Consent Order executed December 7, 2016, Kelley agrees to the imposition of an eight hundred dollar (\$800) civil penalty. The Consent Order requires Kelley to make payment of two hundred dollars (\$200) of the assessed monetary penalty within thirty (30) days of execution of the Consent Order. The remaining six hundred dollars (\$600) of the assessed monetary penalty will be stayed upon a forty-eight (48) month period of substantial compliance with R.61-64 and the terms of the Consent Order. The Consent Order further requires Kelley to provide the Department with documentation detailing how they will ensure that compliance with R.61-64 is maintained.

Prior Sanctions: None.

Bureau of EMS & Trauma

EMS Provider Type	Total # of Providers in South Carolina
EMT	5,387
EMT – Intermediate	375
Advanced EMT	322

Paramedic	3,671
Athletic Trainers	879
Ambulance Services Provider	258
First Responder Services Provider	2

6. William B. Gillespie (EMT)

Investigation: On September 28, 2016, the Department was notified that Mr. Gillespie posted on a social media platform information he obtained while in the performance of his job with McCormick County EMS. The Department initiated an investigation into the matter and found that on September 27, 2016, Mr. Gillespie responded to a call at the McCormick Correctional Institution. Subsequently, Mr. Gillespie posted a comment on social media in response to a report by local media regarding the patient he responded to at the McCormick Correctional Institution. The information contained in Mr. Gillespie's post revealed confidences entrusted to him in the course of his care of the patient.

Violations: As a result of its investigation, the Department found Mr. Gillespie committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(9) and Section 1100(B)(9) of Regulation 61-7, by revealing confidences entrusted to him in the course of medical attendance, without the revelation being required by law or necessary to protect the welfare of the individual or the community.

Enforcement Action: The parties met and were able to resolve this matter pursuant to a Consent Order executed December 19, 2016. Pursuant to the terms of the Consent Order, Mr. Gillespie agreed to a six (6) month suspension of his EMT certificate. Mr. Gillespie's suspension shall be held in abeyance for six (6) months following execution of the Consent Order. Mr. Gillespie agrees to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within six (6) months of execution of the Consent Order and submit proof of completion to the Department. Should Mr. Gillespie fail to comply with the abovementioned requirements, the Department may call in all or a portion of the six (6) month suspension and/or take other enforcement action in accordance with the EMS Act and Regulation 61-7.

Prior Sanctions: None.

7. Stephen M. Kitchens (Advanced EMT)

Investigation: On September 28, 2016, the Department was notified that Mr. Kitchens posted on a social media platform information he obtained while in the performance of his job with McCormick County EMS. The Department initiated an investigation into the matter. The facts of the investigation mirror those referenced above (Mr. Gillespie) as Mr. Kitchens responded to the same call with Mr. Gillespie and subsequently posted a comment on social media regarding the patient.

Violations: As a result of its investigation, the Department found Mr. Kitchens committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(9) and Section 1100(B)(9) of Regulation 61-7, by revealing confidences entrusted to him in the course of medical attendance, without the revelation being required by law or necessary to protect the welfare of the individual or the community.

Enforcement Action: The parties met and were able to resolve this matter pursuant to a Consent Order executed December 19, 2016. Pursuant to the terms of the Consent Order, Mr. Kitchens agreed to a six (6) month suspension of his AEMT certificate. Mr. Kitchens's suspension shall be held in abeyance for six

(6) months following execution of the Consent Order. Mr. Kitchens agrees to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within six (6) months of execution of the Consent Order and submit proof of completion to the Department. Should Mr. Kitchens fail to comply with the abovementioned requirements, the Department may call in all or a portion of the six (6) month suspension and/or take other enforcement action in accordance with the EMS Act and Regulation 61-7.

Prior Sanctions: None.

8. American Pride Medical Transport, LLC (Ambulance Services Provider)

Investigation: On September 21, 2016, the Department received complaints alleging American Pride ambulances were unclean and in need of repairs. Additionally, allegations were made that American Pride failed to submit multiple electronic patient care reports (“ePCRs”). The Department initiated an investigation into the complaints and found the following violations.

Violations: The Department found American Pride in violation of S.C. Code Sections 44-61-70(B)(3) and (5) by failing to maintain required equipment as evidenced by past compliance history and by failing to maintain equipment in working order. On September 23, 2016, American Pride failed to have a stretcher, folding stretcher, backboard, operable flashlight, and failed to securely store oxygen tanks in ambulance 32906. This failure to have the minimum required equipment on the ambulance is a Class II violation per Sections 701.A, 701.C.1, 701.V, and 702 of Regulation 61-7. Further, this ambulance had a crack in its interior, indicating a failure to maintain sanitation standards, which is a Class III violation, per Section 802.A of R.61-7. On September 23, 2016, American Pride failed to have retractable safety belts and a wheel-well in safe and sound condition on ambulance 32904, a Class III violation per Sections 601.D.2.A and 601.H.4 of R.61-7. Additionally, the interior of this ambulance was unsanitary and in need of cleaning, a Class III violation per Section 802.A of R.61-7. On September 23, 2016, American Pride failed to have unexpired nasopharyngeal airways on ambulance 32915, a Class II violation per Section 701.E of R.61-7. Additionally, the interior of this ambulance was unsanitary and in need of cleaning, a Class III violation per Section 802.A of R.61-7. Finally, from July 1, 2016, to September 28, 2016, American Pride failed to timely submit two hundred four (204) ePCRs into PreMIS, a Class III violation per Sections 1301.A and 1301.C of R.61-7.

Enforcement Action: Pursuant to the Consent Order executed December 20, 2016, American Pride agrees to a five thousand dollar (\$5,000) assessed monetary penalty, which shall be due within one hundred eighty (180) days of execution of the Consent Order. American Pride further agrees to a six (6) month suspension if the Department finds American Pride in violation of the EMS Act, Regulation 61-7, or the terms of the Consent Order within one (1) year following execution of the Consent Order.

Prior Sanctions: On March 1, 2016, American Pride was assessed a six hundred dollar (\$600) monetary penalty by way of a Consent Order for several regulatory violations involving American Pride’s ambulances.

9. Alison K.B. Harmon (Paramedic)

Investigation: On January 4, 2016, the Department was notified of alleged misconduct by Ms. Harmon. The Department initiated an investigation into the allegations and met with Ms. Harmon on April 19, 2016, to discuss the allegations. During the April 2016 meeting, Ms. Harmon informed the Department that she had voluntarily entered and completed a treatment program for drug addiction. At that time, the Department elected to monitor her progress toward resolving the alleged misconduct. Subsequently, the Department received notification on September 26, 2016, that Ms. Harmon was terminated by a licensed ambulance service for misconduct. The allegations described behavior similar to the initial January 2016

complaint which prompted the Department's investigation. The Department thereafter reopened its investigation into Ms. Harmon and on October 18, 2016, the Department issued an Administrative Order suspending Ms. Harmon's Paramedic certificate pending completion of its investigation.

Violations: As a result of its investigation, the Department found that while on duty as a Paramedic, Ms. Harmon was observed on several occasions appearing under the influence of narcotics. Ms. Harmon committed misconduct, as defined by S.C. Code Section 44-61-80(F)(3) and Section 1100(B)(3) of Regulation 61-7, as evidenced by her drug use to such a degree as to render her unfit to perform as a Paramedic. Ms. Harmon suffers from drug addiction which renders her a danger to patients under her care.

Enforcement Action: Upon execution of the Consent Order, executed December 29, 2016, the October 2016 Administrative Order suspending Ms. Harmon's Paramedic certificate is null and void. Furthermore, pursuant to the terms of the Consent Order, Ms. Harmon agrees to a suspension of her Paramedic certificate until March 30, 2018. The suspension is effective upon execution of the Consent Order and includes all levels of certification. On or after March 30 2017, Ms. Harmon may apply to the Department to lift the suspension and reinstate her Paramedic certificate. In order for the Department to list the suspension and reinstate her certificate, Ms. Harmon must provide the Department with proof of successful completion of an outpatient treatment program for drug addiction.

Prior Sanctions: On October 18, 2016, the Department issued an Administrative Order suspending Ms. Harmon's Paramedic certificate pending the completion of its investigation which is now null and void pursuant to the Consent Order executed December 29, 2016.

10. Douglas Hildebrand (Paramedic)

Investigation: On December 28, 2016, the Department was notified of Mr. Hildebrand's arrest in Charleston County. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Hildebrand was arrested on December 22, 2016, and charged with attempted murder and possession of a weapon during the commission of, or attempt to commit, a violent crime.

Violations: The charges against Mr. Hildebrand, specifically, attempted murder and possession of a weapon during the commission of, or attempt to commit, a violent crime, are crimes involving moral turpitude and gross immorality. The Department found that Mr. Hildebrand's arrest demonstrated a capacity for inappropriate and criminal behavior towards individuals placed within his trust. The Department determines that a clear and present danger would exist to the public health, safety, and welfare if Mr. Hildebrand's Paramedic certificate was not immediately suspended pending further investigation.

Enforcement Action: Mr. Hildebrand's Paramedic certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed December 30, 2016. The Department will continue to monitor Mr. Hildebrand's criminal matters.

Prior Sanctions: None.

11. Sean Williams (Paramedic)

Investigation: On December 12, 2016, the Department was notified of Mr. Williams's arrest in Charleston County. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Williams was arrested on December 12, 2016, and charged with first degree burglary.

Violations: The charge against Mr. Williams, specifically, first degree burglary, is a crime involving moral turpitude and gross immorality. The Department found that Mr. Williams's arrest demonstrated a capacity for inappropriate and criminal behavior towards individuals placed within his trust. The Department determines that a clear and present danger would exist to the public health, safety, and welfare if Mr. Williams's Paramedic certificate was not immediately suspended pending further investigation.

Enforcement Action: Mr. Williams's Paramedic certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed December 30, 2016. The Department will continue to monitor Mr. Williams's criminal matters.

Prior Sanctions: None.

12. Bryce Jones (Paramedic)

Investigation: On December 23, 2016, the Department was notified of Mr. Jones's arrest in Horry County. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Jones was arrested on December 19, 2016, and charged with pointing or presenting a firearm at another person.

Violations: The charge against Mr. Jones, specifically, pointing or presenting a firearm at another person, is a felony. The Department found that Mr. Jones's arrest demonstrated a capacity for inappropriate and criminal behavior towards individuals placed within his trust. The Department determines that a clear and present danger would exist to the public health, safety, and welfare if Mr. Jones's Paramedic certificate was not immediately suspended pending further investigation.

Enforcement Action: Mr. Jones's Paramedic certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed January 4, 2017. The Department will continue to monitor Mr. Jones's criminal matters.

Prior Sanctions: None.

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

March 9, 2017

- () ACTION/DECISION
(X) INFORMATION

I. TITLE: Public Hearing - Wave Dissipation System

II. SUBJECT: Public Hearing before the Board to Inform the Final Agency Decision

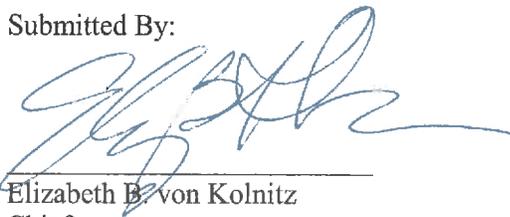
III. FACTS:

1. In accordance with the S.C. Code Ann. § 48-39-130(D)(2) exception, Budget Proviso 34.51 of the 2014-2015 General Appropriations Act (amended in 2015-2016 as Budget Proviso 34.48) authorized “[t]he deployment of a qualified wave dissipation device seaward of the setback line or baseline pursuant to a study conducted by the Citadel or a research university.”
2. From March through September 2015, researchers from The Citadel submitted formal requests to the Department to perform a study of the Wave Dissipation System (WDS) at the following locations: Ocean Club Villas, Beachwood East and Seascape Villas in the Wild Dunes community, Isle of Palms, SC; and Harbor Island, St. Helena, SC pursuant to S.C. Code Ann. Regulation §30-5(A)(2).
3. The Department acknowledged that the proposed research projects at the above referenced locations met the "research activities of a State educational institution" exception pursuant to S.C. Code Ann. Regulation §30-5(A)(2) and did not require a direct critical area permit provided conditions were met.
4. The Citadel’s WDS research projects ended on July 28, 2016. Data collected from the study was provided to the Department in a final report from The Citadel on August 28, 2016.
5. The Department contracted with GEL Engineering to collect data and information on the design and functionality of the WDS research projects, and provide a third party evaluation of the findings in a final report. GEL collected information between March and July 2016, and the final report was submitted to the Department on October 31, 2016.
6. Pursuant to 1976 Code Ann. Section 48-39-320(C), the Department is tasked with determining whether the WDS has been successful in addressing an erosional issue and whether it is allowed for continued use in emergency situations under SC Code Ann. Regulations §30-15(H).
7. Data and information from The Citadel’s final report and GEL Engineering’s final report, along with Department observations and evaluations, were considered in formulating a Staff Recommendation.
8. The Staff Recommendation was documented in a report and presented to the Department’s Board on December 8, 2016. Department staff concluded that the WDS has not been successful in addressing an erosional issue and results in negative impacts to the beach. Staff recommended that

the technology, methodology or structure not be approved for future or continued use at these pilot locations or additional locations.

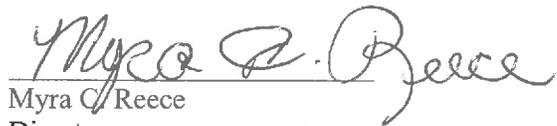
9. On December 8, 2017, the Board granted approval to publish the Staff Recommendation for a 60-day period to provide opportunity for public comment and to notice a public hearing before the Department's Board. The Notice was published on the Department's website and is submitted as Attachment A. Notice was also published in the Post and Courier newspaper and provided via electronic mail to interested parties. The public notice comment period closed on February 13, 2017.
10. The Department received 486 comment letters during the open public comment period. A Summary of Public Comments and Department Responses is submitted as Attachment B.

Submitted By:



Elizabeth B. von Kolnitz
Chief
Office of Ocean and Coastal Resource Management

Approved By:



Myra C. Reece
Director
Environmental Affairs

Attachments:

- A. Notice of 60 Day Public Comment Period
- B. Summary of Public Comments and Department Responses

ATTACHMENT A

NOTICE OF 60 DAY PUBLIC COMMENT PERIOD

March 9, 2017

Notice of 60 Day Public Comment Period December 13, 2016 - February 13, 2017

The Wave Dissipation System (WDS) is a research study under an independently designed and academically sponsored pilot program by The Citadel. The study was established by the South Carolina Legislature in Budget Proviso 34.51 of the 2014-2015 General Appropriations Act (amended in 2015-2016 as Budget Proviso 34.48) and ended on July 28, 2016.

Pursuant to 1976 Code Ann. Section 48-39-320(C), the Department of Health and Environmental Control (DHEC) is tasked with determining whether the WDS has been successful in addressing an erosional issue and whether it should be allowed for continued use.

WDS structures on Harbor Island and the Isle of Palms have been allowed to remain in place while final study results and analysis by DHEC were completed. After reviewing data and information from the Citadel's final report, the final report from a third party evaluation, and DHEC's own observations and evaluations, a staff recommendation was presented to the Board of Health and Environmental Control (Board) on December 8, 2016.

DHEC's analysis of all available information indicates that the WDS has not successfully addressed erosional issues at the installation sites, has resulted in negative impacts to the beach and does not meet the performance criteria of a qualified device as defined by statute. DHEC staff has recommended that the Board not approve the WDS for future use and that the existing structures be required to be removed from the beach following the final agency decision.

To ensure that the general public and potential affected parties have the opportunity to provide input, the Board granted approval to publish the DHEC staff recommendation for a 60-day public comment period. Following the public comment period the Board will conduct a public hearing to receive additional information for consideration in determining a final agency decision.

Interested persons may submit comments by writing to Blair Williams by mail at DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405; or by email at ocrm-comments@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on February 13, 2017, the close of the public comment period. Comments received shall be submitted to the Board for consideration.

The public is invited to review the documents on the DHEC website: <http://www.scdhec.gov/homeandenvironment/water/wds/>

Interested persons may also make oral and/or written comments at a public hearing to be conducted by the Board at its regularly scheduled meeting on March 9, 2017. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>.

Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

ATTACHMENT B
SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES
March 9, 2017

DHEC Board
WDS: Comments Received Regarding Staff Recommendation

Number of Comments	Type of Comment
115	Opposed to Staff Recommendation Unique Letters (43) Form Letters (72)
365	In Favor of Staff Recommendation Unique Letters (45) Form Letters (320)
3	Neutral to Staff Recommendation Unique Letters (3)
2	Federal Resource Agency Letters (USFWS & NOAA NMFS) In Favor of Staff Recommendation (2)
1	State Resource Agency Letter (SC DNR) In Favor of Staff Recommendation (1)

Total # of Comments:	486
Total # Opposed to Staff Recommendation:	115
Total # In Favor of Staff Recommendation:	368
Total # Neutral to Staff Recommendation:	3
 # of Comments Received after the close of the public comment period: (all form letters opposed to Staff Recommendation)	 92

DHEC Board

Wave Dissipation System (WDS): Summary of Public Comments Opposed to Staff Recommendation

Topic	Number of Comments	Specific Comments & DHEC-OCRM Responses
OCRM Staff Prohibiting Changes to the WDS During The Citadel Study	3	<p>Comment: "OCRM staff has attempted to dictate the parameters of the WDS study instead of allowing The Citadel to conduct the study in the way The Citadel wanted to perform it. Nevertheless, the study still proved, as GEL Engineering agreed, that the WDS has been successful and has not caused harm. Both Dr. Mays and Mr. Goodrich concluded that the WDS would have performed even better if the research team had not been prevented by OCRM staff from conducting experiments related to additional attributes of and changes to the WDS devices." (Source: letter from Matt Hamrick, dated 2/13/2017, attorney for S.I. Systems, LLC and Wave Dissipation Systems, LLC).</p> <p>Comment: "Dr. Mays ultimately concluded that the WDS successfully addressed erosion at the additional study sites. However, his opinion was qualified by further explanation that he was prevented from showing that the WDS could perform optimally due to OCRM not allowing changes to be made to the system....Dr. Mays' opinion was that the staff's prohibition of any manipulation of the WDS changed it from a dynamic system to a static one, essentially allowing Dr. Mays to study the "worst case scenario" of potentially installing the systems on the beach and then never doing any maintenance....[Mr. Goodrich] agreed that the WDS would perform better if it had been actively managed during the studies, i.e., adjusted and changed depending upon the wave energy at the time." (Source: letter from Mary Shahid, dated 2/13/2017, attorney for Beachwood East property owners).</p> <p>Comment: "OCRM staff required the Citadel researcher to provide specific requests, similar to an application for a permit, before it would acknowledge the WDS and allow it to be placed on the beach for the second study. The Department's acknowledgement of the required request imposed conditions on the study that significantly revised it. The Citadel researchers, though frustrated, cooperated with OCRM staff and complied with the requirements, creating the 'worst case' study of the WDS. While some staff requirements seem reasonable from a beach management regulatory perspective, most fall flat by preventing the researcher from performing the study as desired and limiting the effectiveness of the WDS being studied....The very staff prevention of the manipulation of the WDS to respond to the beach lowering condition is what allowed the scouring to continue instead of being addressed by manipulating the WDS as designed....This Board should allow the Citadel research study to be performed as the exempt activity it is to determine the optimal effectiveness of this dynamic system. Directives to perform the study or limit it in any way should not be allowed." (Source: letter from Jack Smith, dated 2/13/2017, attorney for Seascape Villas).</p>

OCRM RESPONSE: As stated in the OCRM staff recommendation on pages 34-35, "The WDS can be adjusted after initial deployment by lowering the pilings, lowering or raising the panels, adding spacers between panels, or temporarily removing the panels altogether. All of these adjustments were requested by The Citadel researchers and approved by DHEC-OCRM during the study period." OCRM also allowed wing walls to be extended and additional WDS tiers to be installed. The only changes to the WDS that OCRM staff did not allow were the use of Vertical Porous Panels (VPPs), and bulldozing seaward sand to the landward side of the WDS without a permit. The VPPs were initially approved, but since the installed version was significantly altered from the approved version, OCRM indicated that no additional VPPs could be added. The Citadel voluntarily removed the installed VPPs. OCRM did not approve bulldozing seaward sand landward of the WDS because a large addition of sand landward of the WDS would alter the results of the ongoing study. Since part of the study was to determine whether or not the WDS could retain or increase sand on the landward side, adding sand on the landward side would have artificially skewed the results. Additionally, during the first WDS study at Seascape Villas in 2014, the Citadel researchers bulldozed sand behind that WDS installation. The piled up sand eroded away in a matter of days, lowering the beach profile landward of the WDS and allowed the waves to reach higher up the beach and erode the scarp line more quickly. Regarding the comments about OCRM staff imposing conditions on the research study, these conditions were necessary to ensure that sufficient data would be collected in order to properly assess whether or not the WDS successfully addressed an erosional issue.

**OCRM Staff
Involvement in
the GEL Study**

2

Comment: "Throughout the course of the GEL Engineering review, OCRM staff, particularly Jessica Boynton, sought to control and influence GEL Engineering's review by, for example, providing Matt Goodrich with false information that part of the WDS had become dislodged and providing a falsely-captioned photograph in an attempt to convince Mr. Goodrich that this had occurred. Ms. Boynton also required Mr. Goodrich to submit drafts of his report, and Ms. Boynton made editing suggestions to Mr. Goodrich." (Source: letter from Matt Hamrick, dated 2/13/2017, attorney for S.I. Systems, LLC and Wave Dissipation Systems, LLC).

Comment: "The Seascape Owners contend that the GEL Study is not an independent and objective study, but a collection of facts directed by staff in their 18 questions comprising the study....Moreover, when undertaking the independent third party review, OCRM tied that researchers hands and dictated that only certain facts would be evaluated and no opinions on the WDS would be allowed." (Source: letter from Jack Smith, dated 2/13/2017, attorney for Seascape Villas).

OCRM RESPONSE: Jessica Boynton is the OCRM employee who served as the Contract Manager for the third-party review of the WDS. In sworn testimony given February 7, 2017, Mr. Goodrich was asked, "During the course of this project about the WDS evaluation, in any of your conversations with Jessica or anyone else at OCRM, did you get any feeling one way or the other that they had an opinion already formed about the WDS's performance?" Mr. Goodrich's response to that question was "No." In a subsequent question asked during the same deposition, Mr. Goodrich was asked, "From the time that you first became involved in this project until you completed your work, did Jessica Boynton or any other OCRM employee attempt to change your substantive opinions or conclusions in the report?" Mr. Goodrich's response to that question was "No." The Request for Proposals (RFP) for the third-party review of the WDS stated that OCRM would provide the selected contractor with "original WDS study proposals from the academic sponsor, acknowledgement letters from the Department, previous monitoring reports, future monitoring reports, and previous site photographs." OCRM staff stands by the accuracy of the background information and photographs that were sent to GEL, including the photographs of the Vertical Porous Panels, which Mr. Hamrick claims depict false information. The third-party review of the WDS was federally funded with approximately \$96,000 in grant money from the National Oceanic and Atmospheric Administration (NOAA). As the contract manager of this project, OCRM had a responsibility to the Department, as well as to the federal funding source, to ensure that the terms of the contract were met. As part of reporting requirements to NOAA, OCRM staff was required to provide status updates and draft reports during the course of the GEL study. Finally, the 18 questions developed by OCRM in the GEL report were designed around the language of the budget provisos to determine whether the WDS is a "qualified system."

**Scarp Line
Movement and
Storm Impacts** **6 (form) +
4
(individual)**

Comment: "OCRM staff's false report to the DHEC board that the WDS was not successful is essentially based on the deceptive theory that the scarp line at the study locations moved landward during the study. This is deceptive because in its report to the DHEC board OCRM staff completely failed to mention that extreme storm events, including the 1000-year rain/flood event and Hurricane Joaquin in October 2015, additional extreme storms and flood tides, extreme nor'easter events, and Hurricane Matthew in October 2016 have occurred at the WDS sites. OCRM's report to the DHEC board failed to mention that the WDS withstood these extreme events well and protected the structures behind the WDS devices even during these events. OCRM's report to the DHEC board failed to truthfully acknowledge that the WDS did, in between the previously-mentioned extreme weather events and overall, successfully slow erosion without causing harm, as shown by The Citadel's and GEL Engineering's reports." (Source: letter from Matt Hamrick, dated 2/13/2017, attorney for S.I. Systems, LLC and Wave Dissipation Systems, LLC).

Comment: "As designed the WDS is not a complete barrier to the effects of storm conditions, and is not intended to prevent landward movement of the scarp line from storm conditions. No temporary measures can accomplish that, only seawalls may have that potential capability....The scarp line movement is expected from storm events and this condition is not part of the provisos or research team criteria for the study" (Source: letter from Jack Smith, dated 2/13/2017, attorney for Seascape Villas).

Comment: "The WDS was supposed to allow the dunes to rebuild. It has not done this by my home but appears to have up the beach. What it has done is to assist the sand bagging in stopping further erosion and in stopping the recent high tides from further damaging my home." (Source: letter from William Longfield, dated 2/8/2017, Beachwood East property owner).

Comment: "We have been very pleased with the performance of the WDS during the numerous and dramatic storm events that have occurred this past year." (Source: form letters from 6 Seascope Villas property owners).

Comment: "The system's performance exceeded our expectations during the recent storm events." (Source: letter from Harry G. Stumpf, dated 2/7/2017, Seascope property owner and President of Seascope Villas Horizontal Property Regime).

OCRM RESPONSE: As detailed in the Staff Recommendation, OCRM considered The Citadel's report, GEL Engineering's report, and its own observations over the entire study period to draw the conclusions that the WDS does not hold the scarp line position when sandbags are not present, does not retain or increase sand landward of the structure, and results in frequent and significant scour trenches on the landward and seaward side of the structure. The Citadel specifically stated in their request letters to perform the study that movement of the scarp line would be analyzed. Furthermore, the storm events that occurred were certainly factored into staff's report to the Board because data collection efforts covered any storm event up to the end of the study. The study end date was July 28, 2016.

Accretion of Sand on the Beach

7

Comment: "The WDS has brought about accretion of the beach in the areas where it has been placed, and has been effective in mediating oceanfront property damage." (Source: letter from John P. Clarke, dated 12/23/2016, Ocean Club property owner).

Comment: "The WDS has created more beach between the building and the ocean than we have seen in years." (Source: letter from Joye Wells, dated 1/18/2017, Ocean Club property owner).

Comment: "The only savior we have at this time is to have the Wave Dissipation System since it provides a long term system to allow the sand to replenish." (Source: letter from Marion and Gail Glover, dated 1/11/2017, Ocean Club property owners).

Comment: "They have from my eye witness stand point protected the foundations of our buildings and actually added sand to the area while repelled some damage from severe storms and a Hurricane." (Source: letter from John M. Beam, Jr., dated 1/17/2017, Ocean Club property owner).

Comment: "There may be an argument, if it has really proven to increase the sand build-up (I think it has) but there is no doubt that it has kept the force of the waves from destroying our foundation." (Source: letter from Tom Zix, dated 1/17/2017, Ocean Club property owner).

Comment: "My background is engineering and whenever I watch the waves hitting the WDS thus dissipating the wave's energy and causing it to drop some of its entrapped sand. This action alone can help replace a large amount of the sand that gets eroded during king tide cycles and other ocean storms." (Source: letter from Paul Schulz, dated 1/17/2017, Ocean Club property owner).

Comment: "This seems to have been a complete success. The water still passes through the system but the sand appears to be staying in place both in front and in back of the system....The Wave Dissipation System is not only doing its job but the beach area in front of and adjacent to the system has actually increased over the past few months." (Source: letter from Teri and Richard Roberts, dated 2/13/2017, Wild Dunes property owners).

OCRM RESPONSE: GEL's survey data at all sites indicated that where accretion occurred, it was seaward of the WDS, where sand was blocked by the WDS and prevented from moving landward up the beach profile naturally. GEL's survey data showed that at all sites, sand volume decreased landward of the WDS. OCRM observations also supported the finding that the WDS does not cause accretion to occur on the landward side of the device. The Citadel did not collect elevation data landward of the WDS in the area between the scarp line and the device.

Initial Seascape Study vs. Expanded Study

1

Comment: "Dr. Mays stated that the first study at Seascape was a full scale study in an area suffering significant erosion. He believed that study itself was satisfactory for making conclusion about how the WDS performed and what it could do." (Source: letter from Mary Shahid, dated 2/13/2017, attorney for Beachwood East property owners).

OCRM RESPONSE: OCRM believes the expanded study was necessary to determine if the WDS could be successful in addressing an erosional issue at sites with varying tidal and wave action. As detailed throughout the Staff Recommendation document, OCRM believes the WDS was unsuccessful in addressing an erosional issue at each site, including the initial study location.

Comparing the WDS to Sandbags

6 (form) +
26
(individual)

Comment: "The use of the WDS as an alternative to sand bags during emergency conditions provides a much better alternative to sand bags because it is dynamic and can be manipulated to respond to actual or threatened changing conditions, can be removed or relocated in whole or in part, and can be stored and reused...Sand bags are better than a seawall or revetment because they are temporary, but they cannot be relocated, deteriorate with exposure to sun and waves and torn pieces of bags can create hazards to marine life and create litter. Sand bags can only reflect the wave energy and do not provide an opportunity for the buildup or entrapment of sand when natural accretional events occur. The WDS is easier to monitor and manage as a temporary measure pending renourishment of the beach, the preferred eroding beach management solution....The WDS can be removed and stored until installation is necessary to protect the Seascape building from future emergency erosional conditions. Sand bags continually have to be replaced and cannot be removed or reused. Approving the staff recommendation burdens the Owners with no alternative but sand bags to protect their property while waiting for renourishment. The use of sandbags for emergency orders in the past was more expensive and less effective than the WDS, particularly since the WDS can be dismantled and stored for future use. Sand bag maintenance is expensive and damage from storms can cause bags to tear and lose sand, becoming litter on the beach." (Source: letter from Jack Smith, dated 2/13/2017, attorney for Seascape Villas).

Comment: "WDS technology is both benign and far more environmentally friendly than other temporary protections such as sandbags, trucking sand, etc....The Ocean Club WDS has allowed the removal of sand bags during all but the most severe weather events." (Source: letter from Charles and Sheila Lord, dated 1/25/2017, Ocean Club property owners).

Comment: "The WDS is much superior to sand bags. It is much more attractive and allows the waves to flow through, but traps sand behind and protects our building from the severe turbulence of the waves....I sincerely believe that the WDS is a huge improvement over sand bags in both appearance and long-range cost." (Source: letter from Carl and Lollie Harper, dated 1/11/2017, Ocean Club property owners).

Comment: "[The WDS] has worked admirably and has protected our building much better than the only other solution you allow- sand bags. The WDS is far superior to sand bags. It is easier to install, to maintain, and to remove. It is much more aesthetically pleasing than a large stack of sand bags. The WDS is also much more cost effective...The WDS has been more beneficial to sea life. Bags break down and tear apart. The pieces can trap and entangle fish, birds, sea turtles and dolphins. They also ingest pieces of the bags." (Source: letter from Brian Hall, dated 1/16/2017, Ocean Club property owner).

Comment: "Sand bags are unsightly and difficult to install, maintain and remove. Sand bags are huge pollutants of our beaches since they become almost impossible to remove after they have been in place for some time and their removal undermines the very beach that we are trying to build!" (Source: letter from Joye Wells, dated 1/18/2017, Ocean Club property owner).

Comment: "The system is a dramatic improvement over sand bags in cost and appearance." (Source: letter from James Walden, dated 1/16/2017, Ocean Club property owner).

Comment: "We had used sandbags in the past and found them to be very expensive and ineffective." (Source: form letters from 6 Seascape Villas property owners).

Comment: "The WDS looks so much nicer for tourist, they hardly notice it and when openings are left on the sides folks are able to walk through it when the tide starts coming in, which extends beach time. Sandbags are a total blocker, very ugly, more expensive and probably messes up the habitat where the sand is removed from. Plus remnants of the bags tend to show up on the beach years after they are removed." (Source: letter from Daniel Carpenter, dated 1/11/2017, Ocean Club property owner).

Comment: "Also based on our past history, the sand bags were not near as effective as the WDS....As far as the comments about the appearance of the WDS, I have not heard anyone say they found them as offensive as the sand bags and the WDS is easily removed when we get our beach back." (Source: letter from Tom Zix, dated 1/17/2017, Ocean Club property owner).

Comment: "The WDS looks better than sandbags. The WDS also holds up better than the sandbags that are placed on the beach. Sandbags will break, get into the beach or get washed away. Also when sandbags break the pieces of the bag can trap birds, sea turtles or fish. Therefore WDS I feel is an environmentally much better solution than sandbags. Also I feel that WDS from a safety standpoint is a much better solution than the sandbags. I have seen children playing on sandbags, but you don't see children trying to play on the WDS. If the children who are playing on the sandbags would fall, they could get an arm or leg stuck between the bags or hurt themselves in some other way." (Source: letter from Marc H. Silverman, dated 1/18/2017, Ocean Club property owner).

Comment: "The WDS is working, and has shown more positive results over the years than sandbags." (Source: letter from Graeme M. Keith, dated 1/19/2017, Ocean Club property owner).

Comment: "I have witnessed countless deployments of sand bags of various sizes over the years at the cost of multiple Millions of dollars - only to have these unsightly sandbags collapse and wash away along the beach. Granted the large sandbags are less apt to wash away than the small - but they are still unsightly at best, and they only provide limited protection and in the end there is also a cost to remove them." (Source: letter from Pat Joyce, dated 1/21/2017, Ocean Club property owner).

Comment: "Over the years we have seen several methods to protect property: boulders, sandbags, and the WDS. The WDS appear to be the most effective, environmentally friendly, and attractive of these methods...Sandbags are unattractive, break and the plastic and cording end up on the beaches and ocean which is environmentally unfriendly and endanger wildlife." (Source: letter from Brian and Linda Abel, dated 2/13/2017, Ocean Club property owners).

Comment: "It is a much easier system to manage than sandbags and far more affordable." (Source: letter from Jeffrey C. Rogers, dated 2/11/2017, Seascape property owner).

Comment: "I managed Seascape since 1993 and have personally witnessed major erosion in front of Seascape in the mid-1990's, 2006-2008 and now during the last two years. I have experienced all forms of protection including scraping, 5 gallon sandbags, 1 yard sandbags and have found that the WDS is by far the most effective temporary erosion control device....The use of sandbags will produce a tremendous financial burden to the owners. It will negatively impair the use and enjoyment of the property by owners and guests. It will negatively impact the accommodations tax base for the island." (Source: letter from Lona Vest, dated 2/8/2017, Seascape Regime Manager).

Comment: "The use of sandbags for emergency orders in the past was less effective than the WDS, particularly since the WDS can be dismantled and stored for future redeployment. Sandbag maintenance is expensive and damage from storms can cause bags to tear and lose sand, littering the beach and ocean. The Seascape regime has extensive experience with the use of sandbags and has found that not only do they **not** adequately protect the property but they negatively impact wildlife, are cost prohibitive, are unattractive, and also create dangerous shoreline conditions for owners, guests and beachgoers. Just the presence of unsightly sandbags decreases property values, while the WDS looks like it belongs, blending in with the beach environment." (Source: letter from Harry G. Stumpf, dated 2/7/2017, Seascape property owner and President of Seascape Villas Horizontal Property Regime).

Comment: "As a neighbor, I far prefer the stable System rather than sandbags for emergency protection—the sandbags, and especially the smaller ones, leave debris up-and-down the beach whereas the System is entirely contained." (Source: letter from Al Bowen, dated 2/8/2017, Wild Dunes property owner).

Comment: "I went thru the ugly sand bags period where washed up sandbags were everywhere to be found when walking on the beach. I was subjected to the sandbag costs of setting and removal of small sand bags and then the setting and removal of the large sand bags. The laborious cost of tabulating what went in the beach and what came out. This was ridiculous!" (Source: letter from Gary Werkman, dated 2/8/2017, Wild Dunes property owner).

Comment: "I also find it a far better solution than sandbags which are very ineffective, quickly erode, and create a messy hazard for people and sealife. The WDS systems in place today are well maintained, do not negatively impact the ecosystem and do not pose any danger to beachgoers." (Source: letter from Philip R. Grennan III, dated 2/2/2017, Wild Dunes property owner and President of Shipwatch HOA Board).

Comment: "I own oceanfront property in Wild Dunes near Seascape. I have not experienced any negative impact from the use of the subject system and find it superior to the use of sandbags." (Source: letter from Christian F. Rapp, dated 2/9/2017, Wild Dunes property owner).

Comment: "I own a property near the Seascape Villas and have no issue with continual use of the WDS system to protect the property during periods of erosion. This is a much improved solution than sandbags of past years." (Source: letter from Grady D. Wilson, dated 2/9/2017, Wild Dunes property owner).

Comment: "This system seems to me to be definitely preferable to the use of sandbags in dealing with the problem of beach erosion, especially from the standpoint of long-term cost, appearance, and effectiveness." (Source: letter from Elaine Rhodes, dated 2/10/2017, Wild Dunes property owner).

Comment: "It is a much better system to protect the beach and dunes from continued erosion. The sand bags did not work well and this system should be used as we have not felt it was a problem. In fact, it is not un-attractive plus is keeping the shoreline in tact so that property owners and guests can continue to enjoy this beautiful area." (Source: letter from Sarah "Sally" and James Sexton, dated 2/11/2017, Wild Dunes property owners).

Comment: "When my properties in the past were exposed to a comparable erosion threat, the only permissible protective option available was the use of sandbags. That option had the considerable environmental and aesthetic downside of having the bags scattered up and down the shoreline. The WDS avoids these problems while affording protection to the threatened structures." (Source: letter from James F. Fox, dated 2/13/2017, Wild Dunes property owner).

Comment: "We are owners of a Port-O-Call condo. Port-O-Call is a Beach Front condominium group of buildings and located near the Ocean Club buildings. We have been owners since 1991 and have watched the beach come and go in various areas of Isle Of Palms. We were extremely adversely affected by erosion that began in the early 2000s and continued for several years. Carolyn Boltin, SDHEC-OCRM [sic] deputy commissioner issued an emergency order allowing to use 5 pound sandbags for which we were assessed. These failed, broke down quickly and left a mess on the beach which was largely washed out to sea. Subsequently we were allowed to use 50 pound bags which worked better but still were not adequate to stop erosion and loss of property, including stairs to first floor beach front units, our board walk and parts of the pool structure with the latter two being behind the setback line. The final remedy came when the Army Core [sic] of Engineers refurbished our beach. The process of using sandbags to remedy a multi-year issue was not successful or environmentally sound given the amount of debris washed out to sea or buried in the sand to be later washed out to sea. It was also very costly to the home owners and the region as it affected tourism." (Source: letter from Teri and Richard Roberts, dated 2/13/2017, Wild Dunes property owners).

Comment: "We have owned a unit in Shipwatch, Isle of Palms since 2004 and have seen the use of sandbags in an attempt to protect properties. It is very unattractive and not as effective as the need demands." (Source: letter from Mike and Anne Kinnane, dated 2/13/2017, Wild Dunes property owners).

Comment: "As I understand it the continued use of WDS helps to protect from excessive beach erosion and is a far better solution than sandbags." (Source: letter from Mickey Tyler, dated 2/9/2017, Wild Dunes property owner).

OCRM RESPONSE: The intent of the WDS study was to determine whether it could be successful in addressing an erosional issue per S.C. Code of Laws §48-39-320(C). The research study did not include measurements of sandbags or their effectiveness in mitigating erosion. However, during the study, the scarp line landward of the WDS continued to erode where sandbags were not present. Sandbags, when properly installed and maintained, can provide temporary erosion protection while a community is pursuing a longer-term erosion mitigation strategy like beach renourishment. The use of unmaintained sandbags has resulted in negative effects in the past. The State Legislature recently enacted a new law that requires bonds and a commitment to long term renourishment for the use of sandbags under an Emergency Order. These steps ensure that the sandbags are properly managed and that the property owners are pursuing long term solutions to protect their property.

**Effects of the
WDS on Sea
Turtle Nesting**

15

Comment: "The erosional escarpment is not turtle nesting habitat, and the WDS does not harm turtles or any other flora or fauna. The staff recommendation confirms only a potential for turtle nesting to be affected, based on the few false crawls observed." (Source: letter from Jack Smith, dated 2/13/2017, attorney for Seascape Villas).

Comment: "The Ocean Club WDS has had absolutely no measurable or meaningful effect on loggerhead sea turtle nesting." (Source: letter from Charles and Sheila Lord, dated 1/25/2017, Ocean Club property owners).

Comment: "The loggerhead turtles cannot nest in the WDS area anyway and always move to an area where it is safer for their nests. Even though many of the nest are moved to safer ground by the turtle brigade, when placed in the dry sand, time is provided for the relocation." (Source: letter from Carl and Lollie Harper, dated 1/11/2017, Ocean Club property owners).

Comment: "The WDS also protects sea turtles from becoming trapped under our building when they are searching for a suitable nesting site. There are no dunes for them to nest on- there is no beach, period! There is only twisted metal and concrete under our washed out garage." (Source: letter from Brian Hall, dated 1/16/2017, Ocean Club property owner).

Comment: "I understand that a concern for turtles is at the heart of this decision and do not understand this at all. Turtles cannot nest in sand bags! Turtles cannot nest if there is no beach. The bottom line is that there is no way that a turtle can nest in front of Ocean Club Building One, regardless of which method is used." (Source: letter from Joye Wells, dated 1/18/2017, Ocean Club property owner).

Comment: "This system can be operated in harmony with the environment, specifically the critical nesting of loggerhead turtles." (Source: letter from James Walden, dated 1/16/2017, Ocean Club property owner).

Comment: "It should be noted that there is no room or appropriate sand behind the WDS for turtles to nest so the system should not have any bearing on turtle nesting." (Source: letter from W.P. Tiedeman, dated 1/11/2017, Ocean Club property owner).

Comment: "I also do not understand the argument about the WDS being bad for the turtles. Removing the WDS or sandbags would allow them to go into the eroded cavity under the building where they would be more apt to get trapped or hung on something and certainly not a good place to lay eggs. It's better to have something that encourages the turtles to move away from these areas and try again elsewhere." (Source: letter from Daniel Carpenter, dated 1/11/2017, Ocean Club property owner).

Comment: "Reportedly, the sea turtles are protected by the EPA and are having trouble getting past the plastic WDS during the May-August nesting season. The female turtles crawl up the beach searching to lay their eggs preferably above the high tide line in sand dunes....Ironically, if it were not for the WDC [sic], the poor turtle would run into sand bags and or the eroded parking area of Ocean Club garage." (Source: letter from John M. Beam, Jr., dated 1/17/2017, Ocean Club property owner).

Comment: "I understand that this problem has been a concern to the environmentalist, especially the Turtle supporters and I also do not want to destroy their nesting area but if there is no sand dunes, they cannot lay their eggs and if the WDS is removed the area will be unusable for anyone." (Source: letter from Tom Zix, dated 1/17/2017, Ocean Club property owner).

Comment: "Furthermore the WDS does not in any way hurt the turtles. In fact, I think it could be said that the WDS helps save turtles. The reason I say this is if the turtles tried to nest in the highly eroded area where the WDS is now, the eggs would probably be washed away. At the present time the turtles lay their eggs elsewhere where there is a lot more beach." (Source: letter from Marc H. Silverman, dated 1/18/2017, Ocean Club property owner).

Comment: "The WDS I have seen in use are so close to the involved properties that sea turtles would not be able to lay their eggs on the beach and if they did the nest would be disrupted by wave action." (Source: letter from Brian and Linda Abel, dated 2/13/2017, Ocean Club property owners).

Comment: "The erosional scarp is unsuitable turtle nesting habitat, and the WDS does not harm turtles or any other flora or fauna. The staff recommendation confirms only a *potential* for turtle nesting to be affected, based on the few false crawls observed. If as recommended by the Citadel research team the WDS had been opened in those areas, the false crawls would likely have occurred anyway since the erosional scarp is poor natural nesting habitat....A few false crawls along a few yards of beach (which would have occurred anyway with the natural erosional scarp) could not reasonably be considered a threat to the species' existence, compared to other threats." (Source: letter from Harry G. Stumpf, dated 2/7/2017, Seascape property owner and President of Seascape Villas Horizontal Property Regime).

Comment: "Based on their placement (close to buildings) and how few there are, I fail to understand how they impact Turtles in any significant manner." (Source: letter from Philip R. Grennan III, dated 2/2/2017, Wild Dunes property owner and President of Shipwatch HOA Board).

Comment: "Since turtles would not nest up against the foundation of a building or, for that matter next to a hill of sandbags, it would appear there is no negative effect on them. Usually the turtles at our end of the beach build nests along the golf course and Dewees Island." (Source: letter from Teri and Richard Roberts, dated 2/13/2017, Wild Dunes property owners).

OCRM RESPONSE: As stated on page 33 of the Staff Recommendation, "DHEC-OCRM has photographic evidence of sea turtle nests being laid in less than optimal areas, including at the base of erosional scarps. When a sea turtle nest is laid in an area with little chance for successful hatching, Nest Protection Project Leaders and volunteers (which are active on Isle of Palms and Harbor Island) relocate the eggs to a more ideal location along the shoreline. The sea turtle interactions that occurred at the WDS may have been false crawls or they may have been legitimate nesting attempts. Therefore, regarding impacts to fauna, the WDS presents a potential harm associated with continued nesting attempts of sea turtles."

**Building
Protection**

10

Comment: "The Ocean Club WDS has been instrumental in mitigating the effects of severe erosion on Ocean Club Building 1, including during Hurricane Matthew....The Ocean Club WDS has forestalled an environmental and a human disaster by helping to protect a building and improvements with a value of tens of millions of dollars against almost certain destruction, condemnation and ruin." (Source: letter from Charles and Sheila Lord, dated 1/25/2017, Ocean Club property owners).

Comment: "The WDS has provided admirable protection through several major storms by decreasing the force with which the water gets to our building. While our garage did collapse in 2015, the effects could have been much worse if the full force of the waves and tide had been allowed to crash over sand bags into our building." (Source: letter from Joye Wells, dated 1/18/2017, Ocean Club property owner).

Comment: "We have seen the effects of having it in place and are convinced that removing it would lead to a tremendous amount of [sic] damage to our building." (Source: letter from Gary and Suzie McHugh, dated 1/11/2017, Ocean Club property owners).

Comment: "This building has already sustained damage from erosion which required extensive repair and one can visually see that the WDS is preventing recurrence of this erosion. I ask that the system be allowed to remain in place to continue to protect the building from damage." (Source: letter from W.P. Tiedeman, dated 1/11/2017, Ocean Club property owner).

Comment: "The only thing which has kept Building 1 of Ocean Club out of the ocean is the experimental Wave Dissipation System which has thus far [sic] aided in avoiding disaster." (Source: letter from Steven E. Schmidt, dated 1/13/2017, Ocean Club property owner).

Comment: "It seems unconscionable that a property owner would not be permitted to protect their property from almost certain destruction by all means possible. Especially when those means do no harm to the environment or the inhabitants of said environment. I cannot understand how there could even be a question about permitting the Ocean Club property owners (and others along the South Carolina coast) to protect well in excess of \$60,000,000 worth of real estate!?!?" (Source: letter from James S. Ryan, dated 1/14/2017, Ocean Club property owner).

Comment: "We believe that we require the Wave Dissipation System to stay in place to protect our building from the high tides. Ocean Club was built in accordance to the set-back requirements in place at the time it was built. The wave dissipation system has helped, and is helping our building stabilize the beach without any harmful effects to ocean life." (Source: letter from Ira and Merrie Zolin, dated 1/18/2017, Ocean Club property owners).

Comment: "The WDS has been such a great device for helping to protect our buildings." (Source: letter from Paul Schulz, dated 1/17/2017, Ocean Club property owner).

Comment: "I have seen first hand, daily, the effects of beach erosion caused by king tides, high tides, rising ocean levels, storms, etc. I have seen these events with the WDS in place and without the system in place. With the WDS in place the, damage associated with these events, to our building and property has been much, much less than without the WDS. I have seen the WDS take the impact of the high waves and greatly reduce their damaging force. The protection the WDS provides is very important to the values of properties they protect up and down the coast of South Carolina and ultimately to tax revenue streams." (Source: letter from John E. Long, Jr., dated 2/9/2017, Ocean Club property owner).

Comment: "The fact remains that Seascape Villas (and Ocean Club, having the same System) survived recent storms without being seriously damaged. It would not seem to be in the best interest of South Carolina to see national coverage of local tourist destinations at risk of being swallowed by the sea because DHEC-OCRM forced removal of the Systems while a beach nourishment project was pending." (Source: letter from Al Bowen, dated 2/8/2017, Wild Dunes property owner).

OCRM RESPONSE: With the exception of two houses landward of the Harbor Island WDS, the buildings landward of the WDS are generally still intact. The WDS dissipates wave energy to an extent but fails to successfully address the erosional issues at each study site. Both short-term and longer-term options are currently available to mitigate erosion at threatened properties. In the short-term, minor renourishment, sand scraping, or sandbags can be used under an Emergency Order to provide temporary protection. In the longer-term, large scale beach nourishment projects can be built to widen the beach and create new dunes.

**Effects of
Erosion on
Property Values**

4

Comment: "Lower values are not only a hardship for current owners who wish to or need to sell, they also mean very much lower tax revenues for state and local jurisdictions. For the 102 units in the two buildings of Ocean Club alone, the loss of ratable tax base may be as much as 100 million dollars of valuation. Plus, because Ocean Club HPR is the premier Wild Dunes condominium regime, its reduced values lower asking prices and valuations for all similar Wild Dunes properties." (Source: letter from Charles and Sheila Lord, dated 1/25/2017, Ocean Club property owners).

Comment: "What is happening at Ocean Club will continue to happen all along the coast of SC. Beach erosion will continue and unless you as an agency and our elected state leaders recognize that our beaches will require cyclical maintenance, we will lose our \$12 billion tourism industry and the tax revenue from ocean front property." (Source: letter from Brian Hall, dated 1/16/2017, Ocean Club property owner).

Comment: "As a long term owner and investor in my ocean property for over 20 years - I have struggled with the finances of combating erosion - and the realization that insurance does not cover this slow process of property degradation and its impact on property values and rental income - resulting in an investment that requires much effort, stress , and ultimately a net loss after 20 +years." (Source: letter from Pat Joyce, dated 1/21/2017, Ocean Club property owner).

Comment: "Property is financially risky to own and maintain in this area, pretty soon it could become cost prohibitive. If your goal is to have a pristine beach area, free of beach front property in this area then ban the WDS and ban sandbags while you're at it. Owners will sell, lose money, go bankrupt etc. due to resultant cost increases and decreases in building survivability. If you wish to continue having the tax revenues generated by these properties flowing into the South Carolina economy as well as the jobs and tourism they generate then you need to consider the owners request in this matter." (Source: letter from Jeffrey C. Rogers, dated 2/11/2017, Seascape property owner).

OCRM RESPONSE: Both short-term and longer-term options are currently available to mitigate erosion at threatened properties. In the short-term, minor renourishment, sand scraping, or sandbags can be used under an Emergency Order to provide temporary protection. In the longer-term, large scale beach nourishment projects can be built to widen the beach and create new dunes. The latest permit application for a large scale beach nourishment project at Isle of Palms is currently undergoing interagency review and would benefit the Beachwood East, Seascape Villas, and Ocean Club Villas sites in Wild Dunes.

**Cost of Fighting
Erosion**

10

Comment: "Since 2008 when the Isle of Palms beach was renourished at the expense of the Wild Dunes Community Association and the City of Isle of Palms, the 102 owners of The Ocean Club HPR have spent more than \$3,000,000 (three million dollars) to stabilize the shoreline in front of our Building 1, about \$30,000 per unit. If a currently proposed renourishment takes place, each Ocean Club unit will contribute over \$3,500 more." (Source: letter from Charles and Sheila Lord, dated 1/25/2017, Ocean Club property owners).

Comment: "We have spent over 3 million dollars since 2008 to prevent our building from washing into the ocean. We are good citizens, pay our many taxes, including sales tax, property taxes, income taxes, etc. The owners who rent also pay accommodation taxes. The 3 million dollars includes cost of sand, sand bags and since 2014 we have spent nearly \$400,000 on the wave dissipation system (WDS)." (Source: letter from Carl and Lollie Harper, dated 1/11/2017, Ocean Club property owners).

Comment: "Ocean Club has spent over \$3 million dollars on sandbags over the last few years. The \$400,000.00 cost and maintenance of the WDS has been much less." (Source: letter from Brian Hall, dated 1/16/2017, Ocean Club property owner).

Comment: "Our regime has spent \$400,000 in the development, installation and operation of this system; it has proven to be very effective in saving sand and protecting property." (Source: letter from James Walden, dated 1/16/2017, Ocean Club property owner).

Comment: "My home has been battered by the numerous storms of the past several years, which has resulted in my losing a portion of my house, stairs and porches as well as my beach dunes. I have spent over \$200,000 over this period of time trying to protect my home and to help rebuild the dunes structure of the beach." (Source: letter from William Longfield, dated 2/8/2017, Beachwood East property owner).

Comment: "We have spent over \$3 million since 2008 towards protecting the buildings from erosion, and a lot of that went toward sandbags, which are unattractive and harmful to the environment." (Source: letter from Graeme M. Keith, dated 1/19/2017, Ocean Club property owner).

Comment: "Since 2008 we have spent over \$3 million dollars on sand and sand bags trying to protect our property from the negative effects of erosion....It is so much better than sand bags and even though our Ocean Club owners have spent nearly \$400,000 on its installation and maintenance, it has no doubt been cheaper, more effective and certainly more environmentally friendly than sand bags." (Source: letter from Paul Schulz, dated 1/17/2017, Ocean Club property owner).

Comment: "We have found this to be a cost effective system to protect our property from dramatic storm/erosion events over the last year....In the short time we have been allowed to use this system there has been a noticeable reduction of maintenance issues to the building and beach front....The study does not take into account the economic savings the WDS provides to property owners." (Source: letter from Jeffrey C. Rogers, dated 2/11/2017, Seascape property owner).

Comment: "Seascape owners have invested over \$329,000 in the WDS protecting its property." (Source: letter from Harry G. Stumpf, dated 2/7/2017, Seascape property owner and President of Seascape Villas Horizontal Property Regime).

Comment: "As an 11 year owner of Tidewater I204 I have been exposed to over \$30,000 of fees for beach restoration." (Source: letter from Gary Werkman, dated 2/8/2017, Wild Dunes property owner).

OCRM RESPONSE: Some property owners commented on the relative costs of sandbags versus the WDS. OCRM believes that the WDS has not addressed the erosional issues at the study sites and that sandbags will still be required in the future to maintain the scarp line position.

**Characterization
of the WDS as a
"Seawall"**

4

Comment: "Dr. Mays' opinion is that the WDS is a soft technology and does not perform like a typical prohibited erosion control structure (seawall, bulkhead or revetment)." (Source: letter from Mary Shahid, dated 2/13/2017, attorney for Beachwood East property owners).

Comment: "The WDS is not a seawall. Seawalls are static and designed to retain uplands, create erosion on adjacent property on their ends, reflect wave energy that pushes sand away from the upper beach and are not temporary....Staff continues in its recommendation to this Board to think of the WDS as a seawall in spite of the facts to the contrary. See Deposition testimony of Dr. Mays, p. 20, Attachment K. However, the recommendation conclusion by staff that the WDS has effects similar to seawalls only references the effects and conditions following storm events and seems intentionally biased. Whether a WDS, sandbags or other temporary structures exposed to storm conditions are involved, the beach conditions following a storm event will be similar." (Source: letter from Jack Smith, dated 2/13/2017, attorney for Seascape Villas).

Comment: "OCRM/DHEC now claims that the WDS is a permanent, hard structure sea wall, prohibited under South Carolina law, despite the fact that the WDS can be removed with only a few days' notice and without a trace, and without environmental harm. 'Permanent' has a dictionary meaning, which definition must inform the legal interpretation of South Carolina regulations. The WDS is designed to be quickly reengineered or removed and is no more 'permanent' than the wooden erosion snow fences now permitted under South Carolina law....Permeant [sic] sea walls are structures of stone, concrete, boulders or the like weighing tens of tons, intended to remain *in situ* for years, or forever. What theory, in light of the contrary physical evidence, could convince a reasonable person that WDS is a permanent sea wall and not a temporary erosion control device like a snow fence?" (Source: letter from Charles and Sheila Lord, dated 1/25/2017, Ocean Club property owners).

Comment: "My own professional opinion is that it is highly misleading to refer to the WDS as a seawall. Conventional seawalls are static, rigid *retaining* walls--hard structures--designed to hold earth materials behind them, and the WDS is clearly an unconventional system designed to be flexible and reconfigured as conditions warrant. Use of the term "seawall" is inappropriate and distorts the discussion." (Source: letter from Harry G. Stumpf, dated 2/7/2017, Seascape property owner and President of Seascape Villas Horizontal Property Regime).

OCRM RESPONSE: OCRM believes the WDS results in impacts to the beach in the immediate vicinity of the structure that are similar to the impacts caused by shore-parallel erosion control structures like seawalls and bulkheads. These similar impacts include scour at the base of the structure and increased erosion at the end of the structure as summarized in the Staff Recommendation on page 24. As the WDS is modified with sheetpile walls that extend below grade ("Vertical Porous Panels"), it shows additional attributes of a seawall.

**Form Letters
from Other Wild
Dunes Property
Owners**

72

Comment: "Please accept this letter in favor of the continued use of the Wave Dissipation System (WDS). I own a property adjacent to Seascape Villas / in Wild Dunes and have no issue with their continued use of the WDS to protect their property during periods of erosion. I have not experienced any negative impact from their use of the system. I find it a far better solution than sandbags. The system is well maintained, does not negatively impact the ecosystem and does not pose any danger to the beachgoers." (Source: form letter from 72 Wild Dunes property owners).

DHEC Board

Wave Dissipation System (WDS): Summary of Public Comments In Favor of Staff Recommendation

Topic	Number of Comments	Specific Comments & DHEC-OCRM Responses
The WDS does not address an erosional issue.	15	<p>Comment: "It is understandable the protection of beachfront property will continue to be at issue along the coast however the damage these devices cause to nearby properties and failure to address the erosion during the study should dictate their immediate removal." (Source: letter from Sandra Bundy, dated 2/13/2017).</p> <p>Comment: "Plastic sea walls don't really protect our oceanfront property obviously and do prevent sea turtles from laying their eggs. Please! This is a no brained [sic]." (Source: letter from Donna Harkness, dated 2/8/2017).</p> <p>Comment: "These walls have apparently not helped with erosion, conversely, they have at times made it more prominent. Please rule for them to be removed." (Source: letter from Susan Nicassio, dated 2/8/2017).</p> <p>Comment: "I am gratified by the Department's conclusion that the WDS are not effective in addressing beach erosion and, in fact, result in negative impacts to the beach including blocking the nesting attempts of sea turtles in violation of the Endangered Species Act, and I also fully support the joint recommendation of OCRM staff and an independent third-party reviewer that this technology, methodology or structure not be approved for continued use at these locations or future use at any additional locations along our coastline." (Source: letter from Victor Wright, dated 2/8/2017).</p> <p>Comment: "These seawalls were authorized as experiments to determine their effectiveness in preventing erosion. The experiment has ended (six months ago), they have been evaluated, and they have proven to be not only ineffective in preventing erosion but to actually contribute to the process." (Source: letter from Paul Keyserling, dated 2/8/2017).</p> <p>Comment: "The authorization for these seawalls required a demonstration of success in addressing erosion at the beach; however, the seawalls have not prevented erosion and actually make it worse." (Source: letter from Tom Simpson, dated 2/8/2017).</p> <p>Comment: "The authorization for these seawalls required a demonstration of success in addressing erosion at the beach; however, the seawalls have not prevented erosion and actually make it worse. When ocean waves contact the seawall, the sand around the seawall is washed away. In addition, movement and replenishment of sand behind the seawall is impossible, which results in dune loss and a long-term decrease in protection for the oceanfront houses." (Source: letter from Lacey Czeluscinski, dated 2/8/2017).</p> <p>Comment: "DHEC's analysis of all available information indicates that the WDS has not successfully addressed erosional issues at the installation sites, has resulted in negative impacts to the beach and does not meet the performance criteria of a qualified device as defined by statute. DHEC-OCRM staff has recommended that the Board of of Health and Environmental Control not approve the WDS for future use and that the existing structures be required to be removed from the beach following the final agency decision." (Source: letter from Amy Kraft, dated 2/3/2017).</p>

Comment: "I would like to add my voice to the chorus of support for removal of the plastic seawalls known as "Wave Dissipation Systems" that have been constructed in front of oceanfront houses on Harbor Island and Isle of Palms. These seawalls are not just hideous eyesores that have proved time and time again to be ineffective in preventing beach erosion, but even worse, they are inhibiting the nesting process of a sea turtle population that is shrinking at an alarming rate." (Source: letter from Victor Wright, dated 12/29/2016).

Comment: "I am writing in support of removing the experimental seawalls (Wave Dissipation Systems) on Harbor Island and Isle of the Palms implemented by The Citadel. The failed experiment ended in July 2016 and yet the walls still remain in place. The WDSs have not only failed in its mission to address erosion at the beach but have made it worse. When ocean waves contact the seawall, the sand around the seawall is washed away. Resulting in dune loss and a long-term decrease in protection for oceanfront properties." (Source: letter from Lauren Rosolino, dated 12/28/2016).

Comment: "They [the WDS] are supposed to prevent erosion, but they do not. Coastlines constantly change. When part of one beach is protected, part of another is eroded instead." (Source: letter from MaryRose Randall, dated 12/22/2016)

Comment: "First, the wall clearly did not prevent erosion on Harbor Island. The scarp seaward of the wall continued to erode, even on the two properties that also had sandbags. The original promise of the system was to trap sand from incoming waves and form new dunes. That never happened at Harbor Island. There was not the slightest sign of any dune-building. To the contrary, the scarp continued to erode. Needless to say, the wall did not protect the three homes from Hurricane Mathew. All were severely damaged. Two will have to be torn down and the third one moved to a safer location." (Source: letter from Dennis Nolan, dated 12/28/2016).

Comment: "The last requirement in the Budget Proviso is also blatantly violated, as indicated by the results of the study. The experimental seawall results are supposed to be that it "prevents down-coast erosion, protects property, and limits negative impacts to public safety and welfare, beach access; and the health of the beach dune system." Budget Proviso 34.48, part (7). However, this could not be further from the truth. The WDS actually cause erosion and endanger property, as laid out in the studies and DHEC report." (Source: letter from the South Carolina Environmental Law Project, dated 2/13/2017).

Comment: "Based on these results, the DHEC staff determined that these devices have failed to meet the required demonstration of success in addressing beach erosion, and in fact, in several instances, made it worse. After review of the data reviewed by DHEC, we concur with the staff determination and recommendation that the WDS be removed." (Source: letter from the South Carolina Wildlife Federation (SCWF), dated 12/28/2017).

Comment: "Pursuant to 1976 Code Ann. Section 48-39-320(C), the Department of Health and Environmental Control (DHEC) is tasked with determining whether the WDS has been successful in addressing an erosional issue and whether it should be allowed for continued use. As publicly noticed, DHEC's analysis of all available information indicates that the WDS has not successfully addressed erosional issues at the installation sites, has resulted in negative impacts to the beach and does not meet the performance criteria of a qualified device as defined by statute. DHEC staff has recommended that the Board not approve the WDS for future use and that the existing structures be required to be removed from the beach following the final agency decision." (Source: letter from The Coastal Conservation League, dated 2/13/2017).

Comment: "The most important finding in GEL's assessment of the WDS is that, **"WDS designs observed during this study will not provide long-term protection for property subjected to long-term beach erosion [emphasis supplied]."** As noted in the GEL study, the WDS did not have the ability to protect properties and stabilize scarps without using sandbags in conjunction." (Source: letter from The Coastal Conservation League, dated 2/13/2017).

OCRM RESPONSE: The DHEC - OCRM staff recommendation indicated that the WDS did not address an erosional issue because the WDS: 1.) Did not hold the scarp line position, 2.) Did not increase or retain sand volume on the landward side of the structure, and 3.) Did not minimize trenching and scouring.

The WDS does not allow natural movement of the beach

3

Comment: "Second, there were occasional small sand accretions on the seaward side of the wall. If those accretions represented new sand building the beach, it would be wonderful. They did not. They seemed to consist solely of sand that would, if not stopped by the wall, would have been deposited farther up the beach. The wall only blocked the sand's landward progress, and the next tide typically washed away even those small accretions." (Source: letter from Dennis Nolan, dated 12/28/2016).

Comment: "Hard structures on our beaches even of temporary nature, do not allow the natural movement of our beaches and should not be allowed." (Source: letter from Sandra Bundy, dated 2/13/2017).

Comment: "In fact, a quick visual inspection of the WDS reveals that sand has actually accumulated on the seaward side of the system, indicating that sand is not making its way through the horizontal slats as intended." (Source: letter from the Coastal Conservation League, dated 2/13/2017).

OCRM RESPONSE: As stated in the DHEC - OCRM staff recommendation on page 15, "As observed by GEL during their study of the WDS, there was a loss of sand on the landward side of the structure at all four sites. Accretion of sand at all sites was always on the seaward side of the structure, not on the landward side. The WDS blocks the natural accretion of sand on the shoreline during calm conditions, and is ineffective without sandbags during storm conditions. Therefore, the WDS does not increase or retain sand on the landward side."

**Effects of the
WDS on Sea
Turtle Nesting**

**320 (form)
+ 37
(individual)**

Comment: "As a South Carolinian, I write in support of the DHEC decision to order the permanent removal of temporary wave dissipation devices that disrupt federally protected sea turtles' capability to nest during nesting season, pursuant to staff recommendation and South Carolina state law. We support the agency standing up to do the right thing...In addition to violating state law, the seawalls also violate the Federal Endangered Species Act because sea turtles are protected, and it is an illegal "take" of these creatures under the Act to interfere with sea turtle nesting." (Source: 325 form letters).

Comment: "I strongly support the ban against sea walls (WDS) as they deter sea turtles from nesting. I also think the existing walls should be removed at Harbor Island and Isle of Palms. Sea turtles, protected under the Endangered Species Act, have been an interest on mine since volunteering for the Caretta Research Project in Wassaw National Wildlife Refuge during high school. We know these sea walls were only a test to see if there was a temporary fix for beach erosion that failed." (Source: letter from Hayden Geer, dated 2/12/2017).

Comment: "I support the DHEC staff decision to permanently remove the WDS at Harbor Island and Isle of Palms! Thank you for caring enough to protect the sea turtles." (Source: letter from Betty Rankin, dated 2/10/2017).

Comment: "I'm weighing in on the side of the SEA TURTLES. enough words have been spoken - only action speaks at this point." (Source: letter from Donna Stewart, dated 2/9/2017)

Comment: "The sea walls violate state law as well as the Federal Endangered Species Act. DHEC staff has recommended that the walls come down. I am in support of sea wall removal." (Source: letter from Karen Stacher, dated 2/9/2017).

Comment: "The Citadel has had temporary authorization to place experimental seawalls (aka Wave Dissipation Systems) on Harbor Island and Isle of Palms. Authorization was granted with the proviso that there be no adverse impact on beach wildlife (especially nesting sea turtles) or the beach itself, but the opposite has been true. The seawalls harm sea turtles by blocking the nesting attempts of mother sea turtles." (Source: letter from Merle Dowling, dated 2/8/2017).

Comment: "Plastic sea walls don't really protect our oceanfront property obviously and do prevent sea turtles from laying their eggs. Please! This is a no brained [sic]." (Source: letter from Donna Harkness, dated 2/8/2017).

Comment: "It has come to my attention that a sea wall project has been undertaken on Isle of Palms and Harbor Island. I have personally witnessed the tiny turtles which are affected by this and other harmful man-made elements." (Source: letter from Susan Nicassio, dated 2/8/2017).

Comment: "Personally, I feel I am here very temporarily and should leave little or no footprint on the natural landscape, whereas the LOGGERHEAD SEA TURTLES have been here eons and their unfettered access to the oceanfront for nesting is a god-given right that human beings must honor. In other words, our morality must include the natural world." (Source: letter from Timothy Dodds, dated 2/8/2017).

Comment: "I am gratified by the Department's conclusion that the WDS are not effective in addressing beach erosion and, in fact, result in negative impacts to the beach including blocking the nesting attempts of sea turtles in violation of the Endangered Species Act, and I also fully support the joint recommendation of OCRM staff and an independent third-party reviewer that this technology, methodology or structure not be approved for continued use at these locations or future use at any additional locations along our coastline." (Source: letter from Victor Wright, dated 2/8/2017).

Comment: "We can choose where we build. We should choose to build in more sustainable locations farther away from the fragile and constantly moving shoreline. Building there is costly and eventually that investment may be completely lost. Better to make more sustainable, intelligent choices. Sea turtles cannot make that choice. They are part of the circle of life and we should protect them." (Source: letter from Mary Beth Berry, dated 2/8/2017).

Comment: "As a volunteer for a local Hilton Head Island group working on the protection of our sea turtles, I would respectfully ask that you not continue to allow any plastic seawalls on the SC coast. These walls obviously impede a mother turtle from reaching a nesting site in the dunes. False crawls are a problem all along our populated coast line. These plastic walls will only create more obstacles for this endangered species." (Source: letter from Lisa Pianta, dated 2/8/2017).

Comment: "Further they were permitted with the understanding that they would not harm beach wildlife but they have demonstrably done so. Especially notable is their disruption of sea turtle nesting, a violation of our federal Endangered Species Act." (Source: letter from Paul Keyserling, dated 2/8/2017).

Comment: "The authorization for these seawalls also required that there be no adverse impact on beach wildlife (especially nesting sea turtles) or the beach itself, but the opposite has been true. The seawalls harm sea turtles by blocking the nesting attempts of mother sea turtles, resulting in "false crawls" and failure to nest... The seawalls also violate the Federal Endangered Species Act because sea turtles are protected, and it is an illegal "take" of these creatures under the Act to interfere with sea turtle nesting." (Source: letter from Tom Simpson, dated 2/8/2017).

Comment: "I urge you to recognize that the sea wall project has failed and has put the endangered sea turtle nesting habitat in grave danger." (Source: letter from Rosellen Alequire, dated 2/8/2017).

Comment: "These walls also endanger sea turtles, which are a threatened South Carolina species." (Source: letter from Lacey Czeluscinski, dated 2/8/2017).

Comment: "I am writing to encourage DHEC to protect the viability of endangered sea turtle populations by removing the, literal, obstacles for the species to procreate. Realizing that the Wave Dissipating Systems (walls) at Harbor Island and at Isle of Palms, very near to where I live in Charleston, hurt an important part of a larger eco system is very valid reason to strive to minimize the harm done to this population." (Source: letter from Amalia Leifeste, dated 2/8/2017).

Comment: "I have seen the effects of building too close to the sea for my whole life. The seawalls in question Should be removed to help the loggerheads return to Their beach. Please stop the use of these artificial barriers." (Source: letter from L.S. Alexander, dated 2/8/2017).

Comment: "I am writing to express my concern that the seawalls on the Isle of Palms and Harbor Island have not been taken down. It is obvious they are detrimental to the well-being of nesting sea turtles, which should be a higher priority than someone who foolishly built their house in the wrong place." (Source: letter from Janet Swigler, dated 2/7/2017).

Comment: "The experimental sea walls block nesting sea turtles and public access to our beaches, and must come down. SCELPA's Endangered Species Act case on behalf of Sierra Club and South Carolina Wildlife Federation has pressed the state agency, DHEC, to take some positive steps for sea turtles." (Source: letter from Amy Kraft, dated 2/3/2017).

Comment: "I'm writing to ask that you follow the DHEC-OCRM Staff recommendation to the Board and not approve the WDS for future use and to require the existing structures to be removed from the beach. These walls block nesting sea turtles and public access to our beaches, and must come down." (Source: letter from Joe Whetstone, dated 2/1/2017).

Comment: "I am a volunteer for sea turtles at Harbor Island and have personally witnessed the negative impact that the seawalls have had on nesting turtles. During the season last summer I came across tracks that lead up to the walls and then back to the ocean. Other volunteers and beach walkers have had the same experiences. PLEASE REMOVE THOSE CONTROVERSIAL WALLS AND DISALLOW ANY FUTURE SYSTEMS." (Source: letter from Katherine Pringle, dated 2/1/2017).

Comment: "Please ban plastic seawalls that are harming sea turtles in South Carolina." (Source: letter from David Axe, dated 2/1/2017).

Comment: "By way of introduction, I was the sea turtle coordinator for the South Carolina Department of Natural Resources for 30 years....I am writing to explain how these experimental seawalls constitute harm to loggerhead (*Caretta caretta*) turtles by negatively impacting their breeding and are thus a violation of the Endangered Species Act. Using radio telemetry at South Island, it was shown when nesting loggerhead turtles were prevented from nesting for several nights, two things happened. One, they selected poorer nest sites. These nests were lost to inundation. Two, it lengthened their inter-nesting interval. Instead of the normal 13-day nesting interval, false crawl turtles' nesting interval would be days longer. By the end of the nesting season, which is probably regulated by photoperiod, they have run out of time to lay any more eggs still in the oviducts. These are reabsorbed as they migrate back to the foraging grounds. Fewer clutches have been laid, lowering their reproductive potential. Female loggerhead turtles do not nest every year. During the "off years" they are hundreds of miles away on foraging grounds replenishing fat stores that were depleted during the previous nesting season. It may take two or three years, or even longer, to restore these fat stores. During migration back to the nesting beaches and during the nesting season, female loggerheads are not feeding....Crawling up onto the beach, digging an egg chamber, depositing the eggs, covering and concealing the location of the nest and returning to the ocean consumes energy as well....Anything that results in a false crawl, or non-nesting emergence, wastes precious energy needed for the production of the next clutch of eggs. If a female loggerhead continually false crawls, she may use up too much of her energy and not be able to produce as many clutches of eggs. Again, this lowers the reproductive potential by reducing the number of clutches laid in a season. Under the Endangered Species Act, "harm" is defined to include significant habitat modification or degradation which "actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, [emphasis added] feeding or sheltering." 50 C.F.R. §17.3. These experimental seawalls have been documented to cause false crawls in loggerhead turtles. This has the potential for lowering the reproductive output in several ways. They constitute a significant "habitat modification" on the beach and clearly fit the definition of "harm" under the Act. This is an insidious type of harm because it goes unseen and is difficult or impossible to document. However, the potential is certainly there, based on my understanding of sea turtle reproductive biology." (Source: letter from Sally Murphy, dated 1/10/2017).

Comment: "I am writing to support the staff's conclusion that the WDS is not effective and should be immediately removed from the beaches. I hold the SC DNR permits for sea turtle protection on Dewees Island and on Capers Island and have a very strong opinion that these devices are harmful to our nesting loggerhead turtles. These turtles are protected by the Endangered Species Act and the plastic walls should never have been allowed to be installed in the first place. They are a physical barrier to turtle nesting and thus, violate this protection act." (Source: letter from Dr. Gary McGraw, dated 1/7/2017).

Comment: "I have pose [sic] walls on beaches as it jeopardizes the welfare of a wide variety of animals which rely on the beach for their survival. Specifically the loggerhead turtle would be in great jeopardy if we allow Wells to be constructed on beaches along with South Carolina coast preventing them from being able to lay eggs and procreate." (Source: letter from Jan Mashman, dated 1/7/2017).

Comment: "It is clear from the photos reviewed by the staff that the walls at Harbor and on Isle of Palms repeatedly prevented nesting turtles from completing their mission. We cannot know for sure which of those blocked journeys would have resulted in successful nests and which would have been normal false crawls. We do know that some of them would have been successful. We also know that any human-created barrier will make nesting more difficult for this threatened species. That is why the Endangered Species Act prohibits artificial barriers to nesting areas. If DHEC does not force removal of the seawalls, it will be forced to do so in federal court. That would simply waste DHEC funds." (Source: letter from Dennis Nolan, dated 12/28/2017).

Comment: "These seawalls are not just hideous eyesores that have proved time and time again to be ineffective in preventing beach erosion, but even worse, they are inhibiting the nesting process of a sea turtle population that is shrinking at an alarming rate." (Source: letter from Victor Wright, dated 12/29/2017).

Comment: "I am writing to urge you to support immediate removal of these "Wave Dissipation Systems" which are plastic sea walls within the water off the coast of Isle of Palms, SC and Harbor Island, SC. They dramatically inhibit the ability of the sea turtles that nest along these shores to make their nests. Our sea turtles are an endangered species and should be protected to the best degree by all State and Local authorities." (Source: letter from Holly Hook, dated 12/29/2017).

Comment: "The authorization for these seawalls also required that there be no adverse impact on beach wildlife (especially nesting sea turtles) or the beach itself, but the opposite has been true. The seawalls harm sea turtles by blocking the nesting attempts of mother sea turtles, resulting in "false crawls" and failure to nest. And the experimental seawalls themselves are designed and situated in a manner that blocks public access and movement along the beach....The seawalls also violate the Federal Endangered Species Act because sea turtles are protected, and it is an illegal "take" of these creatures under the Act to interfere with sea turtle nesting." (Source: letter from Lauren Rosolino, dated 12/28/2017).

Comment: "These systems prevent the endangered Loggerhead sea turtle from nesting." (Source: letter from MaryRose Randall, dated 12/22/2017).

Comment: "Besides violating state law, they remain a deterrent for nesting turtles. This violates the Federal Endangered Species Act." (Source: letter from Christopher Galton, dated 12/18/2017).

Comment: "As private citizens who donate many hours [sic] our time to monitor and protect endangered sea turtles and their nests on the Isle of Palms, we would like to comment on the Wave Dissipation System that has been in place on our beach since 2013. When this experiment first began, we were told by Mr. Nettles whom we met on the beach that it was "turtle friendly" and that the cross pipes could and would be removed to enable loggerheads to crawl up onto the beach and lay eggs. But this never happened....On occasion we have observed instances where sea turtles have approached the WDS structures and then "false crawled" or turned around and headed back to the ocean without being able to nest....We strongly urge the Board of DHEC/OCRM to do the right thing for the health of our endangered sea turtles and the health of our beaches and vote to prohibit the WDS in the future." (Source: letter from Mary Pringle and members of the Isle of Palms/Sullivan's Island Turtle Team, dated 1/9/2017).

Comment: "By way of introduction, I am a biologist certified as an Endangered Species Observer by the National Marine Fisheries Service (NMFS) with multiple years experience monitoring marine construction (all types of dredging, cable laying and other) projects to ensure they are complying with the provisions of their contract and permits that reduce the likelihood of harming sea turtles, marine mammals, and sturgeon....Female loggerhead turtles do not nest every year. During the "off years" they are hundreds of miles away on foraging grounds replenishing fat stores that were depleted during the previous nesting season. It may take two or three years, or even longer, to restore these fat stores. During migration back to the nesting beaches and during the nesting season, female loggerheads are not feeding....Crawling up onto the beach, digging an egg chamber, depositing the eggs, covering and concealing the location of the nest and returning to the ocean consumes energy as well....Anything that results in a false crawl, or non-nesting emergence, wastes precious energy needed for the production of the next clutch of eggs. If a female loggerhead continually false crawls, she may use up too much of her energy and not be able to produce as many clutches of eggs. This lowers the reproductive potential by reducing the number of clutches laid in a season. Using radio telemetry, it was shown when nesting loggerhead turtles were prevented from nesting for several nights, two things happened. One, they selected poorer nest sites. These nests were lost to inundation. Two, it lengthened their inter-nesting interval. Instead of the normal 13-day nesting interval, false crawl turtles' nesting interval would be days longer. By the end of the nesting season, which is probably regulated by photoperiod, they have run out of time to lay any more eggs still in the oviducts. These are reabsorbed as they migrate back to the foraging grounds. Fewer clutches have been laid, lowering their reproductive potential....These experimental seawalls have been documented to cause false crawls in loggerhead turtles. This has the potential for lowering the reproductive output in several ways. They constitute a significant "habitat modification" on the beach and clearly fit the definition of "harm" under the Act. This is an insidious type of harm because it goes unseen and is difficult or impossible to document. However, the potential is certainly there, based on my understanding of sea turtle reproductive biology. They can also cause physical harm to sea turtles as the beach is constantly changing it is possible either an adult or hatchling sea turtle could get trapped behind the wall and not be able to make it back to the water causing either injury or death....Lastly its possible that the broken pieces of these walls which I have personally seen up and down the beach (and on neighboring islands) can either trap a sea turtle or they can ingest the pieces either of which constitutes "harm" and is illegal under the Endangered Species Act." (Source: letter from Sean McQuilken, dated 1/25/2017).

Comment: "The Budget Proviso also requires that the WDS "does not negatively impact or inhibit sea turtle nesting or other fauna." Budget Proviso 34.48, part (5). The study undertaken by the Citadel did not include a marine biologist or other expert who could study and opine upon the impacts to sea turtles. However, it became obvious during the course of the study that the WDS were impacting nesting. Several false crawls were seen in front of the seawalls. Furthermore, it is well-known in the scientific community that seawalls negatively impact sea turtle nesting. This is because they are hard structures blocking access to the beaches. That causes what are known as "false crawls" where a sea turtle expends the significant energy it takes to crawl out of the takes to crawl out of the ocean but fails to nest. Blocking sea turtles from nesting certainly qualifies as a "negative impact" or "inhibiting" nesting, which is a direct violation of the Budget Proviso. It is also a violation of the federal Endangered Species Act because it is a prohibited "take" of the protected turtles. 16 U.S.C.A. §§ 1 538(a)(I)(B), 1 532(13)." (Source: letter from the South Carolina Environmental Law Project, dated 2/13/2017).

Comment: "During their experimental placement on the beaches, they resulted in numerous false nesting crawls by sea turtles that returned to sea when they encountered these devices during a nesting attempt. Inducement of this behaviour constitutes "harassment" of an endangered species under the Endangered Species Act (ESA). We would point out that WDS were designed to preclude such impacts by removing horizontal members during turtle nesting season. This was not done during the experimental period." (Source: letter from the South Carolina Wildlife Federation, dated 12/28/2017).

Comment: "In addition to the broad sand resource impacts, the evidence indicates a potentially negative impact on sea turtle nesting." (Source: letter from Mary Conley at The Nature Conservancy, dated 2/13/2017).

Comment: "According to public reports in 2016, the WDS resulted in several false sea turtle crawls. Turtle Patrol volunteers documented these false crawls in photographs at three different WDS locations. DHEC communications to the Department of Natural Resources (DNR) assert that WDS have blocked sea turtles from nesting on at least six different occasions. DNR's response indicates that long wave dissipation walls could hurt nesting—not necessarily based on the reported false crawls per se, but the larger looming problem with widespread and long-term use of WDS. While the legislature intended for WDS to be used outside of turtle nesting season, the project designers do not explicitly state the number of hours required to deploy or remove the horizontal panels. GEL's monitoring report of The Citadel's project goes on to conclude, "reports do not address potential impacts to turtles in detail. The final report recommends removing the horizontal panels during turtle nesting season to avoid impacts, unless a structure is in imminent danger of losing structural support. The report also discusses maintenance of wing walls to avoid turtle entrapment. However, analyses or conclusions are not given regarding potential impacts to turtles or other fauna." (Source: letter from the Coastal Conservation League, dated 2/13/2017).

OCRM RESPONSE: As stated in OCRM's staff recommendation on page 22, "It can be debated whether these sea turtle interactions with the WDS were "false crawls," where the turtle would not have laid her eggs regardless of the presence of the WDS, or if the WDS interrupted a nesting attempt. It has been stated that nesting sea turtles are not negatively impacted by the WDS because the shoreline landward of the structures is heavily eroded and not conducive to sea turtle nesting. However, DHEC-OCRM has photographic evidence of sea turtle nesting in less than optimal areas, including at the base of erosional scarps (Figure 20). When a sea turtle nest is laid in an area with little chance for successful hatching, Nest Protection Project Leaders and volunteers (which are active on Isle of Palms and Harbor Island) relocate the eggs to a more ideal location along the shoreline. The sea turtle interactions that occurred at the WDS may have been false crawls or they may have been legitimate nesting attempts. Therefore, regarding impacts to fauna, the WDS presents a potential harm associated with continued nesting attempts of sea turtles."

**Impacts to
Physical
Resource**

**320 (form)
+ 3
(individual)**

Comment: "According to state code, "the general assembly has found use of armoring in the form of hard erosion control devices such as seawalls, bulkheads, and rip-rap to protect erosion-threatened structures adjacent to the beach has not proved effective. These armoring devices have given a false sense of security to beachfront property owners. These hard structures, in many instances, have increased the vulnerability of beachfront property to damage from wind and waves while contributing to the deterioration and loss of the dry sand beach which is so important to the tourism industry." S.C. Code Ann. § 48-39-250(5)." (Source: 320 form letters).

Comment: "Seawalls of any type harm dune formation. Dune formation does offer some protection to the land behind them, so Wave Dissipation Systems are actually counterproductive in the long run." (Source: letter from MaryRose Randall, dated 12/22/2017).

Comment: "Third, every time I walked in that area after high tide, there was noticeable scouring landward of the seawall. Typically the scour was in trenches at the corners of the wall, dredged out as the water that managed to get into the enclosed areas drained out. Succeeding tides smoothed out those scours, but the constant churning could not have helped the beach's ecosystem." (Source: letter from Dennis Nolan, dated 12/28/2016).

Comment: "We are particularly concerned about: landward movement of the erosion line (or "scarp line"); loss of sand volume landward of the devices; trenching or scouring of the beach around the devices; and the contribution to erosion away from the pilot site." (Source: letter from Mary Conley at The Nature Conservancy, dated 2/13/2017).

OCRM RESPONSE: As stated in OCRM's staff recommendation on page 23, "Regarding impacts to physical resources, the WDS results in impacts to the beach through 1.) Continued erosion of the scarp line landward of the WDS structures, 2.) Persistent scouring and trenching, 3.) Periodic excavations to adjust the system, 4.) Erosion of adjacent unprotected properties, and 5.) Similar impacts to those of seawalls." On page 10, it states "The WDS did not maintain the scarp line or MHW positions. While the scarp line position did not change drastically during GEL's study....the scarp eroded significantly at each WDS site after the structures were installed, but before GEL began their study." On page 18, it states "DHEC - OCRM staff observed persistent trenching and scour at the base of the structures at all sites except Seascape Villas." Trenching and scour was observed throughout 2015 and 2016. In terms of the periodic excavations, the WDS can be adjusted after initial deployment by lowering the pilings, lowering or raising the panels, adding spacers between panels, or temporarily removing the panels altogether. These periodic excavations result in temporary impacts to the beach (Figure 21 of the recommendation). In terms of impact to adjacent properties, the WDS does not prevent erosion of the shoreline on the "down-coast" side of the structure. In fact, where the WDS terminates, increased erosion was observed on unprotected properties immediately adjacent to the WDS (Figure 22 of the recommendation). Finally, in terms of impacts similar to those of a seawall, on page 24, it states "S.C. Code Ann. Regulation § 30-1(D)(22)(a) defines a seawall as "a special type of retaining wall that is specifically designed to withstand wave forces". While not defined as a seawall or bulkhead, GEL notes that the WDS has similar negative effects on the beach as these traditional types of erosion control structures....Shore-parallel erosion control structures like seawalls and bulkheads are banned by the South Carolina Beachfront Management Act (S.C. Code Ann. § 48-39-250 et. seq). In writing that Act, the General Assembly found that "The use of armoring in the form of hard erosion control devices such as seawalls, bulkheads, and rip-rap to protect erosion-threatened structures adjacent to the beach has not proven effective. These armoring devices have given a false sense of security to beachfront property owners. In reality, these hard structures, in many instances, have increased the vulnerability of beachfront property to damage from wind and waves while contributing to the deterioration and loss of the dry sand beach which is so important to the tourism industry."

<p>Impacts to adjacent properties</p>	<p>1</p>	<p>Comment: "Most knowledgeable people are aware that erecting any kind of sea wall on the beach causes erosion in adjacent areas and that is what we have seen on the Isle of Palms where the walls were constructed." (Source: letter from Mary Pringle and members of the Isle of Palms/Sullivan's Island Turtle Team, dated 1/9/2017).</p> <p>OCRM RESPONSE: The WDS does not prevent erosion of the shoreline on the "down-coast" side of the structure. Where the WDS terminates, erosion was observed on unprotected properties immediately adjacent to the WDS (Figure 22 of the OCRM Staff Recommendation).</p>
<p>The WDS is not a temporary structure</p>	<p>3</p>	<p>Comment: "The premise of the seawalls as temporary and easily removable structures has proven false. These seawalls were authorized as temporary structures that can be removed within the period of seventy-two hours; however, the experimental seawalls were never removed, only expanded during the course of the study." (Source: letter from Tom Simpson, dated 2/8/2017).</p>

Comment: "The premise of the seawalls as temporary and easily removable structures has proven false. These seawalls were authorized as temporary structures that can be removed within the period of seventy-two hours; however, the experimental seawalls were never removed, only expanded during the course of the study. The seawalls' horizontal panels were not even removed during turtle nesting season. Furthermore, the seawalls cannot be installed or removed within seventy-two hours as provided by law because they are big and require contractors with technical expertise to place or remove them over the course of weeks or even months." (Source: letter from Lauren Rosolino, dated 12/28/2016).

Comment: "For example, the WDS "can be deployed within seventy-two hours or less and can be removed within seventy-two hours or less." Budget Proviso 34.48, part (4). This has never been true of these systems, which cover hundreds of feet of shoreline and require skilled professional installation and removal, which can take weeks or even months." (Source: letter from the South Carolina Environmental Law Project, dated 2/13/2017).

OCRM RESPONSE: As stated in the DHEC - OCRM staff recommendation, page 32, "Since all components of the WDS structures, including vertical pilings and horizontal panels, were installed at once and have not been removed, it is difficult to assess whether the horizontal panels alone can be deployed or removed within one-hundred twenty hours or less. One-hundred twenty hours is the equivalent of five 24-hour days. The entire structure at Ocean Club took approximately 40 days to install (4/27/2015 to 6/5/2015), the entire structure at Harbor Island took approximately 24 days to install (5/11/2015 to 6/3/2015), and the entire structure at Beachwood East took approximately 45 days to install (7/28/2015 to 9/10/2015)."

**The WDS is a
seawall and
violates state
law**

4

Comment: "Initially, though, it is important to recognize that despite its fancy name and academic veneer, the so-called wave dissipation system is simply a seawall. It consists of horizontal plastic pipes rather than vertical wood planks or solid concrete, but it functions in exactly the same way as other seawalls. On several occasions in the last 18 months, I stood at high tide on the top of the public boardwalk that (pre-hurricane) crossed over the plastic seawall and watched the waves come in. On the seaward side of the wall, the waves crashed against the wall and bounced off to scour the base of the seawall or the portions of the beach to the sides of the wall. The landward side remained relatively dry, with just trickles of water coming in. It was apparent that the wall was virtually solid except for a few wooden spacers placed between some bottom rungs. South Carolina outlawed seawalls in 1988 because they are counter-productive, destroying the beach while failing in the long run to protect the properties behind them. The wave dissipation system is nothing more than a new label on an old toxic product." (Source: letter from Dennis Nolan, dated 12/28/2017).

Comment: "The sea walls violate state law as well as the Federal Endangered Species Act. DHEC staff has recommended that the walls come down." (Source: letter from Karen Stacher, dated 2/9/2017).

Comment: "Section 48-39-290(B)(2)(a) of the Coastal Zone Management Act ("CZMA") prohibits the construction of new erosion control structures or devices on the beach/dune system seaward of the state's designated jurisdictional setback line. The experimental seawalls at issue were erected with no public notice or comment because the Citadel did not obtain a permit from the state for conducting its experiments on public beaches. If there had been a proper vetting, then it would be apparent that the experimental structures are nothing more than seawalls that have been prohibited by state law since 1988 under the Coastal Zone Management Act." (Source: letter from the South Carolina Environmental Law Project, dated 2/13/2017).

Comment: "The Coastal Conservation League concurs that the installation of the WDS did not result in enough benefit to outweigh the costs. The construction of new seawalls and other hard erosion control structures on South Carolina's beaches is not permitted." (Source: letter from The Coastal Conservation League, dated 2/13/2017).

OCRM RESPONSE: OCRM believes the WDS results in impacts to the beach in the immediate vicinity of the structure that are similar to the impacts caused by shore-parallel erosion control structures like seawalls and bulkheads. These similar impacts include scour at the base of the structure and increased erosion at the end of the structure as summarized in the Staff Recommendation on page 24. As the WDS is modified with sheetpile walls that extend below grade ("Vertical Porous Panels"), it shows additional attributes of a seawall.

The WDS blocks public access

2

Comment: "Finally, the seawall routinely interfered with beach access. Because the wall sticks out far seaward of the lots it encloses, incoming tides stop beach walkers for a much longer period of time than they otherwise would. At a time when the unblocked tide would peter out higher up the beach and allow walkers to continue their path, the seawall forces them into the ocean and eventually blocks them altogether." (Source: letter from Dennis Nolan, dated 12/28/2016).

Comment: "These walls block nesting sea turtles and public access to our beaches, and must come down." (Source: letter from Joe Whetstone, dated 2/1/2017).

OCRM RESPONSE: As stated in DHEC - OCRM's staff recommendation, page 25, "Throughout the study, DHEC-OCRM received complaints from members of the public regarding their inability to walk past the WDS structures at high tide. GEL's final report summarizes the percentage of time that lateral access along the beach is not possible due to the WDS. Although the WDS is placed mostly parallel to the shoreline, it is important to note that it extends a significant distance out onto the beach (approximately 40 feet seaward of the building at Ocean Club, approximately 30 feet seaward of sandbags at Beachwood East, and approximately 13 feet seaward of sandbags at Harbor Island) (GEL, pg. 114)."

DHEC Board

Wave Dissipation System (WDS): Summary of Public Comments Neutral to Staff Recommendation

Topic	Number of Comments	Specific Comments & DHEC-OCRM Responses
Coastal Management is open to proven technology	3	<p>Comment: "Regardless of the final agency decision, we commend the state's open mindedness to consider alternatives to sandbags and we encourage similar research studies on innovative erosion control devices in the future." (Source: letter from the South Carolina Beach Advocates, dated 2/13/2017).</p> <p>Comment: "We believe that tools for coastal management should include proven technology and methods that have been tried and tested over time. While well-designed beach restoration is a preferred approach, a combination of nourishment with coastal structures is many times necessary due to the local coastal dynamics. Accordingly, appropriately designed groins, breakwaters, revetments and vertical structures can be effectively combined to alleviate erosive shorelines and to protect natural resources, infrastructure and development all while minimizing downdrift effects. Many unique coastal solutions have been proffered over time. While time may prove some beneficial, it takes multiple installations in multiple conditions along variable shoreline stretches to ensure a positive benefit and minimal secondary effects. The WDS is one such unique strategy. It should be tested further in a controlled environment where impacts and benefits can be monitored for a longer period of time across different conditions. A pilot program is a good management technique to determine impacts/benefits; however, continued independent study would be required to definitively determine the WDS future. We encourage OCRM to continue to allow experimental pilot programs and to establish good scientific protocols sufficient to determine the effectiveness of the strategy." (Source: letter from Applied Technology & Management, dated 2/13/2017).</p> <p>Comment: "While the City does not have the in-house engineering expertise to be qualified to comment on whether the systems function or not, the City does feel as though the State of South Carolina should consider being more open to alternatives for emergency protection other than sandbags." (Source: letter from The City of Isle of Palms, dated 2/13/2017).</p>
There are positive and negative experiences with the WDS	1	<p>OCRM RESPONSE: The Department is open to considering alternatives and encourages innovative ideas which are proven to address temporary and long term erosion. These alternatives must be beneficial to both the public and the environment while affording protection to affected property owners. They also must be otherwise permissible under State law.</p> <p>Comment: "Our members have had both positive and negative experiences with the WDS." (Source: letter from the South Carolina Beach Advocates, dated 2/13/2017).</p>

Sandbags

1

Comment: "As you can see from the attached, sandbags create problems associated with their getting buried. They migrate out of place fairly easily and the degraded debris can be found for months and years after use. Appropriate maintenance of them is very labor intensive and requires daily scrutiny of the entire seven miles of the IOP beach to retrieve errant ones and either dispose of them or reposition them. As with anything used for emergency erosion control, the placement can hinder turtle nesting and also lateral access for pedestrians walking the shoreline especially at high tide. The City realizes that there are no easy answers for episodic erosion and erosion associated with storms, but it does seem as though South Carolina is more restrictive than other states relative to alternative methods to respond to these crises situations. As part of the City's proposed upcoming nourishment project, any of these types of emergency measures will be removed by their owners. No nourishment sand will be placed landward of these devices until they are removed." (Source: letter from The City of Isle of Palms, dated 2/13/2017).

OCRM RESPONSE: The intent of the WDS study was to determine whether it could be successful in addressing an erosional issue per S.C. Code of Laws §48-39-320(C). The research study did not include measurements of sandbags or their effectiveness in mitigating erosion. However, during the study, the scarp line landward of the WDS continued to erode where sandbags were not present. Sandbags, when properly installed and maintained, can provide temporary erosion protection while a community is pursuing a longer-term erosion mitigation strategy like beach renourishment. The use of unmaintained sandbags has resulted in negative effects in the past. The State Legislature recently enacted a new law that requires bonds and a commitment to long term renourishment for the use of sandbags under an Emergency Order. These steps ensure that the sandbags are properly managed and that the property owners are pursuing long term solutions to protect their property.

DHEC Board

Wave Dissipation System (WDS): Summary of Public Comments Received from Resource Agencies

Topic	Number of Comments	Specific Comments & DHEC-OCRM Responses
<p>Effects of the WDS on Sea Turtle Nesting</p>	<p>3</p>	<p>Comment: "Loggerhead sea turtles (<i>Caretta caretta</i>), which are federally threatened, have interacted with the WDS at three of the four sites while coming up to nest during the course of the study. Interactions were documented more than once at two of the four WDS sites. Section 9 of the ESA and Federal regulation pursuant to section 4(d) of the ESA prohibit the take of endangered or threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. The Service believes that these interactions did constitute take in the form of harass defined above by disrupting normal sea turtle behavior." (Source: letter from the United States Department of the Interior, Fish and Wildlife Service, dated 2/9/2017).</p> <p>Comment: "DNR consistently has expressed concern regarding the widespread use of this system, especially as it relates to potential impacts to nesting sea turtles. Our Department's position on the use of the WDS along our coastline has not changed, and we continue to recommend that the use of this system be restricted to temporary and experimental uses in highly erosional areas where sea turtle nesting typically does not occur. We have considered the six reported false crawls during 2015 and so far this year at the WDS sites. DNR is not particularly surprised that some have occurred, and our position is that the impact of these false crawls is comparable to those that would normally occur in highly erosional areas with a shoreline characterized by a steep erosional scarp. In either of these situations, the six false crawls documented by the Marine Turtle Conservation Program - and those occurring against a steep erosional scarp, there is not necessarily evidence of material harm to the turtle attempting to nest nor to subsequent potential nesting activity. That noted, there is potential harm associated with continued nesting attempts. Where a WDS may be lengthy, it could cause a female to come in and out of the water several times potentially each time interacting with another portion of the WDS. Sea turtles have a strong drive to deposit eggs, and they have been known to nest at the base of erosional scarps if after multiple nesting attempts they have not located appropriate habitat. Such a situation may result in material harm to the species." (Source: letter from the South Carolina Department of Natural Resources, dated 6/26/2016, resubmitted 2/9/2017).</p> <p>Comment: "NMFS concurs with DHEC-OCRM's finding the [sic] the WDS has not been successful in addressing an erosional issue and results in additional impacts to the beach." (Source: letter from NOAA's National Marine Fisheries Service, dated 2/13/2017).</p>

OCRM RESPONSE: As stated in OCRM's staff recommendation on page 22, "It can be debated whether these sea turtle interactions with the WDS were "false crawls," where the turtle would not have laid her eggs regardless of the presence of the WDS, or if the WDS interrupted a nesting attempt. It has been stated that nesting sea turtles are not negatively impacted by the WDS because the shoreline landward of the structures is heavily eroded and not conducive to sea turtle nesting. However, DHEC-OCRM has photographic evidence of sea turtle nesting in less than optimal areas, including at the base of erosional scarps (Figure 20). When a sea turtle nest is laid in an area with little chance for successful hatching, Nest Protection Project Leaders and volunteers (which are active on Isle of Palms and Harbor Island) relocate the eggs to a more ideal location along the shoreline. The sea turtle interactions that occurred at the WDS may have been false crawls or they may have been legitimate nesting attempts. Therefore, regarding impacts to fauna, the WDS presents a potential harm associated with continued nesting attempts of sea turtles."

**Impacts to the
Physical
Resource**

2

Comment: "Although the WDS was designed to be a temporary structure, it functions as a semi-permeable plastic seawall and we believe it is equivalent to a permanent hard structure (seawall) that armors the beach and transfers the problem to adjacent areas." (Source: letter from the United States Department of the Interior, Fish and Wildlife Service, dated 2/9/2017).

Comment: "Erosional scarps, unlike hard structures, may eventually level out with natural processes thereby creating potential sea turtle nesting habitat were [sic] it may not have existed before. WDS, which were proposed to be temporary and experimental, may limit long-term shoreline stability." (Source: letter from the South Carolina Department of Natural Resources, dated 6/26/2016, resubmitted 2/9/2017).

OCRM RESPONSE: As stated in OCRM's staff recommendation on page 23, "Regarding impacts to physical resources, the WDS results in impacts to the beach through 1.) Continued erosion of the scarp line landward of the WDS structures, 2.) Persistent scouring and trenching, 3.) Periodic excavations to adjust the system, 4.) Erosion of adjacent unprotected properties, and 5.) Similar impacts to those of seawalls." On page 10, it states "The WDS did not maintain the scarp line or MHW positions. While the scarp line position did not change drastically during GEL's study....the scarp eroded significantly at each WDS site after the structures were installed, but before GEL began their study." On page 18, it states "DHEC - OCRM staff observed persistent trenching and scour at the base of the structures at all sites except Seascape Villas." Trenching and scour was observed throughout 2015 and 2016. In terms of the periodic excavations, the WDS can be adjusted after initial deployment by lowering the pilings, lowering or raising the panels, adding spacers between panels, or temporarily removing the panels altogether. These periodic excavations result in temporary impacts to the beach (Figure 21 of the recommendation). In terms of impact to adjacent properties, the WDS does not prevent erosion of the shoreline on the "down-coast" side of the structure. In fact, where the WDS terminates, increased erosion was observed on unprotected properties immediately adjacent to the WDS (Figure 22 of the recommendation). Finally, in terms of impacts similar to those of a seawall, on page 24, it states "S.C. Code Ann. Regulation § 30-1(D)(22)(a) defines a seawall as "a special type of retaining wall that is specifically designed to withstand wave forces". While not defined as a seawall or bulkhead, GEL notes that the WDS has similar negative effects on the beach as these traditional types of erosion control structures....Shore-parallel erosion control structures like seawalls and bulkheads are banned by the South Carolina Beachfront Management Act (S.C. Code Ann. § 48-39-250 et. seq). In writing that Act, the General Assembly found that "The use of armoring in the form of hard erosion control devices such as seawalls, bulkheads, and rip-rap to protect erosion-threatened structures adjacent to the beach has not proven effective. These armoring devices have given a false sense of security to beachfront property owners. In reality, these hard structures, in many instances, have increased the vulnerability of beachfront property to damage from wind and waves while contributing to the deterioration and loss of the dry sand beach which is so important to the tourism industry."

**Modifications to
the WDS**

2

Comment: "In our opinion, the data collected during the study to determine the effectiveness of the WDS were not able to measure the true performance of the design since it was modified multiple times throughout the study period and sandbags were used in conjunction with the WDS. Regardless, adequate time has been allowed to test the effectiveness of the WDS and the continued need for emergency orders and sand bags indicates it does not perform as intended." (Source: letter from the United States Department of the Interior, Fish and Wildlife Service, dated 2/9/2017).

Comment: "Also, DNR continues to be concerned over modifications to WDS since reconfigurations may make it difficult to quantitatively assess "the experiment"." (Source: letter from the South Carolina Department of Natural Resources, dated 6/26/2016, resubmitted 2/9/2017).

OCRM RESPONSE: As stated in the OCRM staff recommendation on pages 34-35, "The WDS can be adjusted after initial deployment by lowering the pilings, lowering or raising the panels, adding spacers between panels, or temporarily removing the panels altogether. All of these adjustments were requested by The Citadel researchers and approved by DHEC-OCRM during the study period." OCRM also allowed wing walls to be extended and additional WDS tiers to be installed. The only changes to the WDS that OCRM staff did not allow were the use of Vertical Porous Panels (VPPs), and bulldozing seaward sand to the landward side of the WDS without a permit. The VPPs were initially approved, but since the installed version was significantly altered from the approved version, OCRM indicated that no additional VPPs could be added. The Citadel voluntarily removed the installed VPPs. OCRM did not approve bulldozing sand landward of the WDS because a large addition of sand landward of the WDS would alter the results of the ongoing study. Since part of the study was to determine whether or not the WDS could retain or increase sand on the landward side, adding sand on the landward side would have artificially skewed the results. Additionally, during the first WDS study at Seascape Villas in 2014, the Citadel researchers bulldozed the sand behind that WDS installation, and the piled up sand eroded away in a matter of days. Lowering the beach profile landward of the WDS by bulldozing allowed the waves to reach higher up the beach and erode the scarp line more quickly.

The WDS does not address an erosional issue

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Comment: "Upon review of the DHEC-OCRM staff recommendation and supporting documents, the Service agrees that the WDS did not adequately address the erosional issues along the areas of beach where they were installed. The WDS was intended to be a short term viable solution to sandbags in areas where emergency measures were necessary to protect existing beachfront structures until long term solutions were implemented. However, DHEC-OCRM continued to receive requests for emergency sandbags at all four WDS locations after the structures were in place because the scarp line continued to erode." (Source: letter from the United States Department of the Interior, Fish and Wildlife Service, dated 2/9/2017).

OCRM RESPONSE: The DHEC - OCRM staff recommendation indicated that the WDS did not address an erosional issue because the WDS: 1.) Did not hold the scarp line position, 2.) Did not increase or retain sand volume on the landward side of the structure, and 3.) Did not minimize trenching and scouring.