



Allen Amsler, *Chairman*  
Ann B. Kirol, DDS, *Secretary*  
R. Kenyon Wells

**Board:**  
Charles M. Joye II, P.E.  
L. Clarence Batts, Jr.  
David W. Gillespie, MD

## South Carolina Board of Health and Environmental Control

### Agenda May 11, 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 April 5, 2017 meeting
2. Administrative Orders and Consent Orders issued by Environmental Affairs
3. Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
4. Notice of Proposed Regulation amending Regulation 61-62, Air Pollution Control Regulations and Standards
5. Drug Control, Temporary Placement of 4-Fluoroisobutyryl Fentanyl into Schedule I for Controlled Substances
6. Proposed Initial Groundwater Management Plan for the Trident Capacity Use Area
7. Agency Affairs

Executive Session (if needed)

Adjournment

*Note: The next scheduled meeting will be June 8.*

SUMMARY SHEET  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
May 11, 2017

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

X  INFORMATION

1. **TITLE:** Administrative and Consent Orders issued by Environmental Affairs.
2. **SUBJECT:** Administrative and Consent Orders issued by Environmental Quality Control (EQC) and Ocean and Coastal Resource Management (OCRM) during the period February 1, 2017 – March 31, 2017.
3. **FACTS:** For the period of February 1, 2017, through March 31, 2017, Environmental Affairs issued one hundred nineteen (119) Consent Orders with total assessed civil penalties in the amount of \$389,613.13. Also, three (3) Administrative Orders were issued during the reporting period with total assessed penalties in the amount of \$9,650.00.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
<b>Land and Waste Management</b>				
UST Program	2	\$8,650.00	5	\$4,600.00
Aboveground Tanks	0	0	0	0
Solid Waste	0	0	2	\$76,625.00
Hazardous Waste	0	0	3	\$60,500.00
Infectious Waste	0	0	2	\$12,260.00
Mining	0	0	0	0
SUBTOTAL	2	\$8,650.00	12	\$153,985.00
<b>Water</b>				
Recreational Water	0	0	26	\$20,700.00
Drinking Water	0	0	3	\$10,638.13
Water Pollution	0	0	7	\$18,940.00
Dam Safety	0	0	0	0
SUBTOTAL	0	0	36	\$50,278.13
<b>Air Quality</b>				
SUBTOTAL	0	0	9	\$135,150.00
<b>Environmental Health Services</b>				
SUBTOTAL	1	\$1,000.00	61	\$50,200.00
<b>OCRM</b>				
SUBTOTAL	0	0	1	0
<b>TOTAL</b>	<b>3</b>	<b>\$9,650.00</b>	<b>119</b>	<b>\$389,613.13</b>

Submitted by:



Myra C. Reece  
Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
May 11, 2017**

**BUREAU OF LAND AND WASTE MANAGEMENT**

**Underground Storage Tank Enforcement**

- 1)     Order Type and Number:                     Administrative Order 16-0125-UST  
       Order Date:                                 February 15, 2017  
       Individual/Entity:                         **Stop "N" Save, Inc.**  
       Facility:                                     El Cheapo  
       Location:                                    5400 Farrow Road  
  Columbia, SC 29203  
       Mailing Address:                         1715 Leesburg Road  
  Columbia, SC 29209-2217  
  
       County:                                     Richland  
       \*Previous Orders:                         None  
       Permit/ID Number:                        09868  
       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) and South Carolina Underground Storage  
  Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (Supp  
  2012).

Summary: Stop "N" Save (Individual/Entity) owns and operates underground storage tanks (USTs) located in Columbia, South Carolina. On May 17, 2016, the Department conducted a routine inspection. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation 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 three thousand dollars (**\$3,000.00**).

- 2)     Order Type and Number:                     Administrative Order 16-0181-UST  
       Order Date:                                 February 15, 2017  
       Individual/Entity:                         **Michael Campbell**  
       Facility:                                     Thornhill's General Store & Grocery  
       Location:                                    1058 Edgewater Road  
  Pineville, SC 29468  
  
       Mailing Address:                         Same  
       County:                                     Berkeley  
       Previous Orders:                         Consent Order 15-0332-UST (\$100.00)  
       Permit/ID Number:                        17331

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), Section 44-260(a); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.93(a) (Supp 2012) and Regs. 61-92.280.110(c) (2012).

Summary: Michael Campbell (Individual/Entity) owns and operates underground storage tanks (USTs) located in Pineville, South Carolina. On July 18, 2016, the Department conducted a routine inspection. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to pay annual underground storage tank fees for fiscal year 2017; failed to provide financial responsibility for the underground storage tanks, in that, documentation for financial mechanism was not provided; and, failed to maintain a Certificate of Financial Responsibility, in that, a Certificate of Financial Responsibility was not provided upon request.

Action: The Individual/Entity is required to pay tank registration fees for fiscal years 2015-2017 in the amount of two thousand, six hundred twelve dollars and ninety-four cents (\$2,612.94); provide proof of a financial mechanism and submit a Certificate of Financial Responsibility; and pay a civil penalty in the amount of five thousand, six hundred fifty dollars (**\$5,650.00**).

3) Order Type and Number: Consent Order 16-0414-UST  
Order Date: February 21, 2017  
Individual/Entity: **Northbridge Service Center, LLC**  
Facility: Northbridge Exxon 43463  
Location: 1140 Sam Rittenberg Boulevard  
Charleston, SC 29407  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 01337  
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); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.41(b)(1)(i) (Supp 2012).

Summary: Northbridge Service Center, LLC (Individual/Entity) operates underground storage tanks (USTs) located in Charleston, South Carolina. On November 16, 2016, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was no automatic line leak detector on the Plus UST line at the time of the inspection. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to equip a pressurized line with an automatic line leak detector.

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

- 4) Order Type and Number: Consent Order 16-0178-UST  
Order Date: February 13, 2017  
Individual/Entity: **Shiv One, LLC**  
Facility: Coosawhatchie General Store  
Location: 6282 West Frontage Road  
Coosawhatchie, SC 29936  
Mailing Address: Same  
County: Jasper  
Previous Orders: None  
Permit/ID Number: 10422  
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); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.93(a), and R.61-92.280.110(c) (Supp. 2012).

Summary: Shiv One, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) located in Jasper, South Carolina. On August 12, 2016, the Department sent a certified letter that the Extended-Out-Use (EOU) tank would remain under Delivery Prohibition. The Individual/Entity has violated the South Carolina Underground Storage Tank Control Regulation as follows: failed to submit a completed Certificate of Financial Responsibility and proof of mechanism for the EOU tank.

Action: The Individual/Entity is required to: submit a completed Certificate of Financial Responsibility and proof of mechanism for the EOU tank and pay a civil penalty in the amount of one thousand, two hundred dollars (**\$1,200.00**).

- 5) Order Type and Number: Consent Order 16-0329-UST  
Order Date: February 16, 2017  
Individual/Entity: **Santino's Pizza, Inc.**  
Facility: Sam's Handy Mart  
Location: 385 Highway 701 North  
Loris, SC  
Mailing Address: 5263 Highway 701 North  
Conway, SC 29526  
County: Horry  
Previous Orders: None  
Permit/ID Number: 17111  
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act) (Supp. 2014)

Summary: Santino's Pizza, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Horry County, South Carolina. 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) as follows: failed to pay annual underground storage tank fees for fiscal year 2017.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of four hundred dollars (**\$400.00**). All violations were corrected prior to the issuance of the Order.

6)     Order Type and Number:                     Consent Order 16-0355-UST  
          Order Date:                                 March 28, 2017  
          Individual/Entity:                         **Sunhouse Petroleum, LLC/Seaway  
  Management, LLC**  
  
          Facility:                                     Former Mike's Cash & Carry  
          Location:                                    2283 Highway 905  
  Conway, SC  
  
          Mailing Address:                         1270 Burcale Road  
  Myrtle Beach, SC 29579  
  
          County:                                     Horry  
          Previous Orders:                         None  
          Permit/ID Number:                     05002  
          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); and South Carolina Underground Storage  
  Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.10(e) and 280.23(j)  
  (Supp 2012).

Summary: Sunhouse Petroleum, LLC is a supplier of petroleum and/or petroleum products and Seaway Management, LLC leases/operates underground storage tanks (USTs) located in Conway, South Carolina. On September 19, 2016, the Department conducted a routine inspection and issued a Notice of Alleged Violation because petroleum/petroleum products had been put in USTs that were under Delivery Prohibition and UST annual registration fees had not been paid. On November 14, 2016, the Department received proof that all USTs had been emptied to less than one inch of residue. Sunhouse Petroleum, LLC and Seaway Management, LLC have violated the South Carolina Underground Storage Tank Control Regulation as follows: introduction of a regulated substance into an UST system that did not hold a currently valid registration; and, delivered, deposited, or accepted product into a tank where the Department had imposed delivery prohibition and had notified the owner/operator of the delivery prohibition.

Action: Sunhouse Petroleum, LLC and Seaway Management, LLC are required to pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) for the violation cited herein. The civil penalty has been paid.

7)     Order Type and Number:                     Consent Order 16-0384-UST  
          Order Date:                                 March 28, 2017  
          Individual/Entity:                         **United House of Prayer**

Facility: Gaz Bah 15  
Location: 7426 Wilson Boulevard  
Columbia, SC  
Mailing Address: 1665 North Portal Drive, N.W.  
Washington, DC 20012  
County: Richland  
Previous Orders: None  
Permit/ID Number: 17601  
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); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann. Regs. 61-92.280.20(c)(1)(ii) (Supp 2012).

Summary: United House of Prayer owns underground storage tanks (USTs) located in Columbia, South Carolina. On October 24, 2016, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was a stick in the drop tube shut off valve on the regular UST at the time of the inspection. The stick was removed from the drop tube shutoff valve while the Department's Inspector was on site. United House of Prayer has violated the South Carolina Underground Storage Tank Control Regulation as follows: failure to maintain overfill prevention equipment.

Action: United House of Prayer is required to pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) for the violation cited herein. The civil penalty has been paid.

### **Solid Waste Enforcement**

8) Order Type and Number: Consent Order 16-26-SW  
Order Date: February 10, 2017  
Individual/Entity: **Joel F. Stewart**  
Facility: Joel Stewart Structural Fill  
Location: Between 4225 and 4280 Donahue Road  
Greer, SC 29651  
Mailing Address: 4189 Donahue Road  
Greer, SC 29651  
County: Greenville  
Previous Orders: None  
Permit/ID Number: SF-00050  
Violations Cited: The South Carolina Solid Waste Policy and Management Act of 1991 §44-96-10 *et seq* (2002); and the Solid Waste Management: Solid Waste Landfills and Structural Fill, R.61-107.19. Part I(B)(81), R.61-107.19. Part II(E)(4) and R.61-107.19. Part II(E)(6).

Summary: Joel F. Stewart (Individual/Entity) owns and is responsible for the proper operation and maintenance of Joel Stewart Structural Fill, a Short Term Structural Fill located in Greenville, South Carolina. The Department conducted routine inspections on December 10, 2015, February 5, 2016, and April 4, 2016. The Individual/Entity has violated the South Carolina Solid Waste Management: Solid Waste Landfills and Structural Fill Regulation as follows: failed to stake off fill area; and failed to maintain a 3:1 slope in the fill area.

Action: The Individual/Entity is required to: establish required side slopes (3:1) in the current fill area; apply a minimum two (2) foot thick final earthen cover with at least a 1% but not greater than 4% surface slope on the top of the structural fill that is already to final elevation and grade, ensuring that the side slope cover shall not exceed three horizontal feet to one vertical foot, i.e., a 3:1 slope; submit proof that a notation had been made with the appropriate Register of Deeds in the record of ownership of property; submit to the Department a copy of the document in which the notation required above was placed; continue structural fill activities within the permitted footprint until December 31, 2017 (however, the structural fill must be closed and seeded per Regulation 61-107.19 by that date); and, pay a civil penalty in the amount of five hundred dollars **(\$500.00)**.

9) Order Type and Number: Consent Order 17-01-SW  
Order Date: February 23, 2017  
Individual/Entity: **VIVA Recycling of South Carolina, LLC**  
Facility: VIVA Anderson  
Location: 3520 Abbeville Highway  
Anderson, SC  
Mailing Address: 111 Old Depot Road  
Moncks Corner, SC 29461  
County: Anderson  
Previous Orders: Settlement Agreement and Consent Order of Dismissal 16-ALJ-07-0063-CC (\$10,000.00)  
Permit/ID Number: 042417-5201  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 §44-96-10 *et seq* (2002) and Solid Waste Management: Waste Tire Regulation 61-107.3 (2015)

Summary: VIVA Recycling of South Carolina, LLC (Individual/Entity), located in Anderson, South Carolina, is a permitted waste tire collection and processing facility that produces tire derived fuel and other products from waste tires. The Department conducted inspections to determine compliance with the Settlement Agreement and Consent Order of Dismissal on October 17, 2016, November 22, 2016, and January 25, 2017. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act of 1991 (Act) (2002), Solid Waste Management: Waste Tire Regulation 61-107.3 (2015), and the Settlement Agreement and Consent Order of Dismissal (Court Order) issued by the Administrative Law

Court on July 16, 2016, as follows: failed to pay all of the civil penalty under the Court Order; and received and processed waste tires from off-site while under a ban to receive waste tires under the Court Order. With the execution of the Consent Order, the Individual/Entity is allowed to bring in waste tires to the facility provided it complies with its permit conditions and the requirements of the Consent Order. The Department has the authority, under the Consent Order to require the Individual/Entity to stop bringing in waste tires if it violates the Consent Order.

Action: The Individual/Entity is required to: pay the \$7,000.00 owed on the civil penalty under the Court Order; submit a letter of intent for an Industrial Stormwater General Permit; implement a phased closure plan for the former Anderson Tire portion of the facility, which includes installing a 2 foot soil cap on the formerly permitted waste tire landfill; and, pay a civil penalty in the amount of seventy-six thousand, one hundred and twenty-five dollars (**\$76,125.00**).

### **Hazardous Waste Enforcement**

10) <u>Order Type and Number:</u>	Consent Order 17-01-HW
<u>Order Date:</u>	March 28, 2017
<u>Individual/Entity:</u>	<b>Nippon Carbide Industries (SC), Inc.</b>
<u>Facility:</u>	Nippon Carbide Industries (SC), Inc.
<u>Location:</u>	1250 Perimeter Road Greenville, SC 29605
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenville
<u>Previous Orders:</u>	N/A
<u>Permit/ID Number:</u>	SCR 000 006 700
<u>Violations Cited:</u>	The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §44-56-10 <i>et seq.</i> (2002 & Supp. 2015), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2015).

Summary: Nippon Carbide Industries (SC), Inc. (Individual/Entity) manufactures and distributes resins used by toner and adhesives manufacturers at its facility located at 1250 Perimeter Road, Greenville, South Carolina. On July 28, 2016, the Department conducted an inspection. Based upon the inspection and the enforcement conference, the Individual/Entity has violated the Hazardous Waste Management Regulations as follows: failed to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failed to label or clearly mark each container and tank while being accumulated onsite with the EPA Hazardous Waste Number(s) and the words: "Hazardous Waste – federal laws prohibit improper disposal;" failed to have a secondary containment system that provides a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated

liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within 24 hours; failed to receive an extension from the Department granting hazardous waste to remain onsite for longer than 90 days; failed to submit the EPA hazardous waste number and the quantities of such wastes shipped offsite as required by paragraph (a) on a form designated by the Department according to the instructions included with such form; failed to ensure that the contingency plan included the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators be kept up to date, and list the names in the order in which they assume responsibility; and, failed to review and immediately amend its contingency plan whenever the list of emergency coordinators changed.

Action: The Individual/Entity is required to: ensure that hazardous waste containers are managed in accordance with R.61-79.262 Subpart C – Pre-transport Requirements; ensure that quarterly reports are submitted correctly in accordance with R.61-79.262 Subpart D – Recordkeeping and Reporting; ensure that the contingency plan is updated whenever previously included information becomes outdated in accordance with R.61-79.265 Subpart D – Contingency Plan and Emergency Procedures; ensure that daily tank inspections are conducted in order to detect the failure of the primary and secondary containment structure or any hazardous waste releases in the secondary containment system; within thirty (30) days of the effective date of the Consent Order, submit to the Department, DHEC Form 1965 (Quarterly Hazardous Waste Report/Hazardous Waste Index) to add a waste index line for the waste stream that includes styrene, butyl acrylate, and ethyl acetate; and, pay a civil penalty in the amount of sixteen thousand dollars **(\$16,000.00)**.

11) Order Type and Number: Consent Order 17-02-HW  
Order Date: March 28, 2017  
Individual/Entity: **Saint-Gobain Abrasive, Inc.**  
Facility: Saint-Gobain Abrasive, Inc.  
Location: 21 Saddleback Cove Road  
Travelers Rest, SC 29690  
Mailing Address: Same  
County: Greenville  
Previous Orders: N/A  
Permit/ID Number: SCD 003 546 839  
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 (2012 and Supp. 2015), and the South Carolina Solid Waste Management: Used Oil Regulations, 8 S.C. Code Regs. 61-107.279 (2012).

Summary: Saint-Gobain Abrasive, Inc. (Individual/Entity) is a global company that designs, manufactures, and distributes materials used for construction, transportation, infrastructure, and other industrial applications at its facility located

at 21 Saddleback Cove Road, Travelers Rest, South Carolina. On June 30, 2016, the Department conducted an inspection. Based upon the inspection and the enforcement conference, 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 keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste; failed to mark the containers with the words: "HAZARDOUS WASTE" or with other words that identify the contents of the container; failed to clean up any hazardous waste discharge that occurs during generation, processing or storage; failed to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failed to permanently and legibly mark each container containing hazardous waste with the following or equivalent statement: "Hazardous Waste – federal laws prohibit improper disposal;" failed to label each container with the appropriate EPA Hazardous Waste Number(s); failed to manage lamps in a way that prevents releases by containing lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonable foreseeable conditions; failed to place universal waste in a container and mark or label the container with the earliest date that any universal waste in the container became a waste or was received; failed to record inspections in an inspection log or summary; 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 facility personnel successfully complete the program required in paragraph (a) of this section within six (6) months . . . after the date of their employment or assignment to a facility, or to a new position at a facility; failed to inform and describe for all employees who handle or have responsibility for managing universal waste, the proper handling and emergency procedures appropriate for the type(s) of universal waste handled at the facility; and, failed to ensure that containers used to store used oil are labeled or marked clearly with the words "Used Oil."

Action: The Individual/Entity is required to: ensure that waste determinations and notification requirements are handled in accordance with R.61-79.262 Subpart A – General; ensure that hazardous waste containers are managed in accordance with R.61-79.262 Subpart C – Pre-transport Requirements and R.61-79.265 Subpart I – Use and Management of Containers; ensure that hazardous waste discharges are managed in accordance with R.61-79.262 Subpart I – Hazardous Waste Discharge Reporting; ensure that waste lamps are managed in accordance with R.61-79.273 Subpart B – Standards for Small Quantity Handlers of Universal Waste; ensure that training is conducted and documented in accordance with R.61-79.265 Subpart B – General Facility Standards and proper handling and emergency procedures are given and described in accordance with R.61-79.273 Subpart B – Standards for Small Quantity Handlers of Universal Waste; ensure that used oil is managed in accordance with R.61-107.279 Subpart C – Standards for Used Oil Generators; and, pay a civil penalty in the amount of thirty-two thousand dollars **(\$32,000.00)**.

- 12) Order Type and Number: Consent Order 17-03-HW  
Order Date: March 28, 2017  
Respondent: **WeylChem US, Inc.**  
Facility: WeylChem US, Inc.  
Location: 2114 Larry Jeffers Road  
Elgin, SC 29045  
Mailing Address: Same  
County: Kershaw  
Previous Orders: None  
Permit/ID Number: SCD 042 627 448  
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. 61-79.262.34(a)(3), R.61-79.262.34(a)(1)(i)/R.61-79.265.171, R.61-79.262.34(a)(2), R.61-79.262.34(b), R.61-79.262.34(a)(1)(i)/R.61-79.265.174, R.61-79.262.11, R.61-79.265.52(d), R. 61-79.273.13(d)(1), R. 61-79.262.34(d)(2)/R.61-79.265.174, and, R.61-79.265.35(d)(5)(iii) (2012 and Supp. 2015).

Summary: WeylChem US, Inc. (Individual/Entity) operates a facility in Elgin, South Carolina. On July 13, 2016, the Department conducted an inspection of the facility determined that the Individual/Entity violated the Hazardous Waste Management Regulations as follows: failed to ensure that each container is labeled or marked clearly with the words "Hazardous waste - federal laws prohibit improper disposal;" failed to ensure that if a container holding 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 in good condition; failed to ensure that the date on which each period of accumulation begins is clearly marked and visible for inspection on each container; as a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility, and is subject to the requirements of parts 264 and 265, and the permit requirements of 270, unless he has been granted an extension of the 90-day period; failed to inspect areas where hazardous wastes are stored at least weekly; failed to accurately determine if a waste is a hazardous waste; failed to ensure that the contingency plan lists the home address of all persons qualified to act as an emergency coordinator; and, failed to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. Such containers and packages must remain closed.

Action: The Individual/Entity has agreed to: ensure that hazardous waste containers are managed according to the regulations; ensure that inspections of areas where hazardous waste is stored are managed in accordance with the regulations; ensure that waste determinations are managed in accordance with the regulations; ensure that the contingency plan is managed in accordance with the regulations; ensure that universal waste is managed in accordance with the

regulations; and, pay a civil penalty in the amount of twelve thousand, five hundred dollars (**\$12,500.00**).

### **Infectious Waste Enforcement**

- 13)     Order Type and Number:                     Consent Order 17-01-IW  
          Order Date:                                 February 21, 2017  
          Individual/Entity:                         **Southeast Neuropathy &  
  Treatment Center, LLC**  
          Facility:                                     Southeast Neuropathy & Treatment  
  Center  
          Location:                                    11 East Calhoun Street  
  Sumter, SC  
          Mailing Address:                         1494 Lake Murray Boulevard  
  Columbia, SC 29212  
          County:                                     Sumter  
          Previous Orders:                         None  
          Permit/ID Number:                     SC43-0262G  
          Violations Cited:                        The South Carolina Infectious Waste  
  Management Act, S.C. Code Ann. § 44-93-30 (2002) (Act); and the South  
  Carolina Infectious Waste Management Regulation 61-105 (Supp. 2012).

Summary: Southeast Neuropathy & Treatment Center, LLC (Individual/Entity) provides healthcare services at Southeast Neuropathy & Treatment Center (Facility) formerly located at 11 East Calhoun Street in Sumter, South Carolina. On September 21, 2016, the Department conducted an inspection of the Facility to investigate a complaint. The Individual/Entity has violated the Act and the South Carolina Infectious Waste Management Regulation 61-105 as follows: failed to make sure within thirty (30) days of closing, to dispose of all infectious waste and treatment residue and notify the Department in writing; failed to seal and close tightly and secure containers 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; failed to maintain infectious waste in a non-putrescent state in onsite storage not to exceeded fourteen (14) days without refrigeration or thirty (30) days if maintained at or below 42 degrees Fahrenheit; and, failed to label the storage area with the universal biohazard symbol sign.

Action: The Individual/Entity is required to: now and in the future, ensure compliance with the South Carolina Infectious Waste Management Act and Regulations; and, pay a civil penalty in the amount of two thousand, seven hundred sixty dollars (**\$2,760.00**). All violations were corrected prior to the issuance of the Order.

- 14) Order Type and Number: Consent Order 17-02-IW  
Order Date: February 28, 2017  
Individual/Entity: **Stericycle, Inc.**  
Facility: Stericycle, Inc.  
Location: 200 Alta Vista Court  
Lexington, SC 29073  
Mailing Address: 4403 Republic Court  
Concord, NC 27258  
County: Lexington  
Previous Orders: 15-09-IW (\$5,400.00)  
Permit/ID Number: SC-14-02T  
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: Stericycle, Inc. (Individual/Entity) is an international infectious waste transporter with a transfer station located at 200 Alta Vista Court, in Lexington, South Carolina. On April 19, 2016, the Department conducted a manifest review and on May 2, 2016, the Department conducted an inspection. The Individual/Entity has violated the Infectious Waste Management Regulations as follows: failed to store infectious waste in a manner to prevent a release or discharge; failed to maintain infectious waste in a non-putrescent state by using refrigeration; failed to ensure infectious waste is not unloaded into a fixed storage while being stored at the transfer facility; failed to contain infectious waste in containers that are sealed and closed tightly and securely to prevent discharge, appropriate for the type and quantity of waste, compatible with the selected storage, transportation, and treatment process until the container enters the treatment system; failed to ensure it did not accept infectious waste that was not labeled with the Department issued number and the date the container was placed in storage or sent offsite; and, failed to ensure to incinerate, cremate, inter, or donate for medical research, products of conception.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of nine thousand, five hundred dollars (**\$9,500.00**).

## **BUREAU OF WATER**

### **Recreational Water Enforcement**

- 15) Order Type and Number: Consent Order 17-041-RW  
Order Date: February 2, 2017  
Individual/Entity: **Nilkanth, LLC**  
Facility: Econo Lodge North  
Location: 7415 Northside Drive

Mailing Address: North Charleston, SC 29420  
102 Keighley Drive  
Goose Creek, SC 29445  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-287-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Nilkanth, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 5, 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 skimmer was missing a weir; a waterline tile was broken; 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; the chlorine level was not within the acceptable range of water quality standards; and, the main drain grates were not visible.

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.

16) Order Type and Number: Consent Order 17-042-RW  
Order Date: February 3, 2017  
Individual/Entity: **Wild Dunes, LLC**  
Facility: Wild Dunes Resort  
Location: 5757 Palm Boulevard  
Isle of Palms, SC 29451  
Mailing Address: Same  
County: Charleston  
Previous Orders: 14-278-DW (\$2,720.00)  
Permit/ID Number: 10-239-1, 10-419-1, & 10-535-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Wild Dunes, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of three pools. On May 26, 2016, and July 12, 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 bumpers; there was no foot rinse shower; there were chemicals stored in the pool equipment room; the chlorine and pH levels were not within the acceptable range of water quality standards; the waterline tiles were faded; a bolt cover was missing; a skimmer was missing a weir; there was no drinking water fountain; there was no life ring; the emergency notification device was not operating properly; and, a handrail was not tight and secure.

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 thousand, four hundred dollars (**\$3,400.00**).

17) Order Type and Number: Consent Order 17-043-RW  
Order Date: January 3, 2017  
Individual/Entity: **Del Webb at Cane Bay Association, Inc.**  
Facility: Del Webb at Cane Bay Plantation  
Location: 325 Palmetto Point Drive  
Summerville, SC 29483  
Mailing Address: Same  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: 18-1045D  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Del Webb at Cane Bay Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa. On June 10, 2016, and July 12, 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; 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**).

18) Order Type and Number: Consent Order 17-044-RW  
Order Date: February 3, 2017  
Individual/Entity: **The Callawassie Island Members Club, Inc.**  
Facility: Callawassie Island Clubhouse  
Location: 1 River Marsh Lane  
Callawassie Island, SC 29909  
Mailing Address: Same  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: 07-424-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Callawassie Island Members Club, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 30, 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: a ladder was not tight and secure; a ladder

was missing bumpers; a skimmer was missing a weir; 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**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

19)	<u>Order Type and Number:</u>	Consent Order 17-045-RW
	<u>Order Date:</u>	February 7, 2017
	<u>Individual/Entity:</u>	<b>Bluffton OS Two, LLC</b>
	<u>Facility:</u>	Lakes at Edgewater
	<u>Location:</u>	29 Edgewater Circle Bluffton, SC 29910
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-049-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)(14)(d)

Summary: Bluffton OS Two, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 19, 2016, the pool was inspected and a violation was issued for hand feeding chemicals into a pool while the pool was open for swimming.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiency; and, pay a civil penalty in the amount of three hundred forty dollars (**\$340.00**).

20)	<u>Order Type and Number:</u>	Consent Order 17-046-RW
	<u>Order Date:</u>	February 6, 2017
	<u>Individual/Entity:</u>	<b>Gray Property 5202, LLC</b>
	<u>Facility:</u>	Belle Hall Apartments
	<u>Location:</u>	1600 Belle Point Drive Mount Pleasant, SC 29464
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-1007B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Gray Property 5202, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 17, 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 a bolt cover and a

bumper; 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; 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.

21)	<u>Order Type and Number:</u>	Consent Order 17-047-RW
	<u>Order Date:</u>	February 8, 2017
	<u>Individual/Entity:</u>	<b>Carolina Keyes Condominium Association, Inc.</b>
	<u>Facility:</u>	Carolina Keyes
	<u>Location:</u>	1414 West Port Drive North Myrtle Beach, SC 29582
	<u>Mailing Address:</u>	901 West Port Drive, Unit 906 North Myrtle Beach, SC 29582
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	26-P81-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Carolina Keyes Condominium Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 6, 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: 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**).

22)	<u>Order Type and Number:</u>	Consent Order 17-048-RW
	<u>Order Date:</u>	February 8, 2017
	<u>Individual/Entity:</u>	<b>G6 Hospitality, LLC</b>
	<u>Facility:</u>	Motel 6
	<u>Location:</u>	2058 Savannah Highway Charleston, SC 29407
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-108-1

Violations Cited:

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

Summary: G6 Hospitality, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 21, 2016, and 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: the lifeline was deteriorated; the lifeline floats were deteriorated; a bolt cover was missing; 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, there was no pool rules sign.

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) Order Type and Number: Consent Order 17-049-RW  
Order Date: February 14, 2017  
Individual/Entity: **Oldfield Club**  
Facility: Oldfield Plantation  
Location: 130 Oldfield Way  
Okatie, SC 29909  
Mailing Address: Same  
County: Beaufort  
Previous Orders: 14-227-DW (\$800.00)  
Permit/ID Number: 07-1047D  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Oldfield Club (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa. On May 24, 2016, and August 3, 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 gate did not self-close and latch; the chlorine and pH levels were 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 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**).

24) Order Type and Number: Consent Order 17-051-RW  
Order Date: February 10, 2017  
Individual/Entity: **Mid-America Apartments, L.P.**  
Facility: Rivers Walk Apartments  
Location: Mathis Ferry Road

Mailing Address: Mount Pleasant, SC 29464  
3590 Mary Ader Avenue  
Charleston, SC 29414  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-1215B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mid-America Apartments, L.P. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 16, 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 gate did not self-close and latch; the foot rinse shower was not operating properly; 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; there were chlorine sticks in the skimmer baskets; 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**).

25) Order Type and Number: Consent Order 17-052-RW  
Order Date: February 15, 2017  
Individual/Entity: **Hidden Lakes Property Owners Association, Inc.**  
Facility: Hidden Lakes  
Location: Hidden Lakes Circle  
Bluffton, SC 29910  
Mailing Address: 1040 William Hilton Parkway  
Hilton Head Island, SC 29928  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: 07-1049B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hidden Lakes 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: a skimmer was missing a weir; the drinking water fountain was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

26) Order Type and Number: Consent Order 17-053-RW  
Order Date: February 22, 2017  
Individual/Entity: **Kimberly Woods Swim and Racquet Club, Inc.**  
Facility: Kimberly Woods  
Location: 760 Ottawa Drive  
Rock Hill, SC 29732  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit/ID Number: 46-041-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Kimberly Woods Swim and Racquet Club, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 6, 2016, and June 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 step edge tile was missing; the pool furniture was not at least four feet from the edge of the pool; the deck was uneven with sharp edges; the gate did not self-close and latch; the flow meter was missing; 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; only one "No Lifeguard on Duty – Swim At Your Own Risk" sign was posted; and, the log book was not properly bound and 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 **suspended penalty** in the amount of six hundred eighty dollars **(\$680.00)** should any requirement of the Order not be met.

27) Order Type and Number: Consent Order 17-054-RW  
Order Date: February 22, 2017  
Individual/Entity: **BRK St. Ives II, L.P.**  
Facility: Palmetto Grove Apartments  
Location: 7927 St. Ives Road  
Charleston, SC 29406  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-426-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: BRK St. Ives II, L.P. (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 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; 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 Individual/Entity submitted a corrective action plan and corrected the deficiencies.

28)	<u>Order Type and Number:</u>	Consent Order 17-055-RW
	<u>Order Date:</u>	February 27, 2017
	<u>Individual/Entity:</u>	<b>Coastal Villas Owners' Association, Inc.</b>
	<u>Facility:</u>	Coastal Villas Condos
	<u>Location:</u>	3555 Highway 544 Conway, SC 29528
	<u>Mailing Address:</u>	PO Box 6965 Myrtle Beach, SC 29572
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	26-861-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Coastal Villas Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 1, 2016, and August 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 pool rules sign was not legible; the lifeline floats were not properly spaced; a ladder was missing a bumper; 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 and had openings greater than four inches; the foot rinse shower was not operating properly; there was no drinking water fountain; 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 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.

29) Order Type and Number: Consent Order 17-056-RW  
Order Date: February 27, 2017  
Individual/Entity: **Canlen Walk Limited Partnership**  
Facility: Grove at Oakbrook Apartments  
Location: 325 Midland Parkway  
Summerville, SC 29485  
Mailing Address: PO Box 31417  
Charleston, SC 29417  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 18-1001B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Canlen Walk Limited Partnership (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 22, 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 and step treads; a skimmer was missing a weir; the gate did not self-close and latch; a light in the pool wall was out of its niche; 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, 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.

30) Order Type and Number: Consent Order 17-057-RW  
Order Date: February 27, 2017  
Individual/Entity: **Karan, Inc.**  
Facility: Motel 6  
Location: 120 Independence Boulevard  
Hardeeville, SC 29927  
Mailing Address: Same  
County: Jasper  
Previous Orders: None  
Permit/ID Number: 27-032-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Karan, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 7, 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 skimmer was missing a weir; the drinking water fountain and foot rinse shower were not operating properly; the pH and chlorine levels were not within the

acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; a main drain cover was not in place; the life ring was deteriorated; and, there was no 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)**. The civil penalty has been paid.

31) Order Type and Number: Consent Order 17-058-RW  
Order Date: February 27, 2017  
Individual/Entity: **BW RRI II, LLC**  
Facility: Red Roof Inn  
Location: 301 Highway 17 Bypass  
Mount Pleasant, SC 29464  
Mailing Address: 605 South Front Street  
Columbus, OH 43215  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-266-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: BW RRI II, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 10, 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 lifeline floats were not properly spaced; a ladder was missing a bolt cover; a skimmer was missing a weir; there was no drinking water fountain or foot rinse shower; and, the chlorine level was 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.

32) Order Type and Number: Consent Order 17-059-RW  
Order Date: February 28, 2017  
Individual/Entity: **KNP Hospitality, Inc.**  
Facility: Rodeway Inn  
Location: 2311 Ashley Phosphate Road  
Charleston, SC 29418  
Mailing Address: Same  
County: Charleston  
Previous Orders: 15-115-RW (\$680.00)  
Permit/ID Number: 10-265-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: KNP Hospitality, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 25, 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 lifeline was not in place; a skimmer was missing a weir; and, the chlorine level was 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)**.

33) Order Type and Number: Consent Order 17-050-RW  
Order Date: March 6, 2017  
Individual/Entity: **Joseph Marlowe, Individually and d.b.a. Noel Court**  
Facility: Noel Court  
Location: 312 8<sup>th</sup> Avenue North  
Myrtle Beach, SC 29577  
Mailing Address: 410 Broadway Street  
Myrtle Beach, SC 29577  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-059-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Joseph Marlowe, Individually and d.b.a. Noel Court (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 8, 2016, and August 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 lifeline floats were not properly spaced; the pool floor was not clean; there were cracks on the pool deck; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the pool rules sign was not legible; 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; schedule an inspection to verify that the deficiencies have been addressed; and, pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**.

34) Order Type and Number: Consent Order 17-060-RW  
Order Date: March 3, 2017  
Individual/Entity: **Ashton Cove Property Owners Association, Inc.**

Facility: Ashton Cove  
Location: 1 Ashton Cove Drive  
Hilton Head Island, SC 29938  
Mailing Address: 1536 Fording Island Road  
Hilton Head Island, SC 29938  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: 07-410-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Ashton Cove Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 1, 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: there were cracked floats on the lifeline; 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 six hundred eighty dollars (**\$680.00**).

35) Order Type and Number: Consent Order 17-061-RW  
Order Date: March 8, 2017  
Individual/Entity: **Walterboro Elks Lodge No. 1988W J HUG, Individually and d.b.a. Walterboro Elks Lodge**  
Facility: Walterboro Elks Lodge  
Location: 236 Milestone Road  
Walterboro, SC 29488  
Mailing Address: PO Box 202  
Walterboro, SC 29488  
County: Colleton  
Previous Orders: None  
Permit/ID Number: 15-1002B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Walterboro Elks Lodge No. 1988W J HUG, Individually and d.b.a. Walterboro Elks Lodge (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 23, 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 lifeline floats were damaged; a ladder was missing bumpers; 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; the facility could not provide 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)**.

36) Order Type and Number: Consent Order 17-062-RW  
Order Date: March 17, 2017  
Individual/Entity: **Woodhill Place Association, Inc.**  
Facility: Woodhill Place  
Location: 6220 Rolling Fork Road  
Charleston, SC 29406  
Mailing Address: 4925 Lacross Road, Suite 112  
North Charleston, SC 29406  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-279-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Woodhill Place Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 21, 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: the water level was too low; a lifeline with floats was not attached to the pool wall; a handrail was not tight and secure; the plaster on the pool floor was delaminated and chipped; a skimmer weir was broken; the gate did not self-close and latch; the bathrooms were not clean and the men's room did not have toilet paper; there was no drinking water fountain; 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.

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)**.

37) Order Type and Number: Consent Order 17-063-RW  
Order Date: March 23, 2017  
Individual/Entity: **Ocean Forest Club, Inc.**  
Facility: Ocean Forest Club  
Location: 303 Calhoun Road  
Myrtle Beach, SC 29577  
Mailing Address: 1809 Wandering Way Drive  
Charlotte, NC 20226  
County: Horry County  
Previous Orders: None  
Permit/ID Number: 26-652-1

Violations Cited:

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

Summary: Ocean Forest Club, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 13, 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: 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 cyanuric acid level was above the water quality standards acceptable limit; the emergency notification device was not operating properly, and was not acceptable; the pool rules sign was not completely filled out; there were chlorine sticks in the skimmer baskets; 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; schedule an inspection to verify that the deficiencies have been addressed; and, pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**. The Individual/Entity submitted a corrective action plan. An inspection was completed and it was verified that all of the deficiencies had been addressed.

38) Order Type and Number: Consent Order 17-064-RW  
Order Date: March 27, 2017  
Individual/Entity: **Daniel Island Ventures, LLC**  
Facility: Hampton Inn  
Location: 160 Fairchild Street  
Charleston, SC 29492  
Mailing Address: 17 Lockwood Drive, Suite 400  
Charleston, SC 29401  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: 10-1002B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Daniel Island Ventures, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 23, 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 handrail was not tight and secure; a ladder was not tight and secure; a skimmer was missing a weir; the pH 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)**.

39) Order Type and Number: Consent Order 17-065-RW  
Order Date: March 27, 2017  
Individual/Entity: **RC Investments Group, LLC**  
Facility: Sunrise Mobile Home Park  
Location: 1004 Redbank Road  
Goose Creek, SC 29445  
Mailing Address: Same  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: 08-046-1 & 08-047-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: RC Investments Group, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and a kiddie pool. On June 8, 2016, and July 27, 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: the pool deck was uneven with sharp edges; the gate did not self-close and latch; there was no drinking water fountain; the chlorine level was not within the acceptable range of water quality standards; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring did not have a permanently attached rope; and, the emergency notification device was not operational.

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, one hundred twenty dollars **(\$1,120.00)**.

40) Order Type and Number: Consent Order 17-066-RW  
Order Date: March 28, 2017  
Individual/Entity: **Year Round Pool Co., Inc.**  
Facility: N/A  
Location: 386 Buck Island Road  
Bluffton, SC 29910  
Mailing Address: Same  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: S.C. Code Ann. Regs. 61-51(I)

Summary: Year Round Pool Co., Inc. (Individual/Entity) is a company located in Beaufort County, South Carolina that services public swimming pools. On February 16, 2017, Department staff received a Swimming Pool Change Order Request Form from the Individual/Entity requesting approval to modify the pool, pool deck, and pool equipment at the Ocean Club Villas. At that time, it was determined that the modifications had been completed prior to submitting the Swimming Pool Change Order Request Form and receiving Department approval. The Individual/Entity has

violated the Public Swimming Pools Regulation as follows: the Owner modified the pool prior to submitting a Swimming Pool Change Order Request Form to the Department for approval.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of two hundred dollars (**\$200.00**).

### **Drinking Water Enforcement**

41) Order Type and Number: Consent Order 17-001-DW  
Order Date: March, 2, 2017  
Individual/Entity: **Carolina Water Service, Inc.**  
Facility: Peachtree Acres  
Location: 103 Elberta Drive  
West Columbia, SC 29171  
Mailing Address: 150 Foster Brother Drive  
West Columbia, SC 29172  
County: Lexington  
Previous Orders: None  
Permit/ID Number: 3250045  
Violations Cited: S.C. Code Ann. Regs. 61-58.5.H(2)

Summary: Carolina Water Service, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On January 19, 2017, 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: exceeded the maximum contaminant level (MCL) for combined radium 226/228.

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.

42) Order Type and Number: Consent Order 17-002-DW  
Order Date: March, 6, 2017  
Individual/Entity: **Town of Cheraw**  
Facility: Town of Cheraw  
Location: 1 Service Street  
Cheraw, SC 29520  
Mailing Address: PO Box 219  
Cheraw, SC 29520  
County: Chesterfield  
Previous Orders: None  
Permit/ID Number: 1310001

Violations Cited:  
58.1.K(1)

S.C. Code Ann. Regs. 61-58.1.B & 61-

Summary: The Town of Cheraw (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On January 5, 2017, Department staff conducted an inspection at the PWS and it was determined that an additional surface water source had been constructed and placed into operation prior to obtaining a permit to construct and written approval to operate from the Department. The Individual/Entity has violated the State Primary Drinking Water Regulations as follows: failed to obtain a permit to construct and written approval to operate from the Department prior to the construction and operation of a modification to the PWS.

Action: The Individual/Entity is required to: obtain the required permit to construct and written approval to operate from the Department; and, pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

43) Order Type and Number: Consent Order 17-003-DW  
Order Date: March 21, 2017  
Individual/Entity: **Town of St. Matthews**  
Facility: Town of St. Matthews  
Location: 1313 Bridge Street  
St. Matthews, SC 29135  
Mailing Address: PO Box 172  
St. Matthews, SC 29135  
County: Calhoun  
Previous Orders: None  
Permit/ID Number: 0910001  
Violations Cited: S.C. Code Ann. Regs. 61-30(G)(2)(a)

Summary: The Town of St. Matthews (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system. On October 20, 2016, the Department sent final notice to the Individual/Entity requiring payment of the annual Safe Drinking Water Act fee for fiscal year 2017. The Individual/Entity has violated the Environmental Protection Fees Regulation as follows: failed to pay the annual Safe Drinking Water Act fee for fiscal Year 2017.

Action: The Individual/Entity is required to: pay to the Department the owed annual Safe Drinking Water Act fee for fiscal year 2017, which totals six thousand, six hundred thirty-eight dollars and thirteen cents (**\$6,638.13**).

### **Water Pollution Enforcement**

44) Order Type and Number: Consent Order 17-009-W

Order Date: February 9, 2017  
Individual/Entity: **Town of Cheraw**  
Facility: Town of Cheraw WWTF  
Location: Roddy Street  
Cheraw, SC 29520  
Mailing Address: PO Box 219  
Cheraw, SC 29520  
County: Chesterfield  
Previous Orders: 17-002-W (\$1,000.00)  
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. 61-9.122.41(a)(1) (2011), and National Pollutant Discharge Elimination System Permit Number SC0020249.

Summary: The Town of Cheraw (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Town of Cheraw Wastewater Treatment Facility (WWTF), located in Chesterfield County, South Carolina. On April 8, 2016, and on October 19, 2016, Notices of Violation were issued as a result of discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act, Water Pollution Control Permits Regulation and National Pollutant Discharge Elimination System (NPDES) Permit SC0020249 as follows: failed to comply with effluent discharge limits of its NPDES permit for Total Suspended Solids (TSS) and Total Suspended Solids Percent Removal (TSS % Removal).

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, two hundred forty dollars (**\$2,240.00**).

45) Order Type and Number: Consent Order 17-010-W  
Order Date: February 10, 2017  
Individual/Entity: **Owens Corning Composite Materials, LLC**  
Facility: Anderson Plant  
Location: 4837 Highway 81 South  
Starr, SC 29684  
Mailing Address: Same  
County: Anderson  
Previous Orders: 12-011-W (\$3,600.00)  
Permit/ID Number: SC0000400  
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)(2011)

Summary: Owens Corning Composite Materials, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater

treatment plant (WWTP) located in Anderson County, South Carolina. On February 23, 2016, a Notice of Violation was issued as a result of discharge monitoring reports submitted to 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 limits of its National Pollution Discharge Elimination System (NPDES) permit for *Escherichia coli* (*E. coli*).

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 one thousand, four hundred dollars (**\$1,400.00**).

46) <u>Order Type and Number:</u>	Consent Order 17-011-W
<u>Order Date:</u>	February 28, 2017
<u>Individual/Entity:</u>	<b>Utt Family Limited Partnership and J. P. Jordan &amp; Associates, LLC</b>
<u>Facility:</u>	East Cox Ferry Road Site
<u>Location:</u>	East Cox Ferry Road Horry County
<u>Mailing Address:</u>	PO Box 834 Conway, SC 29528
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	None
<u>Violations Cited:</u>	Water Pollution Control Permits, 3 S.C. Code Ann. Regs. 61-9.122.26(a)(6)(i) (2011) and Pollution Control Act, S.C. Code Ann. § 48-1-110(a) and § 48-1-90(A)(1) (Supp. 2015)

Summary: Utt Family Limited Partnership and J. P. Jordan & Associates, LLC (Individual/Entity) own, and are responsible for land clearing activity in Horry County, South Carolina. On February 25, 2017 and February 27, 2014, the Department conducted inspections in response to a Coastal Zone Consistency request submitted by the Individual/Entity. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: initiated land disturbing activities and operation of a storm water without a permit issued by the Department; and, allowed the discharge of sediment into the environment, including waters of the State, in a manner other than in compliance with a permit issued by the Department.

Action: The Individual/Entity is required to: submit to the Department an updated Notice of Intent and Storm Water Pollution Prevention Plan for coverage under NPDES General Permit for Stormwater Discharges from Construction Activities; complete all Site repairs, restoration and/or mitigation necessary at the site; submit a report, completed and stamped by a South Carolina Registered Professional Engineer, certifying that all stormwater and sediment control devices are installed and functioning properly; and, pay to the Department a civil penalty in

the amount of five thousand dollars (**\$5,000.00**); and pay a **stipulated penalty** of forty thousand dollars (\$40,000.00) should any requirement of the Order not be met.

- 47) Order Type and Number: Consent Order 17-012-W  
Order Date: March 13, 2017  
Individual/Entity: **Laurel Baye Healthcare of Blackville, LLC**  
Facility: Laurel Baye Healthcare of Blackville  
Location: 1612 Jones Bridge Road  
Blackville, SC  
Mailing Address: 3044 Hwy. 17N, Ste. B  
Mount Pleasant, SC 29466  
County: Barnwell  
Previous Orders: 14-037-W (\$6,000.00)  
Permit/ID Number: ND0067024  
Violations Cited: Water Pollution Control Permits, 3 S.C. Code Ann. Regs. 61-9.122.41(a) and (d) (2015) and Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (Supp. 2015)  
Summary: Laurel Baye Healthcare of Blackville, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility located in Barnwell County, South Carolina. On August 26, 2016, and on October 20, 2016, Notices of Violation were issued as a result of discharge monitoring reports submitted to 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 discharge limits of its NPDES permit for biochemical oxygen demand (BOD).

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 four thousand, two hundred dollars (**\$4,200.00**).

- 48) Order Type and Number: Consent Order 17-014-W  
Order Date: March 28, 2017  
Individual/Entity: **Bamberg Board of Public Works**  
Facility: Bamberg BPW WWTF  
Location: State Road S-5-32  
Bamberg, SC 29003  
Mailing Address: PO Box 1180  
Bamberg, SC 29003  
County: Bamberg  
Previous Orders: None  
Permit/ID Number: ND0063398  
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-90(A)(1), 95(A)(5), and 95(D)(1) (Supp. 2015).

Summary: Bamberg Board of Public Works (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Bamberg Wastewater

Treatment Facility (WWTF), located in Bamberg County, South Carolina. The Individual/Entity reported to the Department five (5) Sanitary Sewer Overflows (SSOs) in excess of five thousand (5,000) gallons each from its Wastewater Collection System (WWCS) during the period of February 4, 2016, through February 8, 2016. The Individual/Entity has violated the Pollution Control Act as follows: discharged untreated wastewater into the environment, including waters of the State, in a manner other than in compliance with a permit issued by the Department.

Action: The Individual/Entity is required to: report all wastewater spills of significant volume verbally within twenty-four (24) hours and in writing within five (5) days; submit copies of public notices issued by Bamberg for all significant spills from the WWCS; submit quarterly status report of State Revolving Fund Project 278-02 funding measures; submit quarterly summary reports of corrective actions addressing deficiencies in the WWCS; and, pay a **stipulated penalty** in the amount of four thousand, two hundred dollars (\$4,200.00) should any requirement of the Order not be met.

49) <u>Order Type and Number:</u>	Consent Order 17-013-W
<u>Order Date:</u>	March 30, 2017
<u>Individual/Entity:</u>	<b>Chester Sewer District</b>
<u>Facility:</u>	Rocky Creek WWTP
<u>Location:</u>	633 Ecology Road Chester, SC 29706
<u>Mailing Address:</u>	PO Box 279 Richburg, SC 29729
<u>County:</u>	Chester
<u>Previous Orders:</u>	13-029-W (\$3,000.00)
<u>Permit/ID Number:</u>	SC0036056
<u>Violations Cited:</u>	Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (Supp. 2016); Water Pollution Control Permits, 3 S.C. Code Ann. Regs. 61-9.122.41 (a)(1)(2011)

Summary: Chester Sewer District (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Rocky Creek Wastewater Treatment Plant (WWTP) located in Chester County, South Carolina. On July 8, 2016, a Notice of Violation was issued as a result of discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and the regulations governing Water Pollution Control Permits as follows: failed to comply with the effluent limits of its National Pollutant Discharge Elimination System permit for Whole Effluent Toxicity/Chronic Toxicity (CTOX).

Action: The Individual/Entity is required to: continue a Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE) study, provide the Department a progress report, submit a final report with recommendations upon completion of

the TIE/TRE study; and, pay a civil penalty in the amount of four thousand, five hundred dollars (**\$4,500.00**).

50) Order Type and Number: Consent Order 17-015-W  
Order Date: March 30, 2017  
Individual/Entity: **Murray Sand Company, Inc.**  
Facility: White Mine  
Location: Bulls Island Road  
Awendaw, SC  
Mailing Address: 156 Checkerboard Road  
Summerville, SC 29483  
County: Charleston  
Previous Orders: None  
Permit/ID Number: SCG731267  
Violations Cited: Pollution Control Act, S.C Code Ann §  
48-1- 110 (d) (Supp. 2016); Water Pollution Control Permits, 3 S.C. Code Ann  
Regs. 61-9.122.41 (a) and (d) (2011).

Summary: Murray Sand Company, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of the White Mine located in Charleston County, South Carolina. On July 26, 2016, a Notice of Violation was issued as a result of discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits of the NPDES Permit for pH.

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 one thousand, six hundred dollars (**\$1,600.00**).

#### **BUREAU OF AIR QUALITY**

51) Order Type and Number: Consent Order 17-003-A  
Order Date: February 7, 2017  
Respondent: **Century Aluminum of South  
Carolina, Inc.**  
Facility: Century Aluminum  
Location: 3575 Highway 52  
Goose Creek, SC 29445  
Mailing Address: PO Box 1000  
Goose Creek, SC 29445  
County: Berkeley  
Previous Orders: N/A  
Permit/ID Number: TV-0420-0015

Violations Cited:  
62.1, Section II, *Permit Requirements*

5 South Carolina Code Ann. Regs. 61-

Summary: Century Aluminum of South Carolina, Inc. (Individual/Entity) operates an aluminum reduction operation that produces aluminum using an electrolytic process. The Department issued a renewed Part 70 (Title V) Air Quality Permit TV-0420-0015 ("Title V Permit") to the Individual/Entity, formerly known as "Alumax of South Carolina," effective October 1, 2001. On September 15-17, 2015, the facility conducted Department-approved source tests. A Notice of Alleged Violation and Notice of Enforcement Conference was issued on March 9, 2016. The Individual/Entity violated South Carolina Air Pollution Control Regulations as follows: failed to limit particulate matter (PM) emissions from ID 02 to 4.91 lbs/hr and nitrogen oxide (NOx) emissions from ID 02 to 8.0 lbs/hr, which were established pursuant to a BACT analysis.

Action: The Individual/Entity is required to: within thirty (30) days of the execution date of the Order, pay to the Department a civil penalty in the amount of twenty-two thousand dollars (**\$22,000.00**).

52) Order Type and Number: Consent Order 17-004-A  
Order Date: February 8, 2017  
Respondent: **Royal Adhesives and Sealants, LLC**  
Facility: Royal Adhesives and Sealants, LLC  
Location: 864 South Main Street  
Simpsonville, SC 29681  
Mailing Address: PO Box 127  
Simpsonville, SC 29681  
County: Greenville  
Previous Orders: None  
Permit/ID Number: 1200-0099  
Violations Cited: U.S. Environmental Protection Agency regulations at 40 CFR Part 68, 40 CFR Part 63, Subpart A and Subpart FFFF, 5 South Carolina Code Ann. Regs. 61-62.1, 61-62.63, and 61-62.68.

Summary: Royal Adhesives and Sealants, LLC (Individual/Entity) manufactures acrylic polymers, thickeners, latex coatings, and adhesives. The Department issued Conditional Major Operating Permit CM-1200-0099 to the Individual/Entity, effective July 1, 2015. On May 28, 2015, the Department conducted a comprehensive inspection and a Notice of Alleged Violation and Notice of Enforcement Conference was issued on December 21, 2015. The Individual/Entity violated U.S. EPA regulations at 40 CFR and South Carolina Air Pollution Control Regulations as follows: failed to establish and implement written procedures to maintain the on-going integrity of process equipment, and document each inspection and test that had been performed on process equipment; failed to maintain records of combustion temperature for FIC01 and FIC02 including thermal oxidizer temperatures measured at least once every 15 minutes and the daily

average value for each operating day, recorded in a form suitable and readily available for expeditious inspection and review; failed to reduce its collective uncontrolled organic HAP emissions from the sum of all batch process vents within the process by  $\geq 98\%$ , during a Department-approved source test on December 7, 2015; failed to demonstrate that the heat exchange system was operated with the minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side; failed to operate FIC01 and FIC02 so that the daily average combustion temperature did not fall below the 3-hour block average temperatures (operating limits) established during the 2012 and 2016 source performance tests; failed to maintain records of the total process operating time; and, failed to perform weekly maintenance checks on FIC02 in accordance with the Conditional Major Permit.

Action: The Individual/Entity is required to: henceforth ensure that written procedures to maintain the on-going integrity of process equipment are established and implemented pursuant to the 112(r) Regulations, and each inspection and test that is performed on process equipment is documented; henceforth maintain files of all information (including all reports and notifications) required by Subpart A, Subpart SS, and Subpart FFFF recorded in a form suitable and readily available for expeditious inspection and review; henceforth ensure a reduction of its collective uncontrolled organic HAP emissions from the sum of all batch process vents within the process by  $\geq 98\%$ , as required by Subpart FFFF and the Conditional Major Permit; henceforth operate FIC01 and FIC02 so that the daily average combustion temperature (with each daily average covering a 24-hour period if operation is continuous) does not fall below the 3-hour block average temperature established during the most recent Department-approved source performance test that achieved a reduction of organic HAP emissions from the batch process vents by  $\geq 98\%$ ; henceforth maintain records demonstrating that the heat exchange system is operated in accordance with applicable requirements of Subpart F and Subpart FFFF; henceforth maintain records of the total process operating time, as required by Subpart SS and Subpart FFFF. and, pay a civil penalty in the amount of thirty-four thousand dollars **(\$34,000.00)**.

53)	<u>Order Type and Number:</u>	Consent Order 17-005-A
	<u>Order Date:</u>	February 8, 2017
	<u>Respondent:</u>	<b>WCC of Mayesville, LLC</b>
	<u>Facility:</u>	WCC of Mayesville, LLC
	<u>Location:</u>	4845 Florence Highway Mayesville, SC 29104
	<u>Mailing Address:</u>	PO Box 148 Mayesville, SC 29104
	<u>County:</u>	Sumter
	<u>Previous Orders:</u>	CO 14-038-A (\$3,750.00)
	<u>Permit/ID Number:</u>	2140-0097
	<u>Violations Cited:</u>	5 S.C. Code Ann. Regs. 61-62.1, Section II, <i>Permit Requirements</i>

Summary: WCC of Mayesville, LLC (Individual/Entity) is a manufacturer of wood and laminated wood cabinets. The Department issued Conditional Major Permit CM-2140-0097, effective January 1, 2015. A review of Department records indicated the Individual/Entity failed to submit semiannual reports for the reporting periods of July 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016. The Individual/Entity violated South Carolina Air Pollution Control Regulations and its Permit as follows: failed to submit semiannual reports of HAP emissions for the reporting periods of July 1, 2015 through December 31, 2015, and January 1, 2016 through June 30, 2016.

Action: The Individual/Entity is required to: submit semiannual reports in a timely manner, and pay to the Department a civil penalty in the amount of seven thousand, six hundred and fifty dollars (**\$7,650.00**), in four equal payments.

54) Order Type and Number: Consent Order 17-006-A  
Order Date: February 13, 2017  
Respondent: **Nucor Corporation**  
Facility: Nucor Corporation  
Location: 1455 Hagan Avenue  
Huger, SC 29450  
Mailing Address: PO Box 2259  
Mount Pleasant, SC 29465  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: 0420-0060  
Violations Cited: U.S. Environmental Protection Agency regulations at 40 CFR Part 63, Subpart CCC, and U.S. EPA 40 CFR 63.7545(b) and 5 S.C. Code Ann. Regs. 61-62.63, Subpart DDDDD

Summary: Nucor Corporation (Individual/Entity) owns and operates a steel recycling mill. The Department issued Part 70 (Title V) Air Quality Permit TV-0420-0060 (Title V Permit) to the Individual/Entity, effective January 1, 2001. On June 22, 2015, the Department received a construction permit application and a Notice of Alleged Violation and Notice of Enforcement Conference was issued on October 27, 2015. The Individual/Entity violated U.S. EPA regulations at 40 CFR and South Carolina Air Pollution Control Regulations as follows: failed to achieve compliance with the requirements of Subpart CCC for an affected existing pickling facility no later than June 22, 2001; failed to achieve compliance with the requirements of Subpart CCC for an affected new steel pickling facility no later than June 22, 1999; and failed to submit an initial notification under Subpart DDDDD no later than 120 days after January 31, 2013.

Action: The Individual/Entity is required to: henceforth comply with the applicable requirements of Subpart CCC; henceforth submit notifications in accordance with applicable U.S. EPA regulations at 40 CFR Part 63; and, pay a civil penalty in the amount of twenty-eight thousand dollars (**\$28,000.00**).

55) Order Type and Number: Consent Order 17-007-A  
Order Date: February 23, 2017  
Individual/Entity: **Compliance Centre, Inc.**  
Facility: Sims Building, 2nd Floor  
2600 Bull Street  
Columbia, SC 29201  
Location: Same  
Mailing Address: 920 St. Andrews Road, Suite 1  
Columbia, SC 29210  
Previous Orders: None  
Permit/ID Number: None  
Violations Cited: U.S. Environmental Protection Agency  
("EPA") Regulations at 40 CFR 61, National Emission Standards for Hazardous  
Air Pollutants, Subpart M, National Emission Standard for Asbestos, and 7  
South Carolina Code Ann. Regs. 61-86.1, Standards of Performance for  
Asbestos Projects

Summary: Compliance Centre, Inc. (Individual/Entity), located in Columbia, South Carolina, is a Department-licensed asbestos abatement contractor. On September 4, 2015, the Department issued an asbestos abatement project license to the Individual/Entity for the removal of 1,578 square feet ("SF") of non-friable floor tile and mastic from the second floor of the Sims building located at 2600 Bull Street in Columbia, S.C. On November 18, 2015, a Department inspector conducted an investigation at the Site in response to a complaint. The Department issued a Notice of Alleged Violation and Notice of Enforcement Conference to Compliance Centre, and on May 12, 2016, the Department held an enforcement conference with Compliance Centre to discuss the alleged violations. The Individual/Entity violated U.S. EPA and South Carolina Standards of Performance for Asbestos Projects as follows: failed to notify the Department of a NESHAP-sized asbestos project; failed to obtain an appropriate asbestos project license from the Department; failed to comply with work practice requirements for a NESHAP-sized asbestos project; failed to comply with all applicable requirements after rendering ACM regulated; and, failed to comply with regulatory requirements for background and daily clearance air monitoring.

Action: The Individual/Entity is required to: comply with all requirements of Subpart M and Regulation 61-86.1, including but not limited to, ensuring compliance with all applicable notification, work practice, preparation, removal, clean-up, disposal, and air monitoring requirements for any asbestos project; and pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) to the Department.

56) Order Type and Number: Consent Order 17-008-A  
Order Date: February 23, 2017  
Individual/Entity: **Tyson Prepared Foods, Inc.**  
Facility: 1970 Bluff Road  
Columbia SC 29201  
Location: Same

Mailing Address: 2200 West Don Tyson Parkway  
Springdale, AR 72762-6901  
Previous Orders: None  
Permit/ID Number: 1900-0144  
Violations Cited: U.S. Environmental Protection Agency Regulations at 40 CFR 68, and 5 South Carolina Code Ann. Regs. 61-62.68, *Chemical Accident Prevention Provisions* (collectively "112(r) Regulations")

Summary: Tyson Prepared Foods, Inc. (Individual/Entity), located in Columbia, South Carolina, maintains greater than 10,000 pounds of anhydrous ammonia at its facility, and is subject to U.S. Environmental Protection Agency Regulations at 40 CFR 68, and 5 South Carolina Code Ann. Regs. 61-62.68, *Chemical Accident Prevention Provisions* (collectively "112(r) Regulations"). The Department conducted an investigation in response to a release of anhydrous ammonia on July 7, 2016. On October 14, 2016, the Department issued a Notice of Alleged Violation and Notice of Enforcement Conference to Tyson for the alleged violations observed during the July 7, 2016, investigation, and on November 10, 2016, the Department held an enforcement conference with the Individual/Entity. The Individual/Entity violated the 112(r) Regulations as follows: failed to correct deficiencies in equipment that are outside acceptable limits, as defined by the PSI, before further use, or in a safe and timely manner when necessary means are taken to assure safe operation.

Action: The Individual/Entity is required to: implement and maintain the Risk Management Plan in accordance with the requirements of the 112(r) Regulations; and pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**).

57) Order Type and Number: Consent Order 17-009-A  
Order Date: February 23, 2017  
Individual/Entity: **Mr. Garrett Herring**  
Facility: Alice Manufacturing Co.  
Location: 1006 Rice Road  
Easley, SC 29640  
Facility: Budget Inn  
Location: 316 Zimalcrest Drive  
Columbia, SC 29201  
Mailing Address: 122 Sheldon Avenue  
Greenwood, SC 29649  
County: Pickens/Richland  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: 7 S.C. Code Ann. Regs. 61-86.1, Sections VI.B.1, VI.B.3, VI.C.2.c, and VI.D.1.

Summary: Mr. Garrett Herring (Individual/Entity), is a Department-licensed asbestos building inspector (ASB-20917). The Department conducted complaint investigations regarding building inspections conducted by the Individual/Entity at

two separate locations on October 14, 2015, and February 25, 2016. The Department issued a Notice of Alleged Violation/Notice of Enforcement Conference on September 19, 2016, and held an enforcement conference on October 20, 2016. The Individual/Entity violated South Carolina Standards of Performance for Asbestos Projects as follows: failed to visually inspect the areas that may be affected by renovation or demolition operations at Alice Manufacturing and Budget Inn to identify the locations of all suspected ACM; failed to identify all homogeneous areas of suspected ACM in the areas affected by renovation operations at Alice Manufacturing and Budget Inn; failed to include in his asbestos building inspection report a complete detailed narrative of the physical description of the building affected by the renovation operation at Budget Inn; and, failed to collect the required number of bulk samples from each homogeneous area of surfacing, TSI, and miscellaneous material not assumed to be ACM in Alice Manufacturing and Budget Inn.

Action: The Individual/Entity is required to: comply with all asbestos building inspection requirements of Regulation 61-86.1, Section VI; enroll with, and complete, a Department-approved training course provider for an initial three-day asbestos building inspector training course in order to meet the requirements of Regulation 61-86.1; and pay to the Department a civil penalty in the amount of five thousand dollars (**\$5,000.00**), payable in four equal payments.

58)     Order Type and Number:                     Consent Order 17-010-A  
          Order Date:                                 February 23, 2017  
          Individual/Entity:                         **GEHC, LLC**  
          Facility:                                     Residence  
          Location:                                   721 Southlake Road  
  Columbia, SC 29201  
          Mailing Address:                         720 Montague Avenue, Suite 313  
  Greenwood, SC 29649  
          County:                                     Richland  
          Previous Orders:                           None  
          Permit/ID Number:                     R1603124  
          Violations Cited:                         7 S.C. Code Ann. Regs. 61-86.1,  
  Section X.C.3.a.(5).

Summary: GEHC, LLC (Individual/Entity), is a Department-licensed asbestos abatement contractor (CO-00275). On March 11, 2016, the Department issued emergency asbestos abatement license R1603124 to the Individual/Entity for the emergency abatement of 1,900 ft<sup>2</sup> of friable ceiling texture from a residential property located at 721 Southlake Road in Columbia, South Carolina. On March 28, 2016, a Department inspector conducted a compliance inspection of the residence. The Department issued a Notice of Alleged violation/Notice of Enforcement Conference to the Individual/Entity on September 19, 2016. The Individual/Entity violated South Carolina Standards of Performance for Asbestos Projects as follows: failed to wet clean and HEPA vacuum the entire work area, with only the critical

barriers and decontamination enclosure system left in place, until no visible residue remained at the Site.

Action: The Individual/Entity is required to: comply with all requirements of Regulation 61-86.1, including but not limited to ensuring compliance with all applicable work practice requirements and procedures for asbestos emission control; and pay to the Department a civil penalty in the amount of four thousand, five hundred dollars (**\$4,500.00**), payable in four equal payments.

59) Order Type and Number: Consent Order 17-011-A  
Order Date: March 13, 2017  
Individual/Entity: **Greenwood Mills, Inc.**  
Facility: Greenwood Mills Inc.  
Location: 1800 Calhoun Road  
Greenwood, SC 29649  
Mailing Address: PO Box 1546  
Greenwood, SC 29648  
County: Greenwood  
Previous Orders: None  
Permit/ID Number: 1240-0024  
Violations Cited: U.S. EPA 40 CFR Part 63, *National Emission Standards For Hazardous Air Pollutants For Affected Source Categories* and 5 S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements*

**Summary:** Greenwood Mills, Inc. (Individual/Entity) operates a textile greige mill. The Department issued General State Operating Permit 1240-0024 (Permit) to the Individual/Entity effective October 20, 2014. The Department conducted inspections of the Individual/Entity on September 30, 2016 and October 5, 2016. The Individual/Entity violated South Carolina Air Pollution Control Regulations, EPA regulations at 40 CFR 63, and its Permit as follows: failed to submit a Notice of Compliance Status (NOCS) to the Department and EPA within 60 days after the required tune- up of Boiler #3; failed to notify the Department and EPA within 120 days after Boiler #3 became subject to 40 CFR 63, Subpart JJJJJJ; failed to perform a one-time energy assessment of Boiler #3; failed to notify the Department and EPA within 30 days of switching the primary fuel for Boiler #3; failed to burn fuel oil only during natural gas curtailment, gas supply emergency, or periodic testing on liquid fuel, or comply with U.S. EPA regulations at 40 CFR Subpart JJJJJJ; failed to provide maintenance records for its emergency generator; failed to maintain records of fuel oil certification on site; and failed to maintain an On-Site Implementation Log (OSIL) to document all changes made under the Permit Flexibility Procedure for years 2014 and 2015.

Action: The Individual/Entity is required to: comply with Subpart JJJJJJ, or burn No. 2 fuel oil only during natural gas curtailment, gas supply emergency, or periodic testing on liquid fuel; maintain all records required to demonstrate compliance on site, including, but not limited to, records of fuel oil certification and an OSIL; and pay

to the Department a civil penalty in the amount of nineteen thousand dollars (**\$19,000.00**).

**BUREAU OF ENVIRONMENTAL HEALTH SERVICES**

**Food Safety Enforcement**

60) Order Type and Number: Administrative Order 2015-206-08-003  
Order Date: March 23, 2017  
Individual/Entity: **Walnuts Cafe**  
Facility: Walnuts Cafe  
Location: 70 Pennington Drive  
Bluffton, SC 29910  
Mailing Address: Same  
County: Beaufort  
Previous Orders: None  
Permit Number: 07-206-06070  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Walnuts Cafe (Individual/Entity), located in Bluffton, South Carolina, is a restaurant. The Department conducted inspections on April 1, 2015, April 10, 2015, and April 14, 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 thousand dollars (**\$1,000.00**).

61) Order Type and Number: Consent Order 2016-206-07-030  
Order Date: February 1, 2017  
Individual/Entity: **China Chef at Goose Creek, Inc.**  
Facility: China Chef at Goose Creek, Inc.  
Location: 142 J Saint James Avenue  
Goose Creek, SC 29445  
Mailing Address: Same  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: 08-206-09687

Violations Cited:

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

Summary: China Chef at Goose Creek, Inc. (Individual/Entity), located in Goose Creek, South Carolina, is a restaurant. The Department conducted inspections on January 29, 2016, and June 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulations 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 eight hundred dollars (**\$800.00**).

62) Order Type and Number: Consent Order 2015-206-07-062  
Order Date: February 1, 2017  
Individual/Entity: **Hawthorne Suites**  
Facility: Hawthorne Suites  
Location: 7645 Northwoods Blvd.  
North Charleston, SC 29406  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-08433  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hawthorne Suites (Individual/Entity), located in North Charleston, South Carolina operates a breakfast buffet. The Department conducted inspections on May 18, 2015, May 29, 2015, and June 8, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper sanitization 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 nine hundred seventy dollars (**\$970.00**).

63) Order Type and Number: Consent Order 2016-206-03-052  
Order Date: February 1, 2017  
Individual/Entity: **Love's #396/Chester's Chicken**  
Facility: Love's #396/Chester's Chicken  
Location: 36 Dusty Road  
Newberry, SC 29108  
Mailing Address: PO Box 26210  
Oklahoma, OK 73126  
County: Newberry  
Previous Orders: 2015-206-03-099 (\$800.00)  
Permit Number: 36-206-01222

Violations Cited:

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

Summary: Love's #396/Chester's Chicken (Individual/Entity), located in Newberry, South Carolina is a restaurant. The Department conducted an inspection on June 20, 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 six hundred dollars **(\$600.00)**.

64) Order Type and Number: Consent Order 2016-206-08-021  
Order Date: February 2, 2017  
Individual/Entity: **Speedy Express**  
Facility: Speedy Express  
Location: 305 South Jefferies Boulevard  
Walterboro, SC 29488  
Mailing Address: 504 Forest Circle, Apt. 102  
Walterboro, SC 29488  
County: Colleton  
Previous Orders: None  
Permit Number: 15-206-00614  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Speedy Express (Individual/Entity), located in Walterboro, South Carolina is a convenience store. The Department conducted inspections on July 16, 2015, and June 29, 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)**.

65) Order Type and Number: Consent Order 2016-206-06-108  
Order Date: February 2, 2017  
Individual/Entity: **Russell's Seafood Grill**  
Facility: Russell's Seafood Grill  
Location: 4906 Highway 17 Business  
Murrells Inlet, SC 29576  
Mailing Address: PO Box 303  
Murrells Inlet, SC 29576  
County: Georgetown  
Previous Orders: None

Permit Number: 22-206-05323  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Russell's Seafood Grill (Individual/Entity), located in Murrells Inlet, South Carolina is a restaurant. The Department conducted inspections on June 30, 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)**.

66) Order Type and Number: Consent Order 2017-206-07-001  
Order Date: February 2, 2017  
Individual/Entity: **Toast of Charleston**  
Facility: Toast of Charleston  
Location: 155 Meeting Street  
Charleston, SC 29401  
Mailing Address: PO Box 22454  
Charleston, SC 29413  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-05252  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Toast of Charleston (Individual/Entity), located in Charleston, South Carolina is a restaurant. The Department conducted inspections on August 15, 2016, and August 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)**.

67) Order Type and Number: Consent Order 2016-206-07-046  
Order Date: February 6, 2017  
Individual/Entity: **La Hacienda Mexican Restaurant**  
Facility: La Hacienda Mexican Restaurant  
Location: 808 Folly Road  
James Island, SC 29412  
Mailing Address: Same  
County: Charleston

Previous Orders: None  
Permit Number: 10-206-02526  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: La Hacienda Mexican Restaurant (Individual/Entity), located in James Island, South Carolina is a restaurant. The Department conducted inspections on February 2, 2016, June 30, 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; 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 one thousand, two hundred dollars **(\$1200.00)**.

68) Order Type and Number: Consent Order 2016-206-03-054  
Order Date: February 9, 2017  
Individual/Entity: **China Star**  
Facility: China Star  
Location: 327 East Columbia Avenue  
Leesville, SC 29070  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-05741  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: China Star (Individual/Entity), located in Leesville, South Carolina is a restaurant. The Department conducted inspections on March 24, 2016, and June 29, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees washed 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)**.

69) Order Type and Number: Consent Order 2016-206-06-112  
Order Date: February 9, 2017  
Individual/Entity: **Marshview Marina**  
Facility: Marshview Marina  
Location: 4139 Highway 17 Business  
Murrells Inlet, SC 29576  
Mailing Address: Same  
County: Georgetown

Previous Orders: None  
Permit Number: 22-206-06279  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Marshview Marina (Individual/Entity), located in Murrells Inlet, South Carolina operates a restaurant. The Department conducted inspections on April 28, 2016, and September 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)**.

70) Order Type and Number: Consent Order 2016-206-02-030  
Order Date: February 9, 2017  
Individual/Entity: **Cantiflas Mexican Restaurant**  
Facility: Cantiflas Mexican Restaurant  
Location: 10 South Main Street  
Greenville, SC 29601  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-07370  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Cantiflas Mexican Restaurant (Individual/Entity), located in Greenville, South Carolina is a restaurant. The Department conducted an inspection on June 20, 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)**.

71) Order Type and Number: Consent Order 2016-206-02-029  
Order Date: February 13, 2017  
Individual/Entity: **China Town**  
Facility: China Town  
Location: 8024-C Augusta Road  
Piedmont, SC 29673  
Mailing Address: Same  
County: Greenville  
Previous Orders: None

Permit Number: 23-206-10221  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: China Town (Individual/Entity), located in Piedmont, South Carolina is a restaurant. The Department conducted inspections on March 23, 2015, December 16, 2015, and April 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 use effective methods to cool cooked time/temperature control for safety foods; and failed to provide accessibility to the handwashing 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 one thousand, two hundred dollars **(\$1,200.00)**.

72) Order Type and Number: Consent Order 2016-206-02-034  
Order Date: February 13, 2017  
Individual/Entity: **Church's Chicken**  
Facility: Church's Chicken  
Location: 880 North Church Street  
Spartanburg, SC 29303  
Mailing Address: PO Box 22245  
Charleston, SC 29413  
County: Spartanburg  
Previous Orders: None  
Permit Number: 42-206-06248  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Church's Chicken (Individual/Entity), located in Spartanburg, South Carolina is a restaurant. The Department conducted inspections on December 15, 2015, and June 13, 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)**.

73) Order Type and Number: Consent Order 2016-206-02-033  
Order Date: February 13, 2017  
Individual/Entity: **Church's Chicken #1024**  
Facility: Church's Chicken #1024  
Location: 302 South Pleasantburg Drive  
Greenville, SC 29609  
Mailing Address: PO Box 22245

County: Charleston, SC 29413  
Previous Orders: Greenville  
Permit Number: None  
Violations Cited: 23-206-11121  
S.C. Code Ann. Regs. 61-25

Summary: Church's Chicken #1024 (Individual/Entity), located in Greenville, South Carolina is a restaurant. The Department conducted inspections on August 1, 2016, August 9, 2016, August 19, 2016, August 26, 2016, September 7, 2016, and October 13, 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 premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25; and pay a civil penalty in the amount of two thousand, eight hundred dollars **(\$2,800.00)**.

74) Order Type and Number: Consent Order 2016-206-01-032  
Order Date: February 13, 2017  
Individual/Entity: **Church's Chicken #148**  
Facility: Church's Chicken #148  
Location: 101 West Shockley Ferry Road  
Anderson, SC 29624  
Mailing Address: PO Box 22245  
Charleston, SC 29413  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-04231  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Church's Chicken #148 (Individual/Entity), located in Anderson, South Carolina is a restaurant. The Department conducted inspections on July 7, 2016, September 14, 2016, and September 23, 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 nine hundred fifty dollars **(\$950.00)**.

75) Order Type and Number: Consent Order 2016-206-06-037  
Order Date: February 13, 2017  
Individual/Entity: **Wildfish Grill**  
Facility: Wildfish Grill

Location: 619 Front Street  
Georgetown, SC 29440  
Mailing Address: Same  
County: Georgetown  
Previous Orders: None  
Permit Number: 22-206-06256  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wildfish Grill (Individual/Entity), located in Georgetown, South Carolina is a restaurant. The Department conducted inspections on April 26, 2016, June 22, 2016, and August 4, 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 hundred fifty dollars **(\$150.00)**.

76) Order Type and Number: Consent Order 2016-206-02-031  
Order Date: February 14, 2017  
Individual/Entity: **Bova**  
Facility: Bova  
Location: 2700 Woodruff Road, Suite G  
Simpsonville, SC 29681  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-10406  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bova (Individual/Entity), located in Simpsonville, South Carolina is a restaurant. The Department conducted inspections on July 11, 2016, and July 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)**.

77) Order Type and Number: Consent Order 2016-206-03-046  
Order Date: February 14, 2017  
Individual/Entity: **Panchos**  
Facility: Panchos  
Location: 5400 Forest Drive

Mailing Address: Columbia, SC 29206  
County: Same  
Richland  
Previous Orders: None  
Permit Number: 40-206-05594  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Panchos (Individual/Entity), located in Columbia, South Carolina is a restaurant. The Department conducted inspections on July 21, 2015, and May 18, 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)**.

78) Order Type and Number: Consent Order 2016-206-03-061  
Order Date: February 14, 2017  
Individual/Entity: **Lexington County Baseball Stadium**  
Facility: Lexington County Baseball Stadium  
Location: 474 Ball Park Road  
Lexington, SC 29072  
Mailing Address: 101 East Main Street  
Lexington, SC 29072  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-06370  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lexington County Baseball Stadium (Individual/Entity), located in Lexington, South Carolina operates multiple concession stands. The Department conducted inspections on July 23, 2015, and July 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)**.

79) Order Type and Number: Consent Order 2015-206-07-050  
Order Date: February 22, 2017  
Individual/Entity: **New York City Pizza**  
Facility: New York City Pizza

Location: 190 East Bay Street  
Charleston, SC 29401  
Mailing Address: PO Drawer Box 11  
Hilton Head Island, SC 29938  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-08832  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: New York City Pizza (Individual/Entity), located in Charleston, South Carolina is a restaurant. The Department conducted inspections on May 18, 2015, and May 28, 2015. 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)**.

80) Order Type and Number: Consent Order 2016-206-06-119  
Order Date: February 22, 2017  
Individual/Entity: **Coastal Petro**  
Facility: Coastal Petro  
Location: 595 Burcale Road  
Myrtle Beach, SC 29579  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10148  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Coastal Petro (Individual/Entity), located in Myrtle Beach, South Carolina operates a convenience store. The Department conducted inspections on July 31, 2015, and June 6, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to protect food from contamination by the use of packaging, counter, service line, or salad bar food guards; display cases; or other effective means.

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)**.

81) Order Type and Number: Consent Order 2016-206-02-028  
Order Date: February 22, 2017  
Individual/Entity: **Carolina Fine Foods**  
Facility: Carolina Fine Foods

Location: 625 South East Main Street  
Simpsonville, SC 29681  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-07610  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Carolina Fine Foods (Individual/Entity), located in Simpsonville, South Carolina is a restaurant. The Department conducted inspections on April 20, 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 five hundred fifty dollars **(\$550.00)**.

82) Order Type and Number: Consent Order 2016-206-03-050  
Order Date: February 22, 2017  
Individual/Entity: **Frayed Knot Bar & Grill**  
Facility: Frayed Knot Bar & Grill  
Location: 1701 Dreher Island Road  
Chapin, SC 29036  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-06134  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Frayed Knot Bar & Grill (Individual/Entity), located in Chapin, South Carolina is a restaurant. The Department conducted inspections on May 13, 2016, 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)**.

83) Order Type and Number: Consent Order 2016-206-03-056  
Order Date: February 22, 2017  
Individual/Entity: **RNK Catawba**  
Facility: RNK Catawba  
Location: 5995 Highway 5

Mailing Address: Catawba, SC 29704  
PO Box 1317  
Lancaster, SC 29721

County: York

Previous Orders: None

Permit Number: 46-206-03381

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

Summary: RNK Catawba (Individual/Entity), located in Catawba, South Carolina is a restaurant. The Department conducted inspections on October 3, 2016, and January 4, 2017. 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)**.

84) Order Type and Number: Consent Order 2015-206-02-031

Order Date: February 23, 2017

Individual/Entity: **Fiesta Pickens**

Facility: Fiesta Pickens

Location: 712 West Main Street  
Pickens, SC 29671

Mailing Address: Same

County: Pickens

Previous Orders: None

Permit Number: 39-206-01622

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

Summary: Fiesta Pickens (Individual/Entity), located in Pickens, South Carolina is a restaurant. The Department conducted inspections on September 23, 2015, and October 5, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; 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)**.

85) Order Type and Number: Consent Order 2016-206-07-053

Order Date: March 1, 2017

Individual/Entity: **Golden Corral #2599**

Facility: Golden Corral #2599

Location: 4968 Centre Pointe Drive  
North Charleston, SC 29418  
Mailing Address: 1453 Kempsville Road, Suite 107  
Virginia Beach, VA 23464  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-06888  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Golden Corral #2599 (Individual/Entity), located in North Charleston, South Carolina, is a restaurant. The Department conducted inspections on March 21, 2016, July 20, 2016, and July 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; 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 nine hundred fifty dollars **(\$950.00)**.

86) Order Type and Number: Consent Order 2016-206-07-050  
Order Date: March 1, 2017  
Individual/Entity: **Haagen Dazs**  
Facility: Haagen Dazs  
Location: 43 South Market Street  
Charleston, SC 29401  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-05585  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Haagen Dazs (Individual/Entity), located in Charleston, South Carolina, is an ice cream parlor. The Department conducted inspections on June 13, 2016, June 23, 2016, and June 30, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the facility free of insects, rodents, and other pests.

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

87) Order Type and Number: Consent Order 2016-206-08-028  
Order Date: March 1, 2017

Individual/Entity: **Mellow Mushroom**  
Facility: Mellow Mushroom  
Location: 878 Fording Island Road Unit #18  
Bluffton, SC 29910  
Mailing Address: 20 Towne Drive #285  
Bluffton, SC 29910  
County: Beaufort  
Previous Orders: None  
Permit Number: 07-206-09452  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mellow Mushroom (Individual/Entity), located in Bluffton, South Carolina, is a restaurant. The Department conducted inspections on July 14, 2016, and November 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 five hundred fifty dollars **(\$550.00)**.

88) Order Type and Number: Consent Order 2016-206-06-138  
Order Date: March 1, 2017  
Individual/Entity: **China Apple**  
Facility: China Apple  
Location: 2288 Glenns Bay Road  
Surfside Beach, SC 29575  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12673  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: China Apple (Individual/Entity), located in Surfside Beach, South Carolina, is a restaurant. The Department conducted inspections on January 26, 2015, and July 20, 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)**.

89) Order Type and Number: Consent Order 2016-206-03-054  
Order Date: March 1, 2017

Individual/Entity: **T-Bones at the Lake**  
Facility: T-Bones at the Lake  
Location: 3990 Charlotte Highway  
Lake Wylie, SC 29710  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-00981  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: T-Bones at the Lake (Individual/Entity), located in Lake Wylie, South Carolina, is a restaurant. The Department conducted inspections on October 25, 2016, and December 13, 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; and failed to properly use the date marking system.

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)**.

90) Order Type and Number: Consent Order 2016-206-03-069  
Order Date: March 2, 2017  
Individual/Entity: **Wing King Café**  
Facility: Wing King Café  
Location: 426 Highway 9 Bypass East  
Lancaster, SC 29720  
Mailing Address: Same  
County: Lancaster  
Previous Orders: None  
Permit Number: 29-206-01310  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wing King Cafe (Individual/Entity), located in Lancaster, South Carolina, is a restaurant. The Department conducted inspections on May 7, 2015, and May 4, 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)**.

91) Order Type and Number: Consent Order 2016-206-03-072  
Order Date: March 2, 2017

Individual/Entity: **Subbies Lancaster**  
Facility: Subbies Lancaster  
Location: 1321 Highway 9 Bypass West  
Lancaster, SC 29720  
Mailing Address: 926 Hope Place  
Lancaster, SC 29720  
County: Lancaster  
Previous Orders: None  
Permit Number: 29-206-01526  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Subbies Lancaster (Individual/Entity), located in Lancaster, South Carolina, is a restaurant. The Department conducted inspections on April 21, 2016, and July 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)**.

92) Order Type and Number: Consent Order 2016-206-03-065  
Order Date: March 3, 2017  
Individual/Entity: **Hwy 55 of Irmo**  
Facility: Hwy 55 of Irmo  
Location: 1180 Dutch Fork Road, Suite B-2  
Irmo, SC 29063  
Mailing Address: 113 White Bloom Lane  
Cary, NC 27519  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-07120  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hwy 55 of Irmo (Individual/Entity), located in Irmo, South Carolina is a restaurant. The Department conducted inspections on August 5, 2015, and July 11, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees washed 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)**.

93) Order Type and Number: Consent Order 2016-206-02-032

Order Date: March 3, 2017  
Individual/Entity: **Bi-Lo #5563 Deli/Bakery**  
Facility: Bi-Lo #5563 Deli/Bakery  
Location: 1315 South Pleasantburg Drive  
Greenville, SC 29605  
Mailing Address: PO Box 2209  
Jacksonville, FL 32203  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-04093  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bi-Lo #5563 Deli/Bakery (Individual/Entity), located in Greenville, South Carolina, is a deli/bakery inside a grocery store. The Department conducted inspections on February 9, 2016, and January 4, 2017. 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)**.

94) Order Type and Number: Consent Order 2016-206-07-018  
Order Date: March 9, 2017  
Individual/Entity: **Fish Hut**  
Facility: Fish Hut  
Location: 2671 Spruill Avenue  
North Charleston, SC 29405  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-06002  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fish Hut (Individual/Entity), located in Charleston, South Carolina is a restaurant. The Department conducted inspections on February 29, 2016, and March 9, 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 washed 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)**.

95) Order Type and Number: Consent Order 2016-206-06-083  
Order Date: March 9, 2017  
Individual/Entity: **Duffy Street Seafood Shack Main Street**  
Facility: Duffy Street Seafood Shack Main Street  
Location: 202 Main Street  
North Myrtle Beach, SC 29582  
Mailing Address: PO Box 154  
North Myrtle Beach, SC 29597  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-08364  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Duffy Street Seafood Shack Main Street (Individual/Entity), located in North Myrtle Beach, South Carolina, is a restaurant. The Department conducted inspections on April 29, 2016, and August 22, 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 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)**.

96) Order Type and Number: Consent Order 2016-206-06-127  
Order Date: March 9, 2017  
Individual/Entity: **Hardee's #1500863**  
Facility: Hardee's #1500863  
Location: 10 US Highway 17 North  
Surfside Beach, SC 29575  
Mailing Address: 20377 SW Acacia Street, Suite 200  
Newport Beach, CA 92660  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-13072  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hardee's #1500863 (Individual/Entity), located in Surfside Beach, South Carolina, is a restaurant. The Department conducted inspections on January 4, 2016, and July 5, 2016. The Individual/Entity has violated the South

Carolina Retail Food Establishment Regulation as follows: failed to ensure employees washed 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)**.

97) Order Type and Number: Consent Order 2016-206-03-056  
Order Date: March 9, 2017  
Individual/Entity: **7 Mares**  
Facility: 7 Mares  
Location: 4360 Augusta Road  
Lexington, SC 29073  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-05851  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: 7 Mares (Individual/Entity), located in Lexington, South Carolina, is a restaurant. The Department conducted inspections on June 6, 2016, June 17, 2016, 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 nine hundred fifty dollars **(\$950.00)**.

98) Order Type and Number: Consent Order 2016-206-03-062  
Order Date: March 9, 2017  
Individual/Entity: **Hwy 55 Burgers, Shakes and Fries**  
Facility: Hwy 55 Burgers, Shakes and Fries  
Location: 1792 South Lake Drive  
Lexington, SC 29073  
Mailing Address: 412 S Cottonwood Drive  
Goldsboro, NC 27530  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-06050  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Hwy 55 Burgers, Shakes and Fries (Individual/Entity), located in Lexington, South Carolina, is a restaurant. The Department conducted inspections on August 10, 2015, and June 27, 2016. The Individual/Entity has violated the South

Carolina Retail Food Establishment Regulation as follows: failed to ensure employees washed 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)**.

99) Order Type and Number: Consent Order 2016-206-03-066  
Order Date: March 10, 2017  
Individual/Entity: **Nicks Gyros and Seafood**  
Facility: Nicks Gyros and Seafood  
Location: 2476 Cherry Road  
Rock Hill, SC 29730  
Mailing Address: Same  
County: York  
Previous Orders: None  
Permit Number: 46-206-03311  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Nicks Gyros and Seafood (Individual/Entity), located in Rock Hill, South Carolina, is a restaurant. The Department conducted inspections on June 29, 2015, and June 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees washed 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)**.

100) Order Type and Number: Consent Order 2017-206-03-002  
Order Date: March 10, 2017  
Individual/Entity: **JP's 4 Corner Signature SW**  
Facility: JP's 4 Corner Signature SW  
Location: 150 Forum Drive  
Columbia, SC 29229  
Mailing Address: 129 Fast Lane  
 Mooresville, NC 28117  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-07222  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: JP's 4 Corner Signature SW (Individual/Entity), located in Columbia, South Carolina, is a restaurant. The Department conducted inspections on November 16, 2016, January 3, 2017, and January 13, 2017. The Individual/Entity has

violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the facility free of insects, rodents, and other pests; 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)**.

101)	<u>Order Type and Number:</u>	Consent Order 2016-206-06-139
	<u>Order Date:</u>	March 13, 2017
	<u>Individual/Entity:</u>	<b>Wok Express</b>
	<u>Facility:</u>	Wok Express
	<u>Location:</u>	1110 South Kings Highway Myrtle Beach, SC 29577
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	26-206-06652
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Wok Express (Individual/Entity), located in Myrtle Beach, South Carolina, is a restaurant. The Department conducted inspections on November 28, 2016, and December 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 six hundred eighty dollars **(\$680.00)**.

102)	<u>Order Type and Number:</u>	Consent Order 2016-206-07-058
	<u>Order Date:</u>	March 13, 2017
	<u>Individual/Entity:</u>	<b>Daily of Charleston</b>
	<u>Facility:</u>	Daily of Charleston
	<u>Location:</u>	652-B King Street Charleston, SC 29403
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	10-206-09297
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Daily of Charleston (Individual/Entity), located in Charleston, South Carolina, is a restaurant. The Department conducted inspections on July 5,

2016, and January 11, 2017. 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)**.

103)	<u>Order Type and Number:</u>	Consent Order 2016-206-07-059
	<u>Order Date:</u>	March 13, 2017
	<u>Individual/Entity:</u>	<b>Cougar Point Snack Bar</b>
	<u>Facility:</u>	Cougar Point Snack Bar
	<u>Location:</u>	12 Kiawah Beach Drive Kiawah Island, SC 29455
	<u>Mailing Address:</u>	1 Sanctuary Beach Drive Kiawah Island, SC 29455
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	10-206-04183
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Cougar Point Snack Bar (Individual/Entity), located in Kiawah Island, South Carolina, is a snack bar. The Department conducted inspections on June 29, 2016, and July 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)**.

104)	<u>Order Type and Number:</u>	Consent Order 2016-206-03-058
	<u>Order Date:</u>	March 14, 2017
	<u>Individual/Entity:</u>	<b>La Fogata</b>
	<u>Facility:</u>	La Fogata
	<u>Location:</u>	105 Amicks Ferry Road Chapin, SC 29036
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	32-206-06202
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: La Fogata (Individual/Entity), located in Chapin, South Carolina, is a restaurant. The Department conducted inspections on August 17, 2015,

August 19, 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 one thousand, two hundred dollars **(\$1,200.00)**.

105) <u>Order Type and Number:</u>	Consent Order 2016-206-06-132
<u>Order Date:</u>	March 16, 2017
<u>Individual/Entity:</u>	<b>Bojangles #867</b>
<u>Facility:</u>	Bojangles #867
<u>Location:</u>	4207 Main Street Loris, SC 29569
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-11627
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Bojangles #867 (Individual/Entity), located in Loris, South Carolina, is a restaurant. The Department conducted inspections on July 11, 2016, and August 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)**.

106) <u>Order Type and Number:</u>	Consent Order 2016-206-08-023
<u>Order Date:</u>	March 16, 2017
<u>Individual/Entity:</u>	<b>La Mexicana</b>
<u>Facility:</u>	La Mexicana
<u>Location:</u>	21 Simmonsville Road, Suite A Bluffton, SC 29910
<u>Mailing Address:</u>	50 Waterford Road Bluffton, SC 29910
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	07-206-09594
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: La Mexicana (Individual/Entity), located in Bluffton, South Carolina, is a restaurant. The Department conducted inspections on May 25, 2016,

and June 9, 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)**.

107) <u>Order Type and Number:</u>	Consent Order 2016-211-07-001
<u>Order Date:</u>	March 17, 2017
<u>Individual/Entity:</u>	<b>Chihuahua Supermarket</b>
<u>Facility:</u>	Chihuahua Supermarket
<u>Location:</u>	3387 Ashley Phosphate Road North Charleston, SC 29418
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	10-211-09349
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Chihuahua Supermarket (Individual/Entity), located in North Charleston, South Carolina, is a grocery store. The Department conducted inspections on March 2, 2016, April 26, 2016, and August 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 store foods in a manner to prevent cross contamination; failed to store toxic chemicals away from food and food contact surfaces; 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)**.

108) <u>Order Type and Number:</u>	Consent Order 2016-206-03-064
<u>Order Date:</u>	March 17, 2017
<u>Individual/Entity:</u>	<b>Hot 4 Wings</b>
<u>Facility:</u>	Hot 4 Wings
<u>Location:</u>	5454 Sunset Boulevard, Suite E Lexington, SC 29072
<u>Mailing Address:</u>	Same
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	32-206-06311

Violations Cited:

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

Summary: Hot 4 Wings (Individual/Entity), located in Lexington, South Carolina, is a restaurant. The Department conducted inspections on July 14, 2015, and June 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods.

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)**.

109) Order Type and Number: Consent Order 2016-206-07-075  
Order Date: March 23, 2017  
Individual/Entity: **IHOP #3242**  
Facility: IHOP #3242  
Location: 9976 Dorchester Road  
Summerville, SC 29485  
Mailing Address: Same  
County: Dorchester  
Previous Orders: None  
Permit Number: 18-206-06681  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: IHOP #3242 (Individual/Entity), located in Summerville, South Carolina, is a restaurant. The Department conducted inspections on July 28, 2016, and August 4, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the facility free of insects, rodents, and other pests.

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

110) Order Type and Number: Consent Order 2016-206-06-064  
Order Date: March 23, 2017  
Individual/Entity: **Santino's Pizza Sub**  
Facility: Santino's Pizza Sub  
Location: 5201 North Broad Street  
Loris, SC 29569  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-00795  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Santino's Pizza Sub (Individual/Entity), located in Loris, South Carolina, is a restaurant. The Department conducted inspections on February 19, 2016, and February 29, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to use an approved lubricant on bearings and gears located on 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 eight hundred dollars **(\$800.00)**.

111)	<u>Order Type and Number:</u>	Consent Order 2016-206-03-075
	<u>Order Date:</u>	March 23, 2017
	<u>Individual/Entity:</u>	<b>Chick-Fil-A</b>
	<u>Facility:</u>	Chick-Fil-A
	<u>Location:</u>	2245 Dave Lyle Boulevard Rock Hill, SC 29730
	<u>Mailing Address:</u>	Same
	<u>County:</u>	York
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	46-206-01660
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Chick-Fil-A (Individual/Entity), located in Rock Hill, South Carolina, is a restaurant. The Department conducted inspections on June 24, 2016, and July 1, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to properly cool cooked time/temperature control for safety foods; 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 eight hundred dollars **(\$800.00)**.

112)	<u>Order Type and Number:</u>	Consent Order 2016-206-03-071
	<u>Order Date:</u>	March 23, 2017
	<u>Individual/Entity:</u>	<b>Wal-Mart #585 Deli</b>
	<u>Facility:</u>	Wal-Mart #585 Deli
	<u>Location:</u>	2377 Dave Lyle Boulevard Rock Hill, SC 29730
	<u>Mailing Address:</u>	140 Grand Street, Suite 300

County: White Plains, NY 10601  
Previous Orders: York  
Permit Number: None  
Violations Cited: 46-206-01749  
S.C. Code Ann. Regs. 61-25

Summary: Wal-Mart #585 Deli (Individual/Entity), located in Rock Hill, South Carolina, is a deli located inside of a grocery store. The Department conducted inspections on December 4, 2015, and July 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)**.

113) Order Type and Number: Consent Order 2016-206-03-070  
Order Date: March 23, 2017  
Individual/Entity: **Wal-Mart #1030 Deli**  
Facility: Wal-Mart #1030 Deli  
Location: 805 Lancaster Bypass West  
Lancaster, SC 29720  
Mailing Address: 140 Grand Street, Suite 300  
White Plains, NY 10601  
County: Lancaster  
Previous Orders: None  
Permit Number: 29-206-00920  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wal-Mart #1030 Deli (Individual/Entity), located in Lancaster, South Carolina, is a deli located inside of a grocery store. The Department conducted inspections on March 15, 2016, and June 13, 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)**.

114) Order Type and Number: Consent Order 2016-206-02-026  
Order Date: March 23, 2017  
Individual/Entity: **Palms Café**  
Facility: Palms Café  
Location: 25 Heritage Green Place  
Greenville, SC 29601

Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-11191  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Palms Café (Individual/Entity), located in Greenville, South Carolina, is a restaurant. The Department conducted inspections on May 9, 2016, 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 five hundred fifty dollars **(\$550.00)**.

115) Order Type and Number: Consent Order 2016-206-07-069  
Order Date: March 27, 2017  
Individual/Entity: **Rita's Seaside Grille**  
Facility: Rita's Seaside Grille  
Location: 2 Center Street  
Folly Beach, SC 29439  
Mailing Address: 434 King Street  
Charleston, SC 29403  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-08860  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Rita's Seaside Grille (Individual/Entity), located in Folly Beach, South Carolina, is a restaurant. The Department conducted inspections on September 23, 2015, and August 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)**.

116) Order Type and Number: Consent Order 2016-206-03-067  
Order Date: March 27, 2017  
Individual/Entity: **Red Lobster**  
Facility: Red Lobster  
Location: 10136 Two Notch Road  
Columbia, SC 29229

Mailing Address: 100 Darden Center Drive  
Orlando, FL 32837  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-07379  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Red Lobster (Individual/Entity), located in Columbia, South Carolina, is a restaurant. The Department conducted inspections on July 12, 2016, and July 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)**.

117) Order Type and Number: Consent Order 2017-206-06-002  
Order Date: March 27, 2017  
Individual/Entity: **Landry's Seafood**  
Facility: Landry's Seafood  
Location: 1312 Celebrity Circle  
Myrtle Beach, SC 29577  
Mailing Address: 1510 West Loop South  
Houston, TX 77027-9505  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-06858  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Landry's Seafood (Individual/Entity), located in Myrtle Beach, South Carolina, is a restaurant. The Department conducted inspections on June 29, 2016, and January 10, 2017. 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)**.

118) Order Type and Number: Consent Order 2015-206-07-078  
Order Date: March 27, 2017  
Individual/Entity: **R B's Seafood Restaurant**  
Facility: R B's Seafood Restaurant  
Location: 97 Church Street

Mailing Address: Mount Pleasant, SC 29464  
County: Same  
Charleston  
Previous Orders: None  
Permit Number: 10-206-04737  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: R B's Seafood Restaurant (Individual/Entity), located in Mount Pleasant, South Carolina, is a restaurant. The Department conducted inspections on April 17, 2015, and August 7, 2015. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: 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 eight hundred dollars **(\$800.00)**.

119) Order Type and Number: Consent Order 2016-206-08-016  
Order Date: March 27, 2017  
Individual/Entity: **Bistro 843**  
Facility: Bistro 843  
Location: 890 William Hilton Parkway  
Hilton Head Island, SC 29928  
Mailing Address: 47 Port Tack  
Hilton Head Island, SC 29928  
County: Beaufort  
Previous Orders: None  
Permit Number: 07-206-09962  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bistro 843 (Individual/Entity), located in Hilton Head Island, South Carolina, is a restaurant. The Department conducted inspections on March 22, 2016, and April 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 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)**.

120) Order Type and Number: Consent Order 2016-206-07-072  
Order Date: March 27, 2017  
Individual/Entity: **Foodies Café & Catering, LLC**  
Facility: Foodies Café & Catering, LLC

Location: 1729 Sam Rittenburg Blvd.  
Charleston, SC 29407  
Mailing Address: Same  
County: Charleston  
Previous Orders: 2015-206-07-011  
Permit Number: 10-206-08840  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Foodies Café & Catering (Individual/Entity), located in Charleston, South Carolina, is a restaurant. The Department conducted an inspection on August 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 six hundred dollars **(\$600.00)**.

### **On-Site Wastewater Enforcement**

121) Order Type and Number: Consent Order 16-02-OSWW  
Order Date: February 13, 2017  
Individual/Entity: **Stephen Mitchell**  
Facility: Stephen Mitchell  
Location: 40 Packforest Road  
Taylors, SC 29687  
Mailing Address: 6349 29<sup>th</sup> Avenue North  
St. Petersburg, FL 33710  
County: Greenville  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Stephen Mitchell (Individual/Entity), owns property located in Taylors, South Carolina. The Department conducted a complaint investigation and reviewed Department records on September 2, 2015, and determined that a proper method of sewage disposal was not being utilized. The Individual/Entity has violated the South Carolina Onsite Wastewater Systems Regulation as follows: failed to install an approved onsite wastewater treatment system, for domestic waste, for a dwelling that is occupied for more than 2 hours a day.

Action: The Individual/Entity is required to install an approved onsite wastewater system for his residential dwelling within sixty (60) days or vacate the dwelling.

**DIVISION OF OCEAN AND COASTAL RESOURCE MANAGEMENT**

122) <u>Order Type and Number:</u>	Consent Order 15M-011F
<u>Order Date:</u>	March 17, 2017
<u>Individual/Entity:</u>	<b>City of North Myrtle Beach</b>
<u>Location:</u>	45 <sup>th</sup> Avenue South North Myrtle Beach, SC
<u>Mailing Address:</u>	1018 Second Avenue South North Myrtle Beach, SC 29582
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	N/A
<u>Violations Cited:</u>	S.C. Code Ann. §48-39-130(A) and 23A S.C. Code Ann. Regs. 30-2(B); S.C. Code Ann. §48-39-310

Summary: The City of North Myrtle Beach (Individual/Entity) maintains the beach access on behalf of the public at the street end of 45<sup>th</sup> Avenue South, North Myrtle Beach, South Carolina which abuts the beach/dune system critical area. The Department conducted an inspection at the Site on June 25, 2015 and a Notice of Violation and Admission Letter was issued on February 8, 2016. The Individual/Entity has violated the S.C. Coastal Zone Management Act (Act) and Coastal Division Regulations (Regulations) as follows: destroyed approximately 793 sq. ft. of beach and dune vegetation without a demonstration of no feasible alternative and installed a 12' x 108' coquina based road bed seaward of the setback line and in the beach/dune system critical area without a Department permit.

Action: The Individual/Entity is required to: submit a Corrective Action Plan (CAP) to the Department within thirty days of the effective date of the Order. Upon Department approval of the CAP, the City must restore the beach and dune vegetation and obtain an after-the-fact critical area permit for the 12' x 108' coquina based road bed. An assessed civil penalty of **\$2,000.00** shall be **waived** upon the successful completion of the terms of the Order as determined by the Department.

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\* 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

May 11, 2017

( ) ACTION/DECISION

(X) INFORMATION

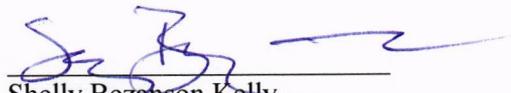
**I. TITLE:** Health Regulation Administrative and Consent Orders.

**II. SUBJECT:** Health Regulation Administrative Orders, Consent Orders, and Emergency Suspension Orders for the period of February 1, 2017, through March 31, 2017.

**III. FACTS:** For the period of February 1, 2017, through March 31, 2017, Health Regulation reports six (6) Consent Orders, and three (3) Emergency Suspension Orders with a total of forty-four thousand seven hundred fifty dollars (\$44,750) in assessed monetary penalties.

Health Regulation Bureau	Health Care Facility, Provider or Equipment	Administrative Orders	Consent Orders	Emergency Suspension Orders	Assessed Penalties
Health Facilities Licensing	Community Residential Care Facility	0	4	0	\$42,700
	In-Home Care Provider	0	1	0	\$1,250
Radiological Health	Chiropractic X-Ray Facility	0	1	0	\$800
EMS & Trauma	Paramedic	0	0	1	\$0
	Ambulance Services Provider	0	0	1	\$0
	EMT	0	0	1	\$0
<b>TOTAL</b>		<b>0</b>	<b>6</b>	<b>3</b>	<b>\$44,750</b>

Approved By:

  
Shelly Bezanson Kelly  
Director of Health Regulation

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

May 11, 2017

**Bureau of Health Facilities Licensing**

Facility Type	Total # of Beds or Participants	Total # of Licensed Facilities in South Carolina
Community Residential Care Facility	17,989	467
In-Home Care Provider (Unlicensed)	N/A	528

**1. Magnolias of Gaffney Assisted Living Community (CRCF) – Gaffney, SC**

Investigation: The Department visited Magnolias of Gaffney Assisted Living Community (“Magnolias”) on January 6, 2015, to conduct a general inspection, January 26, 2016, to conduct a general and food and sanitation inspection, March 8, 2016, to conduct a fire and life safety inspection, and June 21, 2016, for a follow-up inspection.

Violations: Based upon the inspections, the Department cited Magnolias for fifty-four (54) violations of Regulation 61-84, Standards for Licensing Community Residential Care Facilities. Specifically, Magnolias was cited one (1) time for violating Section 502.C, by failing to designate a staff member in writing to act in the absence of the administrator; eighteen (18) times for violating Section 504.A, by failing to maintain required documentation evidencing inservice training; one (1) time for violating Section 505.A, by failing to have documentation of a health assessment for a staff member available for review; one (1) time for violating Section 604, by failing to notify the Department within seventy-two (72) hours of a change in administrator; one (1) time for violating Section 702, by failing to have documentation of written assessments available for review and by failing to conduct written assessments within seventy-two (72) hours of residents’ admissions; seven (7) times for violating Section 703, by failing to update and maintain residents’ ICPs; two (2) times for violating Section 801, by failing to retain only appropriate residents and failing to adequately coordinate a resident’s transfer; one (1) time for violating Section 901.C, by failing to render care and services to residents in accordance with the orders from physicians or other authorized healthcare providers; one (1) times for violating Section 1101.A, by failing to have documentation of a current annual physical examination for a resident and by failing to ensure residents’ physical examinations were completed within thirty (30) days prior to admission; two (2) times for violating Section 1101.B, by failing to maintain documentation of residents’ TB tests available for review; two (2) times for violating Section 1205.A, by failing to maintain appropriate labeling on a resident’s medication container; three (3) times for violating Section 1206, by failing to comply with medication review and storage requirements; one (1) time for violating Section 1301.A, by failing to comply with the requirements of Regulation 61-25, Retail Food Establishments; five (5) times for violating Section 1702, by failing to follow requirements for TB testing; three (3) times for violating Section 1703, by failing to follow appropriate housekeeping requirements and failing to safely store harmful chemicals and cleaning materials; two (2) times for violating Section 2206.B (2012) and Section 2104.A (2016), by failing to adequately secure oxygen cylinders; one (1) time for violating Section 2301.B, by failing to ensure that plumbing fixtures that require hot water and are accessible to residents were supplied with water of at least one hundred (100) degrees Fahrenheit; and two (2) times for violating Section 2601.D (2012) and Section 2501.C (2016), by failing to ensure that HVAC supply or return grilles were not installed within three (3) feet of a smoke detector.

Enforcement Action: Pursuant to the Consent Order executed February 23, 2017, the Department assessed a twenty-five thousand seven hundred dollar (\$25,700) monetary penalty against Magnolias. A term of the Consent Order required Magnolias to pay fifteen thousand dollars (\$15,000) of the assessed penalty. The assessed penalty was received February 15, 2017.

Prior Sanctions: None.

## **2. Oakleaf Village at Thornblade (CRCF) – Greer, SC**

Investigation: The Department visited Oakleaf Village at Thornblade (“Oakleaf”) on March 3, 2016, and September 23, 2016, to conduct complaint investigations, and June 29, 2016, to conduct a general inspection.

Violations: Based upon the inspections, the Department cited Oakleaf for twelve (12) violations of Regulation 61-84, Standards for Licensing Community Residential Care Facilities. Specifically, Oakleaf was cited one (1) time for violating Section 401, by failing to follow its policy and procedure in reporting and documenting an incident involving a resident; one (1) time for violating Section 501.A, by failing to have documentation of a criminal background check for staff members available for review; one (1) time for violating Section 504.A.4, by failing to have documentation of initial training in medication management and administration for new staff members available for review; one (1) time for violating Section 601.A, by failing to have documentation of an internal investigation of an incident involving a resident; one (1) time for violating Section 701.B.6, by failing to have notes of observation for residents documented at least monthly available for review; one (1) time for violating Section 702, by failing to develop residents' written assessments within seven (7) days of admission; one (1) time for violating Section 703.A, by failing to review and/or revise residents' ICPs at least semi-annually; one (1) time for violating Section 901.C, by failing to administer a resident's medication as prescribed by a physician; one (1) time for violating Section 1001.A, by failing to comply with S.C. Code Section 44-81-40(G) with regard to a resident's rights and protections; one (1) time for violating Section 1101.A, by failing to have documentation of residents' current annual physical examinations available for review; one (1) time for violating Section 1201.A, by failing to have residents' medications prescribed by a physician or other authorized healthcare provider available for administration; and one (1) time for violating Section 2301.B, by failing to ensure that hot water temperatures in a resident's shower did not exceed one hundred twenty (120) degrees Fahrenheit.

Enforcement Action: Pursuant to the Consent Order executed February 21, 2017, the Department assessed a six thousand one hundred dollar (\$6,100) monetary penalty against Oakleaf. The assessed penalty was received February 15, 2017.

Prior Sanctions: None.

## **3. Carolina Gardens at Harbison (CRCF) – Irmo, SC**

Investigation: The Department visited Carolina Gardens at Harbison (“Carolina”) on August 18, 2016, to conduct a general inspection, and August 19, 2016, to conduct a complaint investigation.

Violations: Based upon the inspections, the Department cited Carolina for seven (7) violations of Regulation 61-84, Standards for Licensing Community Residential Care Facilities. Specifically, Carolina was cited one (1) time for violating Section 401 on August 19, by failing to implement its policies and procedures concerning the return of an eloped resident; two (2) times for violating Section 901.C, by failing to administer residents' medications as prescribed by a physician or other authorized healthcare provider and by failing to take precautions for a resident with special conditions; one (1) time for

violating Section 1203.F, by failing to ensure that documented reviews of MARs were conducted by outgoing staff members with incoming staff members at shift changes; one (1) time for violating Section 1206.C.2, by failing to ensure that documented reviews of control sheets were conducted by outgoing staff members with incoming staff members at shift changes; one (1) time for violating Section 1702.A, by failing to ensure that a resident's TB test was examined for induration within forty-eight to seventy-two (48–72) hours after administration; and one (1) time for violating Section 2104.A., by failing to conspicuously post no smoking signs in rooms where oxygen cylinders were being stored and used.

Enforcement Action: Pursuant to the Consent Order executed March 14, 2017, the Department assessed a four thousand eight hundred dollar (\$4,800) monetary penalty against Carolina. The assessed penalty was received April 25, 2017.

Prior Sanctions: None.

#### **4. Sweetgrass Village Assisted Living Community (CRCF) – Mount Pleasant, SC**

Investigation: The Department visited Sweetgrass Village Assisted Living Community (“Sweetgrass”) on May 6, 2015, and June 22, 2016, to conduct complaint investigations, and January 5, 2016, to conduct a general inspection.

Violations: Based upon the inspections, the Department cited Sweetgrass for seven (7) violations of Regulation 61-84, Standards for Licensing Community Residential Care Facilities. Specifically, Sweetgrass was cited one (1) time for violating Section 504.A, by failing to ensure that documentation of inservice training was signed by the individual receiving the training; one (1) time for violating Section 702, by failing to complete residents' written assessments no later than seventy-two (72) hours after admission; one (1) time for violating Section 703.A, by failing to have documentation of residents' current ICPs available for review, by failing to ensure residents' ICPs were developed within seven (7) days of admission, and by failing to ensure residents' ICPs were signed by the resident and/or the sponsor or responsible party, when appropriate; one (1) time for violating Section 901.B, by failing to coordinate with a resident or the resident's responsible party to ensure that the resident receives routine care as ordered by a physician or other authorized healthcare provider; one (1) time for violating Section 901.C, by failing to render care and services to a resident in accordance with orders from a physician and by failing to take precautions for a resident with special conditions; one (1) time for violating Section 1101.A, by failing to have documentation of residents' current annual physical examinations available for review; and one (1) time for violating Section 1206.C.2, by failing to maintain records of receipt, administration, and disposition of a controlled substance in sufficient detail to enable an accurate reconciliation.

Enforcement Action: Pursuant to the Consent Order executed March 17, 2017, the Department assessed a six thousand one hundred dollar (\$6,100) monetary penalty against Sweetgrass. The assessed penalty was received March 30, 2017.

Prior Sanctions: None.

#### **5. Samaritan Bed and Bath Services, Inc. (IHCP) – Travelers Rest, SC**

Investigation: The Department visited Samaritan Bed and Bath Services, Inc. (“Samaritan”) on June 1, 2016, to conduct a complaint investigation.

Violations: Based upon the investigation, the Department cited Samaritan for violating Section 103.A of Regulation 61-122, for establishing, 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 March 17, 2017, the Department assessed a one thousand two hundred fifty dollar (\$1,250) monetary penalty against Samaritan. The assessed penalty was received April 12, 2017.

Prior Sanctions: None.

**Bureau of Radiological Health**

Facility Type	Total # of Registered Providers in South Carolina
Chiropractic X-Ray Facilities	487

**6. Hudak Chiropractic & Wellness Center, P.C. (Chiropractic Facility) – Murrells Inlet, SC**

Investigation: On June 30, 2010, the Department conducted a routine inspection of Hudak Chiropractic & Wellness Center, P.C. (“Hudak”) and found the facility in violation of Regulation 61-64, X-Rays (Title B), for failure to perform equipment performance testing, which is required every two (2) years. On August 26, 2010, Hudak submitted evidence of acceptable equipment performance testing. On September 11, 2013, the Department conducted another routine inspection and determined that Hudak did not do equipment performance testing in 2011 or 2012, as required. Hudak subsequently submitted evidence of acceptable equipment performance testing on October 22, 2013. Finally, the Department conducted another routine inspection on September 29, 2016, and determined Hudak’s last equipment performance testing was September 25, 2013.

Violations: Based upon the above-referenced inspections, the Department finds Hudak in violation of RHB 4.2.16.1 on June 30, 2010, September 11, 2013, and September 29, 2016, by failing to complete equipment performance testing at the required intervals.

Enforcement Action: By Consent Order executed March 14, 2017, Hudak agrees to the imposition of an eight hundred dollar (\$800) civil penalty. The Consent Order requires Hudak 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 penalty will be stayed upon a twenty-four (24) month period of substantial compliance with R.61-64 and the terms of the Consent Order. The Consent Order further requires Hudak to provide the Department with documentation detailing how they will ensure that compliance with R.61-64 is maintained. This documentation was submitted by Hudak at the January 24, 2017, enforcement conference. Finally, Hudak agreed to correct the violations that resulted in the Consent Order.

Prior Sanctions: None.

**Bureau of EMS & Trauma**

<b>EMS Provider Type</b>	<b>Total # of Providers in South Carolina</b>
EMT	5,647
EMT – Intermediate	196
Advanced EMT	366
Paramedic	3,645
Athletic Trainers	889
Ambulance Services Provider	257
First Responder Services Provider	2

**7. Liza D. Hudson (Paramedic)**

Investigation: On January 23, 2017, the Department was notified of Ms. Hudson’s arrest in Chesterfield County. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Ms. Hudson was arrested on January 20, 2017, and charged with theft of a controlled substance, and two (2) counts of violation of drug distribution law, imitation controlled substance.

Violations: The felony charges against Ms. Hudson are crimes involving drugs, moral turpitude, or gross immorality and therefore rise to the level of misconduct as prescribed in S.C. Code Section 44-61-80(F)(2) and Regulation 61-7, Section 1100(B)(2). The Department believes Ms. Hudson’s arrest demonstrates a capacity for inappropriate and criminal behavior towards individuals placed within her trust.

Enforcement Action: Ms. Hudson’s Paramedic certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed January 25, 2017. The Department will continue to monitor Ms. Hudson’s criminal matters.

Prior Sanctions: None.

**8. Randy W. Cannon, Jr. (EMT)**

Investigation: On February 2, 2017, the Department was notified of Mr. Cannon’s arrest in Berkeley County. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Cannon was arrested on January 26, 2017, and charged with two (2) counts of second degree arson.

Violations: The felony charges against Mr. Cannon are crimes involving drugs, moral turpitude, or gross immorality and therefore rise to the level of misconduct as prescribed in S.C. Code Section 44-61-80(F)(2) and Regulation 61-7, Section 1100(B)(2). The Department believes Mr. Cannon’s arrest demonstrates a capacity for inappropriate and criminal behavior towards individuals placed within his trust.

Enforcement Action: Mr. Cannon's EMT certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed February 3, 2017. The Department will continue to monitor Mr. Cannon's criminal matters.

Prior Sanctions: None.

#### **9. Fast Break Transportation, LLC (Ambulance Services Provider)**

Investigation: Fast Break Transportation, LLC ("Fast Break") is a licensed provider of ambulance services in South Carolina. On March 9, 2017, the Department received notification from Fast Break's medical control physician indicating he discontinued serving as Fast Break's medical control physician on March 3, 2017. The Department attempted to communicate with Fast Break regarding retention of a medical control physician. However, the Department has not received any response from Fast Break.

Violations: The Department determined Fast Break violated S.C. Code Sections 44-61-40(C) and 44-61-70(B)(4), and Regulation 61-7, Section 402, by failing to maintain a medical control physician. Further, the Department determined Fast Break violated R.61-7, Section 402(E), by failing to notify the Department of a change in its medical control physician within ten (10) days. Based upon these violations, the Department determined that Fast Break's ambulance services provider license shall be immediately suspended, unless and until Fast Break retains a medical control physician.

Enforcement Action: Pursuant to the Emergency Suspension Order executed March 14, 2017, Fast Break's license to provide ambulance services is suspended. During the suspension, Fast Break shall not perform the functions associated with its license. Upon presenting the Department with satisfactory evidence of Fast Break's retention of a licensed physician to serve as its medical control physician, the Department will lift the Emergency Suspension Order.

Prior Sanctions: None.

(x) ACTION/DECISION  
( ) INFORMATION

Date: *May 11, 2017*

To: South Carolina Board of Health and Environmental Control

From: S.C. Department of Health and Environmental Control, Bureau of Air Quality

**Re: Notice of Proposed Regulation amending R.61-62, *Air Pollution Control Regulations and Standards*.**

## I. Introduction

The Bureau of Air Quality proposes the attached Notice of Proposed Regulation to amend R.61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina Air Quality Implementation Plan (“SIP”) for publication in the May 26, 2017, *State Register*. Legal authority for this amendment resides in the South Carolina Pollution Control Act, S.C. Code Section 48-1-10 *et seq.* (2008) (“Pollution Control Act”), which authorizes the Department to adopt emission control regulations, standards, and limitations and take all actions necessary or appropriate to secure to the State the benefits of federal air pollution control laws.

## II. Facts

1. Pursuant to the Pollution Control Act, along with the federal Clean Air Act (“CAA”), 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

2. The United States Environmental Protection Agency (“EPA”) promulgates amendments to the Code of Federal Regulations (“CFR”) throughout each calendar year. Recent federal amendments to 40 CFR Parts 50, 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical amendments regarding state implementation plan (“SIP”) requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. Section 7411, federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories mandated by 42 U.S.C. Section 7412, and Prevention of Significant Deterioration (“PSD”) and Title V Operating Program provisions promulgated under title I and title V of the CAA.

3. The Department proposes to amend Regulation 61-62.1, *Definitions and General Requirements*; Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*; Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; Regulation 61-62.61, *National Emission Standards for Hazardous Air Pollutants*; Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*; Regulation 61-62.70, *Title V Operating Permit Program*; and the SIP, to adopt the federal amendments to these standards promulgated from January 1, 2016, through December 31, 2016.

4. The Department also proposes to add Regulation 61-62.97, *Cross-State Air Pollution Rule (CSAPR) Trading Program*, to incorporate the EPA’s CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the *Federal Register* on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR 71663), and October

26, 2016 (81 FR 74504). This regulation will address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

5. The Department is also proposing other changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

6. South Carolina industries are already subject to these national air quality standards as a matter of federal law. Thus, there will be no increased cost to the State or its political subdivisions resulting from codification of these amendments to federal law. The state of South Carolina is already reaping the environmental benefits of these amendments.

7. In accordance with S.C. Code Section 1-23-120(H) legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement is required.

8. A Notice of Drafting was published in the *State Register* on January 27, 2017, to initiate the statutory process to amend Regulation 61-62. Notice was also published on the Department's Regulatory Information website in the *DHEC Regulation Development Update*. The Notice of Drafting was also sent via Department list serve to interested stakeholders on January 27, 2017. A copy of the Notice of Drafting is submitted as Attachment B. The public comment period ended on February 27, 2017, and the Department received no comments.

9. The proposed regulation has been internally reviewed by all appropriate staff.

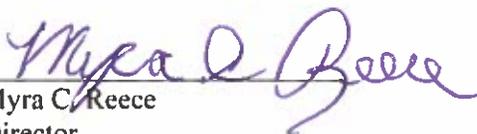
10. Department staff is requesting the Board's initial approval to publish a Notice of Proposed Regulation in the *State Register* to provide opportunity for public comment. If approved, the Department will publish a notice in the *State Register* on May 26, 2017, and schedule a public hearing before the Board on August 10, 2017.

### III. Request for Approval

Department staff respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the May 26, 2017 *State Register*, to provide opportunity for public comment, consider comments, and allow staff to proceed with a public hearing before the Board.



Rhonda B. Thompson, P.E.  
Bureau Chief  
Bureau of Air Quality



Myra C. Reece  
Director  
Environmental Affairs

Attachments:

A. Notice of Proposed Regulation

B. Notice of Drafting published in the January 27, 2017 *State Register*

## ATTACHMENT A

### STATE REGISTER NOTICE OF PROPOSED REGULATION FOR REGULATION 61-62, Air Pollution Control Regulations and Standards

May 26, 2017

Document No. \_\_\_\_\_  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CHAPTER 61

Statutory Authority: 1976 Code Section 48-1-10 et seq.

Regulation 61-62, Air Pollution Control Regulations and Standards

#### **Preamble:**

1. Pursuant to the South Carolina Pollution Control Act, S.C. Code Section 48-1-10 et seq. (2008), along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the S.C. Department of Health and Environmental Control must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.
2. The United States Environmental Protection Agency (“EPA”) promulgates amendments to the Code of Federal Regulations (“CFR”) throughout each calendar year. Recent federal amendments to 40 CFR Parts 50, 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical amendments regarding state implementation plan (“SIP”) requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. Section 7411, federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories mandated by 42 U.S.C. Section 7412, and Prevention of Significant Deterioration (“PSD”) and Title V Operating Program provisions promulgated under title I and title V of the CAA.
3. The Department proposes to amend Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.70, Title V Operating Permit Program; and the South Carolina SIP, to adopt the federal amendments to these standards promulgated from January 1, 2016, through December 31, 2016.
4. The Department also proposes to add Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA’s CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the Federal Register on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This regulation will address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.
5. The Department is also proposing other changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

6. South Carolina industries are already subject to these national air quality standards as a matter of federal law. Thus, there will be no increased cost to the State or its political subdivisions resulting from codification of these amendments to federal law. The state of South Carolina is already reaping the environmental benefits of these amendments.

7. In accordance with S.C. Code Section 1-23-120(H) (Supp. 2016), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement is required.

8. A Notice of Drafting was published in the State Register on January 27, 2017, to initiate the statutory process to amend Regulation 61-62. Notice was also published on the Department's Regulatory Information website in the DHEC Regulation Development Update. The Notice of Drafting was also sent via Department list serve to interested stakeholders on January 27, 2017. The public comment period ended on February 27, 2017, and the Department received no comments.

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

#### SECTION CITATION/EXPLANATION OF CHANGE:

#### **Regulation 61-62.1, Definitions and General Requirements**

Regulation 61-62.1, Section I, Definitions:

Definition 100.c. is stricken in its entirety to address the revision to the regulatory definition of volatile organic compounds (VOCs) at 81 FR 9339, February 25, 2016.

#### **Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>)**

Regulation 61-62.5, Standard No. 5.2, Section III, Table 1:

Table 1 is amended at Pulverized Coal-Fired Boilers to remove the bold font from the phrase "Selective Catalytic Reduction" for appropriate codification and consistency.

Regulation 61-62.5, Standard No. 5.2, Section III, Table 1:

Table 1 is amended at Internal Combustion Engines to remove the italics font from the phrases "Timing Retard  $\leq$  4 degrees", "Turbocharger with Intercooler", "490 ppmv", "15", and "O<sub>2</sub>" for appropriate codification and consistency.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Paragraph A(2)(a) is amended to strike the word "or" from the phrase, "greater or permitted for solid fuels" for clarity and accuracy.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Paragraph B(5) is amended to strike the word "of" and replace with the word "or" in the phrase "owner of operator," to read "owner or operator" for clarity and correctness.

#### **Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration**

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(vi)(b) is amended to add the word “and” following the semi-colon, and Paragraph (b)(34)(vi)(c) is amended to strike the semi-colon and the word “and” following the semi-colon, and replace with a period, for correct codification.

Regulation 61-62.5, Standard No. 7, Section (q), Public Participation:

Paragraphs (q)(2)(ii), (iii), (vi), and (viii) are amended to address federal revisions to public notice provisions for Clean Air Act permitting programs at 81 FR 71613, October 18, 2016.

Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:

Paragraph (w) is amended to change “(w)” to bold font for consistency in codification.

Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:

Paragraphs (w)(1), (2), and (3) are amended to address federal revisions concerning rescission of preconstruction permits issued under the Clean Air Act at 81 FR 78043, November 7, 2016.

Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:

Paragraph (w)(4) is amended to address federal revisions to public notice provisions in Clean Air Act Permitting Programs at 81 FR 71613, October 18, 2016.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa) is amended to change “(aa)” to bold font for consistency in codification, and amended to strike the citation “(15)” and replace with “(aa)(15)” for correct codification.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(1)(i) is amended to remove the underline from the citation “(aa)(15)” for consistency and appropriate codification.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(9) is amended to strike the citation “(aa)(9)(i)(v)” and replace with “(aa)(9)(v)” for correct codification.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(11)(i) is amended to strike the citation “(aa)(10)(iv)(d)” and replace with “(aa)(11)(i)(d)” for correct codification.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(14)(i) is amended to add a close parenthesis to the citation “(aa)(14)(i)(g)” to read, “(aa)(14)(i)(g)” for correct codification.

Regulation 61-62.5, Standard No. 7, Section (bb):

Paragraph (bb) is amended to change “(bb)” to bold font for consistency in codification.

### **Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards**

Regulation 61-62.60, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 81 FR 35824, June 3, 2016; 81 FR 42542, June 30, 2016; 81 FR 59276 and 59332, August 29, 2016; and 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.60, Subpart Cf, “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”:

Subpart Cf, Table, is added to incorporate newly promulgated federal regulations at 81 FR 59276, August 29, 2016 by reference.

Regulation 61-62.60, Subpart Da, “Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978”:

Subpart Da, Table, is amended to incorporate federal revisions at 81 FR 20172, April 6, 2016 by reference.

Regulation 61-62.60, Subpart Ja, “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”:

Subpart Ja, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 by reference.

Regulation 61-62.60, Subpart GG, “Standards of Performance for Stationary Gas Turbines”:

Subpart GG, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart BBB, “Standards of Performance for the Rubber Tire Manufacturing Industry”:

Subpart BBB, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart DDD, “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry”:

Subpart DDD, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart III, “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”:

Subpart III, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart LLL:

Subpart LLL is retitled “Standards of Performance for SO<sub>2</sub> Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011” for consistency with federal regulations, and Subpart LLL, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016, and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart NNN, “Standards of Performance for Volatile Organic Compounds (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”:

Subpart NNN, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart XXX, “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014”:

Subpart XXX, Table, is added to incorporate newly promulgated federal regulations at 81 FR 59332, August 29, 2016 by reference.

Regulation 61-62.60, Subpart CCCC:

Subpart CCCC is retitled “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units” for consistency with federal regulations, and Subpart CCCC, Table, is amended to incorporate federal revisions at 81 FR 40956, June 23, 2016 by reference.

Regulation 61-62.60, Subpart DDDD:

Subpart DDDD is retitled “Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units” for consistency with federal regulations, and Subpart DDDD, Table, is amended to incorporate federal revisions at 81 FR 40956, June 23, 2016 by reference.

Regulation 61-62.60, Subpart IIII, “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”:

Subpart IIII, Table, is amended to incorporate federal revisions at 81 FR 44212, July 7, 2016 by reference.

Regulation 61-62.60, Subpart JJJJ, “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”:

Subpart JJJJ, Table, is amended to incorporate federal revisions at 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.60, Subpart KKKK, “Standards of Performance for Stationary Combustion Turbines”:

Subpart KKKK, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart OOOO:

Subpart OOOO is retitled “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015” for consistency with federal regulations, and Subpart OOOO, Table, is amended to incorporate federal revisions at 81 FR 35824, June 3, 2016; 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart OOOOa, “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015”:

Subpart OOOOa, Table, is added to incorporate newly promulgated federal regulations at 81 FR 35824, June 3, 2016 by reference.

### **Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)**

Regulation 61-62.61, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 81 FR 59800, August 30, 2016 by reference.

### **Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories**

Regulation 61-62.63, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.63, Subpart CC, “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”:

Subpart CC, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 by reference.

Regulation 61-62.63, Subpart GG, “National Emission Standards for Aerospace Manufacturing and Rework Facilities”:

Subpart GG, Table, is amended to incorporate federal revisions at 81 FR 51114, August 3, 2016 by reference.

Regulation 61-62.63, Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”:  
Subpart LLL, Table, is amended to incorporate federal revisions at 81 FR 48356, July 25, 2016 by reference.

Regulation 61-62.63, Subpart RRR, “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”:  
Subpart RRR, Table, is amended to incorporate federal revisions at 81 FR 38085, June 13, 2016 by reference.

Regulation 61-62.63, Subpart UUU, “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”:  
Subpart UUU, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 by reference.

Regulation 61-62.63, Subpart UUUUU, “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”:  
Subpart UUUUU, Table, is amended to incorporate federal revisions at 81 FR 20172, April 6, 2016 by reference.

Regulation 61-62.63, Subpart EEEEE, “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources”:  
Subpart EEEEE is amended to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.63, Subpart JJJJJ:  
Subpart JJJJJ is retitled “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources” for consistency with federal regulations, and Subpart JJJJJ, Table, is amended to incorporate federal revisions at 81 FR 63112, September 14, 2016 by reference.

### **Regulation 61-62.70, Title V Operating Permit Program**

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions:  
Paragraph (e)(2)(ii)(C) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions:  
Paragraphs (h)(1) and (2) are amended to address federal revisions to public notice provisions for Clean Air Act permitting programs at 81 FR 71613, October 18, 2016.

Regulation 61-62.70, Section 70.9, Fee determination and certification:  
Paragraph (b)(2)(ii)(A) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

### **Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program**

Regulation 61-62.97 is added to incorporate the EPA’s CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the *Federal Register* on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This regulation will address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

## **Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit written comments on the proposed regulation by writing to Marie F. Brown by mail at Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4487; or by e-mail at [brownmf@dhec.sc.gov](mailto:brownmf@dhec.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on June 26, 2017, the close of the comment period. Comments received during the write-in public comment period by the deadline set forth above shall be submitted to the Board of Health and Environmental Control (“Board”) in a Summary of Public Comments and Department Responses for the Board’s consideration at the public hearing.

Interested persons may also make oral and/or written comments on the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards, at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on August 10, 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 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.

Copies of the proposed amendments for public comment as published in the *State Register* May 26, 2017 may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. A copy can also be obtained by contacting Marie F. Brown at the above address or by email at [brownmf@dhec.sc.gov](mailto:brownmf@dhec.sc.gov).

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

This Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

### DESCRIPTION OF REGULATION:

Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (“SIP”).

### Purpose:

(1) The United States Environmental Protection Agency (“EPA”) promulgated amendments to national air quality standards in 2016. The recent federal amendments include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. Section 7411, federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories mandated by 42 U.S.C. Section 7412, and Prevention of Significant Deterioration (“PSD”) and Title V Operating Program provisions promulgated under title I and title V of the CAA.

(2) The Department, therefore, proposes to amend Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; Regulation 61-

62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.70, Title V Operating Permit Program; and the SIP, to adopt the federal amendments to these standards promulgated from January 1, 2016, through December 31, 2016.

(3) The Department also proposes to add Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA's CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the Federal Register on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This regulation will address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

(4) The Department is also proposing other changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

#### Legal Authority:

The South Carolina Pollution Control Act, 1976 Code Section 48-1-10 et seq. ("Pollution Control Act"), authorizes the Department to adopt emission control regulations, standards, and limitations, and take all actions necessary or appropriate to secure to the State the benefits of federal air pollution control laws. Pursuant to the Pollution Control Act, along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

#### Plan for Implementation:

The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The proposed amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on our website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>, sending an email to stakeholders, and communicating with affected facilities during the permitting process.

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

The EPA promulgates amendments to 40 CFR Parts 50, 51, 52, 60, 61, 63, and 70 throughout each calendar year. Federal amendments in 2016 included new and revised NSPS rules, NESHAPs, and NESHAPs for Source Categories, and amendments to PSD and Title V permitting provisions. The Department is adopting these federal amendments to maintain compliance with federal law. The EPA has also promulgated regulations under 40 CFR Part 97 establishing CSAPR trading provisions for South Carolina for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual). Adoption of the federal CSAPR trading program is necessary to address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491. The above amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

#### DETERMINATION OF COSTS AND BENEFITS:

The proposed regulations are not subject to the requirements of a fiscal impact statement or a preliminary assessment report. The Department does not anticipate an increase in costs to the State or its political subdivisions resulting from these proposed revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. The proposed amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to the authority granted by Section 48-1-50 of the Pollution Control Act. The proposed amendments will benefit the regulated community by maintaining State implementation of the federal requirements, as opposed to federal implementation.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

Adoption of the recent changes in federal regulations through the proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, will continue State-focused protection of the environment and public health.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:**

The State’s authority to implement federal requirements, which is beneficial to the public health and environment of South Carolina, would be compromised if these amendments are not adopted.

**Text:**

Deleted text is ~~stricken~~  
 New text is underlined.

**Regulation 61-62.1, Section I, Definitions**

**Regulation 61-62.1.I.100.c. shall be deleted in its entirety as follows:**

~~— c. The following compound(s) are VOCs for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs and shall be uniquely identified in emission reports, but are not VOCs for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (TBAC or TBAc).~~

**Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>)**

**Regulation 61-62.5, Standard No. 5.2, Section III, Table 1 at Pulverized Coal-Fired Boilers shall be revised as follows:**

<b>Pulverized Coal-Fired Boilers</b>	
< 250 MMBtu/hr	Low-NO <sub>x</sub> Burners + Combustion controls to minimize NO <sub>x</sub> emissions or equivalent technology, shall achieve 0.35 lb/MMBtu
≥ 250 MMBtu/hr	Low-NO <sub>x</sub> Burners + Combustion controls to minimize NO <sub>x</sub> emissions + <del>Selective Catalytic Reduction</del> <u>Selective Catalytic Reduction</u> (SCR) or equivalent technology, shall achieve 0.14 lb/MMBtu

**Regulation 61-62.5, Standard No. 5.2, Section III, Table 1 at Internal Combustion Engines shall be revised as follows:**

<b>Internal Combustion Engines</b>	
Compression Ignition	<del>Timing Retard <math>\leq 4</math> degrees + Turbocharger with Intercooler</del> Timing Retard $\leq 4$ degrees + Turbocharger with Intercooler or equivalent technology, shall achieve <del>490 ppmv</del> 490 ppmv at <del>15-15</del> percent $O_2-O_2$ (7.64 gram per bhp-hour (gm/bhp-hr))
Spark Ignition	Lean-Burn Technology or equivalent technology, shall achieve 1.0 gm/bhp-hr
Landfill or Digester Gas-Fired	Lean-Burn Technology or equivalent technology, shall achieve 1.25 gm/bhp-hr

**Regulation 61-62.5, Standard No. 5.2, Section IV.A(2)(a) shall be revised as follows:**

(a) Unless required to operate a CEMS, testing requirements apply to boilers rated thirty (30) MMBtu/hr or greater ~~or~~ permitted for solid fuels and boilers rated greater than one hundred (100) MMBtu/hr permitted for any other fuels.

**Regulation 61-62.5, Standard No. 5.2, Section IV.B(5) shall be revised as follows:**

(5) Other Requirements

The owner ~~of~~ or operator shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected source; any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

**Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration**

**Regulation 61-62.5, Standard No. 7, Section (b)(34)(vi) shall be revised as follows:**

(vi) A decrease in actual emissions is creditable only to the extent that:

(a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(b) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(ii) shall be revised as follows:**

(ii) Make available in at least one location in each region in which the proposed source or modification would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination. This requirement may be met by making these materials available at a physical location or on a public website identified by the Department.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(iii) shall be revised as follows:**

(iii) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source or modification would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as written public comment. Alternatively, these notifications may be made on a public website identified by the Department. However, the Department's selected notification method (i.e., either newspaper or website), known as the "consistent noticing method," shall be used for all permits subject to notice under this section and may, when appropriate, be supplemented by other noticing methods on individual permits. If the Department selects website notice as its consistent noticing method, the notice shall be available for the duration of the public comment period and shall include the notice of public comment, the draft permit, information on how to access the administrative record for the draft permit and how to request and/or attend a public hearing on the draft permit.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(vi) shall be revised as follows:**

(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing~~(s)~~ in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same ~~locations where the Department made available preconstruction information relating to the proposed source or modification~~ location or on the same website where the Department made available preconstruction information relating to the proposed source or modification.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(viii) shall be revised as follows:**

(viii) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location or on the same website where the Department made available preconstruction information and public comments relating to the source or modification.

**Regulation 61-62.5, Standard No. 7, Section (w) shall be revised as follows:**

~~(w)~~(w) Permit rescission.

**Regulation 61-62.5, Standard No. 7, Section (w)(1) shall be revised as follows:**

(1) Any permit issued under this section or a prior version of this regulation shall remain in effect, unless and until it expires or is rescinded: under this paragraph (w).

**Regulation 61-62.5, Standard No. 7, Section (w)(2) shall be revised as follows:**

(2) Any owner or operator of a stationary source or modification who holds a permit ~~for the source or modification which was issued under 40 CFR 52.21 as in effect on July 30, 1987, or any earlier version of this regulation,~~ issued under this section for the construction of a new source or modification that meets the requirement in paragraph (w)(3) of this section may request that the Department rescind the permit or a particular portion of the permit.

**Regulation 61-62.5, Standard No. 7, Section (w)(3) shall be revised as follows:**

(3) The Department ~~shall~~may grant an application for rescission if the application shows that this section would not apply to the source or modification.

**Regulation 61-62.5, Standard No. 7, Section (w)(4) shall be revised as follows:**

(4) If the Department rescinds a permit under this paragraph, ~~the public shall be given adequate notice of the rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region within 60 days of the rescission shall be considered adequate notice.~~ the Department shall post a notice of the rescission determination on a public website identified by the Department within 60 days of the rescission.

**Regulation 61-62.5, Standard No. 7, Section (aa) shall be revised as follows:**

~~(aa)~~(aa) **Actuals PALs.** The provisions in paragraphs (aa)(1) through ~~(15)~~ (aa)(15) govern actuals PALs.

**Regulation 61-62.5, Standard No. 7, Section (aa)(1)(i) shall be revised as follows:**

(i) The Department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in paragraphs (aa)(1) through ~~(aa)(15)~~ (aa)(15). The term “PAL” shall mean “actuals PAL” throughout paragraph (aa).

**Regulation 61-62.5, Standard No. 7, Section (aa)(9) shall be revised as follows:**

(9) **Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in paragraph (aa)(10) shall expire at the end of the PAL effective period, and the requirements in paragraphs (aa)(9)(i) through ~~(aa)(9)(i)-(v)~~ (aa)(9)(v) shall apply.

**Regulation 61-62.5, Standard No. 7, Section (aa)(11)(i) shall be revised as follows:**

(i) The Department may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (aa)(11)(i)(a) through ~~(aa)(10)(iv)-(d)~~ (aa)(11)(i)(d).

**Regulation 61-62.5, Standard No. 7, Section (aa)(14)(i) shall be revised as follows:**

(i) **Semi-annual report.** The semi-annual report shall be submitted to the Department within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (aa)(14)(i)(a) through (aa)(14)(i)(g).

**Regulation 61-62.5, Standard No. 7, Section (bb) shall be revised as follows:**

~~(bb)~~(bb) If any provision of this regulation, or the application of such provision to any person or circumstance, is held invalid, the remainder of this regulation, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

**Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards.**

**Regulation 61-62.60, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]

**40 CFR Part 60 Subpart A**

<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 76	March 21, 2011	[76 FR 15372]
Revision	Vol. 76	March 21, 2011	[76 FR 15704]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	April 4, 2014	[79 FR 18952]
Revision	Vol. 80	March 16, 2015	[80 FR 13671]
<u>Revision</u>	<u>Vol. 81</u>	<u>June 3, 2016</u>	<u>[81 FR 35824]</u>
<u>Revision</u>	<u>Vol. 81</u>	<u>June 30, 2016</u>	<u>[81 FR 42542]</u>

<b>40 CFR Part 60 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
<u>Revision</u>	<u>Vol. 81</u>	<u>August 29, 2016</u>	<u>[81 FR 59276, 59332]</u>
<u>Revision</u>	<u>Vol. 81</u>	<u>August 30, 2016</u>	<u>[81 FR 59800]</u>

**Regulation 61-62.60, Subpart Cf, shall be added in alpha-numeric order as follows:**

**Subpart Cf - “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”**

The provisions of 40 CFR Part 60 Subpart Cf, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart Cf</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
<u>Original Promulgation</u>	<u>Vol. 81</u>	<u>August 29, 2016</u>	<u>[81 FR 59276]</u>

**Regulation 61-62.60, Subpart Da, shall be revised as follows:**

**Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978”**

The provisions of 40 CFR Part 60 Subpart Da, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart Da</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]
Revision	Vol.79	November 19, 2014	[79 FR 68777]

<b>40 CFR Part 60 Subpart Da</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
<u>Revision</u>	<u>Vol. 81</u>	<u>April 6, 2016</u>	<u>[81 FR 20172]</u>

**Regulation 61-62.60, Subpart Ja, shall be revised as follows:**

**Subpart Ja - “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”**

The provisions of 40 CFR Part 60 Subpart Ja, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart Ja</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	July 28, 2008	[73 FR 43626]
Revision	Vol. 73	September 26, 2008	[73 FR 55751]
Revision	Vol. 73	December 22, 2008	[73 FR 78546]
Revision	Vol. 73	December 22, 2008	[73 FR 78549]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	December 19, 2013	[78 FR 76753]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
<u>Revision</u>	<u>Vol. 81</u>	<u>July 13, 2016</u>	<u>[81 FR 45232]</u>

**Regulation 61-62.60, Subpart GG, shall be revised as follows:**

**Subpart GG - “Standards of Performance for Stationary Gas Turbines”**

The provisions of 40 CFR Part 60 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart GG</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 44	September 10, 1979	[44 FR 52798]
Revision	Vol. 47	January 27, 1982	[47 FR 3770]
Revision	Vol. 52	November 5, 1987	[52 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 71	February 24, 2006	[71 FR 9453]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
<u>Revision</u>	<u>Vol. 81</u>	<u>June 30, 2016</u>	<u>[81 FR 42542]</u>

**Regulation 61-62.60, Subpart BBB, shall be revised as follows:**

**Subpart BBB - “Standards of Performance for the Rubber Tire Manufacturing Industry”**

The provisions of 40 CFR Part 60 Subpart BBB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart BBB</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 52	September 15, 1987	[52 FR 34874]
Revision	Vol. 52	October 9, 1987	[52 FR 37874]
Revision	Vol. 54	September 19, 1989	[54 FR 38635]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
<u>Revision</u>	<u>Vol. 81</u>	<u>June 30, 2016</u>	<u>[81 FR 42542]</u>
<u>Revision</u>	<u>Vol. 81</u>	<u>July 6, 2016</u>	<u>[81 FR 43950]</u>

**Regulation 61-62.60, Subpart DDD, shall be revised as follows:**

**Subpart DDD - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry”**

The provisions of 40 CFR Part 60 Subpart DDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart DDD</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 55	December 11, 1990	[55 FR 51035]
Revision	Vol. 56	March 5, 1991	[56 FR 9178]
Revision	Vol. 56	March 22, 1991	[56 FR 12299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 64	March 9, 1999	[64 FR 11541]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
<u>Revision</u>	<u>Vol. 81</u>	<u>June 30, 2016</u>	<u>[81 FR 42542]</u>

**Regulation 61-62.60, Subpart III, shall be revised as follows:**

**Subpart III - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”**

The provisions of 40 CFR Part 60 Subpart III, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart III</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26922]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
<u>Revision</u>	<u>Vol. 81</u>	<u>June 30, 2016</u>	<u>[81 FR 42542]</u>
<u>Revision</u>	<u>Vol. 81</u>	<u>July 6, 2016</u>	<u>[81 FR 43950]</u>

**Regulation 61-62.60, Subpart LLL, shall be revised as follows:**

**Subpart LLL - “Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions Standards of Performance for SO<sub>2</sub> Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011”**

The provisions of 40 CFR Part 60 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart LLL</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 50	October 1, 1985	[50 FR 40160]
Revision	Vol. 54	February 14, 1989	[54 FR 6679]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 77	August 16, 2012	[77 FR 49490]
<u>Revision</u>	<u>Vol. 81</u>	<u>June 30, 2016</u>	<u>[81 FR 42542]</u>
<u>Revision</u>	<u>Vol. 81</u>	<u>July 6, 2016</u>	<u>[81 FR 43950]</u>

**Regulation 61-62.60, Subpart NNN, shall be revised as follows:**

**Subpart NNN - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”**

The provisions of 40 CFR Part 60 Subpart NNN, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart NNN</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26942]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 60	November 27, 1995	[60 FR 58237, 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 74	June 24, 2009	[74 FR 29948]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

<b>40 CFR Part 60 Subpart NNN</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
<u>Revision</u>	<u>Vol. 81</u>	<u>June 30, 2016</u>	<u>[81 FR 42542]</u>
<u>Revision</u>	<u>Vol. 81</u>	<u>July 6, 2016</u>	<u>[81 FR 43950]</u>

**Regulation 61-62.60, Subpart XXX, shall be added in alpha-numeric order as follows:**

**Subpart XXX - “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014”**

The provisions of 40 CFR Part 60 Subpart XXX, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart XXX</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
<u>Original Promulgation</u>	<u>Vol. 81</u>	<u>August 29, 2016</u>	<u>[81 FR 59332]</u>

**Regulation 61-62.60, Subpart CCCC, shall be revised as follows:**

**Subpart CCCC - “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001”**

The provisions of 40 CFR Part 60 Subpart CCCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart CCCC</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
<u>Original Promulgation</u>	<u>Vol. 65</u>	<u>December 1, 2000</u>	<u>[65 FR 75338]</u>
<u>Revision</u>	<u>Vol. 66</u>	<u>March 27, 2001</u>	<u>[66 FR 16605]</u>
<u>Revision</u>	<u>Vol. 70</u>	<u>September 22, 2005</u>	<u>[70 FR 55568]</u>
<u>Revision</u>	<u>Vol. 76</u>	<u>May 18, 2011</u>	<u>[76 FR 28662]</u>
<u>Revision</u>	<u>Vol. 78</u>	<u>February 7, 2013</u>	<u>[78 FR 9112]</u>
<u>Revision</u>	<u>Vol. 81</u>	<u>June 23, 2016</u>	<u>[81 FR 40956]</u>

**Regulation 61-62.60, Subpart DDDD, shall be revised as follows:**

**Subpart DDDD - “~~Emission~~ Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999”**

The provisions of 40 CFR Part 60 Subpart DDDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart DDDD</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]
Revision	Vol. 81	June 23, 2016	[81 FR 40956]

**Regulation 61-62.60, Subpart IIII, shall be revised as follows:**

**Subpart IIII - “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”**

The provisions of 40 CFR Part 60 Subpart IIII, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart IIII</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 71	July 11, 2006	[71 FR 39154]
Revision	Vol. 76	June 28, 2011	[76 FR 37954]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	July 7, 2016	[81 FR 44212]

**Regulation 61-62.60, Subpart JJJJ, shall be revised as follows:**

**Subpart JJJJ - “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”**

The provisions of 40 CFR Part 60 Subpart JJJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart JJJJ</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	October 8, 2008	[73 FR 59034]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]

**Regulation 61-62.60, Subpart KKKK, shall be revised as follows:**

**Subpart KKKK – “Standards of Performance for Stationary Combustion Turbines”**

The provisions of 40 CFR Part 60 Subpart KKKK, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart KKKK</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 74	March 20, 2009	[74 FR 11858]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]

**Regulation 61-62.60, Subpart OOOO, shall be revised as follows:**

**Subpart OOOO - “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015”**

The provisions of 40 CFR Part 60 Subpart OOOO, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart OOOO</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 77	August 16, 2012	[77 FR 49490]
Revision	Vol. 78	September 23, 2013	[78 FR 58416]
Revision	Vol. 79	December 31, 2014	[79 FR 79018]
Revision	Vol. 80	August 12, 2015	[80 FR 48262]
Revision	Vol. 81	June 3, 2016	[81 FR 35824]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	July 6, 2016	[81 FR 43950]

**Regulation 61-62.60, Subpart OOOOa, shall be added in alpha-numeric order as follows:**

**Subpart OOOOa - “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015”**

The provisions of 40 CFR Part 60 Subpart OOOOa, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart OOOOa</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 81	June 3, 2016	[81 FR 35824]

**Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)**

**Regulation 61-62.61, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

The provisions of 40 Code of Federal Regulations (CFR) Part 61 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 61 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 40	April 25, 1975	[40 FR 18170]
Revision	Vol. 40	October 14, 1975	[40 FR 48299]
Revision	Vol. 42	September 29, 1977	[42 FR 51574]
Revision	Vol. 44	September 25, 1979	[44 FR 55174]
Revision	Vol. 48	January 27, 1983	[48 FR 3740]
Revision	Vol. 48	December 9, 1983	[48 FR 55266]
Revision	Vol. 49	June 6, 1984	[49 FR 23520]
Revision	Vol. 50	November 7, 1985	[50 FR 46290]
Revision	Vol. 50	November 7, 1985	[50 FR 46291]
Revision	Vol. 50	November 7, 1985	[50 FR 46292]
Revision	Vol. 50	November 7, 1985	[50 FR 46293]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 51	March 5, 1986	[51 FR 7715]
Revision	Vol. 51	March 5, 1986	[51 FR 7719]
Revision	Vol. 51	April 1, 1986	[51 FR 11022]
Revision	Vol. 51	September 30, 1986	[51 FR 34914]
Revision	Vol. 52	October 8, 1987	[52 FR 37617]
Revision	Vol. 54	September 14, 1989	[54 FR 38073]
Revision	Vol. 54	December 15, 1989	[54 FR 51704]
Revision	Vol. 55	March 7, 1990	[55 FR 8341]
Revision	Vol. 55	May 2, 1990	[55 FR 18331]
Revision	Vol. 55	May 31, 1990	[55 FR 22027]
Revision	Vol. 55	August 13, 1990	[55 FR 32914]
Revision	Vol. 57	January 13, 1992	[57 FR 1226]
Revision	Vol. 57	March 5, 1992	[57 FR 8016]
Revision	Vol. 58	January 7, 1993	[58 FR 3105]
Revision	Vol. 58	January 21, 1993	[58 FR 5299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	March 11, 1994	[59 FR 11554]
Revision	Vol. 59	March 16, 1994	[59 FR 12408]
Revision	Vol. 59	June 17, 1994	[59 FR 31157]
Revision	Vol. 59	July 15, 1994	[59 FR 36280]
Revision	Vol. 60	March 15, 1995	[60 FR 13912]
Revision	Vol. 60	August 21, 1995	[60 FR 43396]
Revision	Vol. 60	September 5, 1995	[60 FR 46206]
Revision	Vol. 60	September 28, 1995	[60 FR 50244]
Revision	Vol. 61	December 30, 1996	[61 FR 68972]
Revision	Vol. 62	January 14, 1997	[62 FR 1832]
Revision	Vol. 62	February 24, 1997	[62 FR 8314]

<b>40 CFR Part 61 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 63	December 1, 1998	[63 FR 66054]
Revision	Vol. 64	February 3, 1999	[64 FR 5574]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 64	May 6, 1999	[64 FR 24288]
Revision	Vol. 65	February 28, 2000	[65 FR 10391]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	June 15, 2001	[66 FR 32545]
Revision	Vol. 66	August 13, 2001	[66 FR 42425, 42427]
Revision	Vol. 66	September 19, 2001	[66 FR 48211]
Revision	Vol. 67	January 23, 2002	[67 FR 3106]
Revision	Vol. 67	March 14, 2002	[67 FR 11417]
Revision	Vol. 67	April 26, 2002	[67 FR 20652]
Revision	Vol. 67	June 10, 2002	[67 FR 39622]
Revision	Vol. 67	September 9, 2002	[67 FR 57159]
Revision	Vol. 67	October 7, 2002	[67 FR 62395]
Revision	Vol. 68	April 7, 2003	[68 FR 16726]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 68	June 17, 2003	[68 FR 35792]
Revision	Vol. 68	December 11, 2003	[68 FR 69036]
Revision	Vol. 69	March 26, 2004	[69 FR 15687]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 74	October 27, 2009	[74 FR 55142]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]

**Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.**

**Regulation 61-62.63, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

The provisions of 40 Code of Federal Regulations (CFR) Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]

**40 CFR Part 63 Subpart A**

<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]

**40 CFR Part 63 Subpart A**

<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]
Revision	Vol. 80	June 30, 2015	[80 FR 37365]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]
Revision	Vol. 80	September 18, 2015	[80 FR 56699]
Revision	Vol. 80	October 15, 2015	[80 FR 62389]
Revision	Vol. 80	October 26, 2015	[80 FR 65469]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 80	December 4, 2015	[80 FR 75817]
<u>Revision</u>	<u>Vol. 81</u>	<u>August 30, 2016</u>	<u>[81 FR 59800]</u>

**Regulation 61-62.63, Subpart CC, shall be revised as follows:**

**Subpart CC - “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”**

The provisions of 40 CFR Part 63 Subpart CC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart CC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]
Revision	Vol. 63	March 20, 1998	[63 FR 13537]
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]
Revision	Vol. 66	May 25, 2001	[66 FR 28840]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	June 30, 2010	[75 FR 37730]
Revision	Vol. 76	July 18, 2011	[76 FR 42052]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
<u>Revision</u>	<u>Vol. 81</u>	<u>July 13, 2016</u>	<u>[81 FR 45232]</u>

**Regulation 61-62.63, Subpart GG, shall be revised as follows:**

**Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”**

The provisions of 40 CFR Part 63 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart GG</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15006]
Revision	Vol. 63	September 1, 1998	[63 FR 46526]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 80	December 7, 2015	[80 FR 76151]
Revision	Vol. 81	August 3, 2016	[81 FR 51114]

**Regulation 61-62.63, Subpart LLL, shall be revised as follows:**

**Subpart LLL - “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”**

The provisions of 40 CFR Part 63 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart LLL</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31898]
Revision	Vol. 64	September 30, 1999	[64 FR 52828]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 20, 2006	[71 FR 76518]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 78	February 12, 2013	[78 FR 10006]
Revision	Vol. 80	July 27, 2015	[80 FR 44771]
Revision	Vol. 80	September 11, 2015	[80 FR 54728]
Revision	Vol. 81	July 25, 2016	[81 FR 48356]

**Regulation 61-62.63, Subpart RRR, shall be revised as follows:**

**Subpart RRR - “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”**

The provisions of 40 CFR Part 63 Subpart RRR, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart RRR</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	September 3, 2004	[69 FR 53980]
Revision	Vol. 70	October 3, 2005	[70 FR 57513]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 80	September 18, 2015	[80 FR 56699]
Revision	Vol. 81	June 13, 2016	[81 FR 38085]

**Regulation 61-62.63, Subpart UUU, shall be revised as follows:**

**Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”**

The provisions of 40 CFR Part 63 Subpart UUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart UUU</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	February 9, 2005	[70 FR 6930]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 81	July 13, 2016	[81 FR 45232]

**Regulation 61-62.63, Subpart UUUUU, shall be revised as follows:**

**Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”**

The provisions of 40 CFR Part 63 Subpart UUUUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart UUUUU</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 77	August 2, 2012	[77 FR 45967]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]
Revision	Vol. 79	November 19, 2014	[79 FR 68777, 68795]
Revision	Vol. 80	March 24, 2015	[80 FR 15510]
Revision	Vol. 81	April 6, 2016	[81 FR 20172]

**Regulation 61-62.63, Subpart EEEEEEE, shall be revised as follows:**

**Subpart EEEEEEE - “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources”**

The provisions of 40 CFR Part 63 Subpart EEEEEEE, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart EEEEEEE</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 3, 2007	[72 FR 36363]

**Regulation 61-62.63, Subpart JJJJJJ, shall be revised as follows:**

**~~Subpart JJJJJJ - “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers~~ National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources”**

The provisions of 40 CFR Part 63 Subpart JJJJJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart JJJJJJ</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55217]
Revision	Vol. 70	December 28, 2005	[70 FR 76918]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 76	March 21, 2011	[76 FR 15554]
Revision	Vol. 76	March 21, 2011	[76 FR 15608]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 81	September 14, 2016	[81 FR 63112]

**Regulation 61-62.70, Title V Operating Permit Program**

**Regulation 61-62.70.7 (e)(2)(ii)(C), shall be revised as follows:**

(C) Certification by a responsible official, consistent with §Section 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

**Regulation 61-62.70.7 (h)(1), shall be revised as follows:**

(1) Notice shall be given: ~~by publication;~~ by one of the following methods: By publishing the notice in a newspaper of general circulation in the area where the source is located (or in a State publication designed to give general public notice); or by posting the notice, for the duration of the public comment period, on a public website identified by the Department, if the Department has selected website noticing as its "consistent noticing method." The consistent noticing method shall be used for all draft permits subject to notice under this paragraph. If website noticing is selected as the consistent noticing method, the draft permit shall also be posted, for the duration of the public comment period, on a public website identified by the Department. In addition, notice shall be given to persons on a mailing list developed by the Department using generally accepted methods (e.g., hyperlink sign-up function or radio button on an agency website, sign-up sheet at a public hearing, etc.) that enable interested parties to subscribe to the mailing list. The Department may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Department may delete from the list the name of any person who fails to respond to such a request within a reasonable timeframe. The Department may use other means to provide adequate notice to the affected public; to persons on a mailing list developed by the Department, including those who request in writing to be on the list; and by other means if necessary to assure adequate notice to the affected public;

**Regulation 61-62.70.7 (h)(2), shall be revised as follows:**

(2) The notice shall identify the affected facility; the name and address of the permittee; the name and address of the Department; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person (or an email or website address) from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to Section 114(c) of the Act (the contents of a Part 70 permit shall not be entitled to protection under Section 114(c) of the Act), and all other materials available to the Department (except for publicly-available materials and publications) that are relevant to the permit decision; a brief description of the comment procedures required by this part; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

**Regulation 61-62.70.9 (b)(2)(ii)(A), shall be revised as follows:**

(A) The actual emissions of sources for which no fee is required under §Section 70.9(b)(4);

**Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program**

**Regulation 61-62.97 shall be added as follows:**

**61-62.97. Cross-State Air Pollution Rule (CSAPR) Trading Program.**

**Subpart A - South Carolina CSAPR NO<sub>x</sub> Annual Trading Program**

1. Except as provided in paragraphs 2. and 3. of this subpart, the provisions of the July 1, 2016 edition of 40 CFR 97.402 through 97.408, 97.411 through 97.418, 97.420 through 97.428, and 97.430 through 97.435 as amended at 81 FR 74604-07 (October 26, 2016) are adopted and incorporated by reference.

2. The provisions of 40 CFR 97.411(b)(2) and (c)(5)(iii), 97.412(b), and 97.421(h) and (j) are not adopted or incorporated by reference.

3. For purposes of this subpart, the provisions of 40 CFR 97.404(a)(1) and (b)(1) that are otherwise adopted and incorporated by reference are modified by removing the phrase “The following units in a State (and Indian country within the borders of such State)” and adding in its place the phrase “The following units in South Carolina (but not in Indian country within South Carolina’s borders)”.

4. For purposes of this subpart, for the control periods in 2017 and thereafter, the South Carolina NO<sub>x</sub> Annual trading budget, new unit set-aside, and Indian country new unit-set aside for allocations of CSAPR NO<sub>x</sub> Annual allowances, and the variability limit for the South Carolina NO<sub>x</sub> Annual trading budget, are as follows:

a. The NO<sub>x</sub> Annual trading budget is 32,498 tons.

b. The new unit set-aside is 620 tons.

c. The Indian country new unit set-aside is 33 tons.

d. The variability limit is 5,850 tons.

e. The South Carolina NO<sub>x</sub> Annual trading budget in this subpart includes any tons in the new unit set-aside or Indian country new unit set-aside but does not include any tons in the variability limit.

### **Subpart B - South Carolina CSAPR SO<sub>2</sub> Group 2 Trading Program**

1. Except as provided in paragraphs 2. and 3. of this subpart, the provisions of the July 1, 2016 edition of 40 CFR 97.702 through 97.708, 97.711 through 97.718, 97.720 through 97.728, and 97.730 through 97.735 as amended at 81 FR 74618-21 (October 26, 2016) are adopted and incorporated by reference.

2. The provisions of 40 CFR 97.711(b)(2) and (c)(5)(iii), 97.712(b), and 97.721(h) and (j) are not adopted or incorporated by reference.

3. For purposes of this subpart, the provisions of 40 CFR 97.704(a)(1) and (b)(1) that are otherwise adopted and incorporated by reference are modified by removing the phrase “The following units in a State (and Indian country within the borders of such State)” and adding in its place the phrase “The following units in South Carolina (but not in Indian country within South Carolina’s borders)”.

4. For purposes of this subpart, for the control periods in 2017 and thereafter, the South Carolina SO<sub>2</sub> Group 2 trading budget, new unit set-aside, and Indian country new unit-set aside for allocations of CSAPR SO<sub>2</sub> Group 2 allowances, and the variability limit for the South Carolina SO<sub>2</sub> Group 2 trading budget, are as follows:

a. The SO<sub>2</sub> Group 2 trading budget is 96,633 tons.

b. The new unit set-aside is 1,836 tons.

c. The Indian country new unit set-aside is 97 tons.

d. The variability limit is 17,394 tons.

e. The South Carolina SO<sub>2</sub> Group 2 trading budget in this subpart includes any tons in the new unit set-aside or Indian country new unit set-aside but does not include any tons in the variability limit.

## ATTACHMENT B

### 24 DRAFTING NOTICES

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

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

#### Notice of Drafting:

The Department of Health and Environmental Control (Department) is proposing to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). Interested persons are invited to present their views concerning these amendments in writing to Marie F. Brown, Air Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via electronic mail at [brownmf@dhec.sc.gov](mailto:brownmf@dhec.sc.gov). To be considered, the Department must receive comments by 5:00 p.m. on February 27, 2017, the close of the drafting comment period.

#### Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 50, 51, 52, 60, 61, 63, and 70 include clarification, guidance and technical amendments regarding state implementation plan (SIP) requirements, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NSR), the Title V Operating Program, and revisions to testing methods.

The Department proposes to amend: Regulation 61-62.1, Definitions and General Requirements, Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants, Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Regulation 61-62.70, Title V Operating Permit Program, to incorporate by reference recent federal amendments promulgated from January 1, 2016, through December 31, 2016.

The Department also proposes to add Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA's CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual), as published in the *Federal Register* on August 8, 2011 (76 FR 48208) and subsequently amended on December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This will address mandatory transport and regional haze SIP infrastructure elements.

The Department may also propose other changes to Regulation 61-62 that may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law.

## BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

Summary Sheet  
May 11, 2017

Action  
 Information

**I. SUBJECT:** Temporary Placement of 4-Fluoroisobutyryl Fentanyl into Schedule I for Controlled Substances

**II. FACTS:** Controlled substances are governed by the Controlled Substances Act (CSA), found at Title 44, Chapter 53, of the S.C. Code of Laws. Section 44-53-160 is titled "Manner in which changes in schedule of controlled substances shall be made." Pursuant to Section 44-53-160, controlled substances are generally designated by the General Assembly, upon recommendation by DHEC. Schedule I substances are listed in § 44-53-190. Section 44-53-160(C) provides a process by which DHEC can expeditiously designate a substance as a controlled substance if the federal government has so designated.

§ 44-53-160(C) states:

If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, at the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairman of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Medical, Military, Public and Municipal Affairs Committee and the Judiciary Committee of the House of Representatives, and to the Clerks of the Senate and House, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.

The U.S. Department of Justice, Drug Enforcement Administration (DEA), published on May 3, 2017, its notice of intent to temporarily schedule the synthetic opioid, N-(4-

fluorophenyl)-N-(1- phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or parafluoroisobutyryl fentanyl), and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers, into schedule I pursuant to the temporary scheduling provisions of the Controlled Substances Act. This action was based on a finding by the Administrator that the placement of this synthetic opioid into schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard to the public safety. The DEA further noted its intent to publish its final rule following the required 30-day notice period. On May 3, 2017, the DEA published its Final Rule to Schedule into Schedule 1 of the CSA. <https://www.gpo.gov/fdsys/pkg/FR-2017-05-03/pdf/2017-08943.pdf>.

**ANALYSIS:** The DEA is currently aware of at least 62 confirmed overdose fatalities associated with N-(4-fluorophenyl)-N-(1- phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or parafluoroisobutyryl fentanyl), and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers.

Based on the documented case reports of fatal overdoses, the abuse of 4-Fluoroisobutyryl Fentanyl leads to the same qualitative public health risks as heroin, fentanyl and other opioid analgesic substances. The public health risks attendant to the abuse of heroin and opioid analgesics are well established and have resulted in large numbers of drug treatment admissions, emergency department visits, and fatal overdoses.

“To find that placing a substance temporarily into schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA, 21 U.S.C. 811(c): the substance’s history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3). A substance meeting the statutory requirements for temporary scheduling may only be placed into schedule I. 21 U.S.C. 811(h)(1). Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1). Available data and information for 4-fluoroisobutyryl fentanyl, indicate that this synthetic opioid has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.”

**IV. RECOMMENDATION:** As DEA has determined it is necessary, based on their required procedures, to temporarily schedule 4-Fluoroisobutyryl Fentanyl into Schedule I of the CSA, and intends to issue its final rule after the 30-day notice period expires. DEA finds that placement of this opioid substance into schedule I of the CSA is necessary in order to avoid an imminent hazard to the public safety; therefore, the Department recommends the Board adopt the scheduling of 4-Fluoroisobutyryl Fentanyl into Schedule I for Controlled Substances permanently as set forth below and amend SC Code Section 44-53-190 (C) to include:

N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or parafluoroisobutyryl fentanyl), and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers.

Submitted by:



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Lisa Thomson  
Chief, Bureau of Drug Control



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Shelly Kelly  
Deputy Director for Health Regulations

Attachments: Federal Register Vol. 82, No. 84, Wednesday, May 3, 2017

Grade	Minimum limits of—			Maximum limits of—					
	Test weight per bushel (pounds)	Suitable malting types (percent)	Sound barley <sup>1</sup> (percent)	Damaged kernels <sup>1</sup> (percent)	Wild oats (percent)	Foreign material (percent)	Other grains (percent)	Skinned and broken kernels (percent)	Thin barley (percent)
U.S. No. 1	47.0	97.0	98.0	2.0	1.0	0.5	2.0	4.0	7.0
U.S. No. 2	45.0	97.0	98.0	3.0	1.0	1.0	3.0	6.0	10.0
U.S. No. 3	43.0	95.0	96.0	4.0	2.0	2.0	5.0	8.0	15.0
U.S. No. 4	43.0	95.0	93.0	5.0	3.0	3.0	5.0	10.0	15.0

<sup>1</sup> Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

Note: Malting barley must not be infested in accordance with § 810.107(b) and must not contain any special grades as defined in § 810.206. Six-rowed Malting barley varieties not meeting the requirements of this section

must be graded in accordance with standards established for the class Barley.

§ 810.205 Grades and grade requirements for Two-rowed Malting barley.

■ 6. Section 810.205 is revised to read as follows:

Grade	Minimum limits of—			Maximum limits of—					
	Test weight per bushel (pounds)	Suitable malting types (percent)	Sound barley <sup>1</sup> (percent)	Damaged kernels <sup>1</sup> (percent)	Wild oats (percent)	Foreign material (percent)	Other grains (percent)	Skinned and broken kernels (percent)	Thin barley (percent)
U.S. No. 1	50.0	97.0	98.0	2.0	1.0	0.5	2.0	4.0	5.0
U.S. No. 2	48.0	97.0	98.0	3.0	1.0	1.0	3.0	6.0	7.0
U.S. No. 3	48.0	95.0	96.0	4.0	2.0	2.0	5.0	8.0	10.0
U.S. No. 4	48.0	95.0	93.0	5.0	3.0	3.0	5.0	10.0	10.0

<sup>1</sup> Injured-by-frost kernels and injured-by-mold kernels are not considered damaged kernels or considered against sound barley.

Note: Malting barley must not be infested in accordance with § 810.107(b) and must not contain any special grades as defined in § 810.206. Six-rowed Malting barley and Six-rowed Blue Malting barley varieties not meeting the requirements of this section must be graded in accordance with standards established for the class Barley.

Mark C. Craig,  
Acting Administrator, Grain Inspection,  
Packers and Stockyards Administration.  
[FR Doc. 2017-08942 Filed 5-2-17; 8:45 am]  
BILLING CODE 3410-KD-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-452]

Schedules of Controlled Substances:  
Temporary Placement of 4-Fluoroisobutyryl Fentanyl into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.  
ACTION: Temporary scheduling order.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing this temporary scheduling order to schedule the synthetic opioid, N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl

fentanyl), and its isomers, esters, ethers, salts and salts of isomers, esters, and ethers, into schedule I pursuant to the temporary scheduling provisions of the Controlled Substances Act. This action is based on a finding by the Administrator that the placement of 4-fluoroisobutyryl fentanyl into schedule I of the Controlled Substances Act is necessary to avoid an imminent hazard to the public safety. As a result of this order, the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances will be imposed on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle, 4-fluoroisobutyryl fentanyl.

DATES: This temporary scheduling order is effective May 3, 2017, until May 3, 2019, unless it is extended for an additional year or a permanent scheduling proceeding is completed. The DEA will publish a document in the Federal Register announcing an extension or permanence.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

Section 201 of the Controlled Substances Act (CSA), 21 U.S.C. 811, provides the Attorney General with the authority to temporarily place a substance into schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b) if he finds that such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h)(1). In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1), the Attorney General may extend the temporary scheduling <sup>1</sup> for up to one year. 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 355. 21 U.S.C. 811(h)(1). The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

<sup>1</sup> Though DEA has used the term "final order" with respect to temporary scheduling orders in the past, this notice adheres to the statutory language of 21 U.S.C. 811(h), which refers to a "temporary scheduling order." No substantive change is intended.

## Background

Section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of his intention to temporarily place a substance into schedule I of the CSA.<sup>2</sup> The Administrator transmitted the notice of intent to place 4-fluoroisobutyryl fentanyl into schedule I on a temporary basis to the Assistant Secretary by letter dated January 5, 2017. The Assistant Secretary responded to this notice by letter dated January 17, 2017, and advised that based on review by the Food and Drug Administration (FDA), there are currently no investigational new drug applications or approved new drug applications for 4-fluoroisobutyryl fentanyl. The Assistant Secretary also stated that the HHS has no objection to the temporary placement of 4-fluoroisobutyryl fentanyl into schedule I of the CSA. The DEA has taken into consideration the Assistant Secretary's comments as required by 21 U.S.C. 811(h)(4). 4-Fluoroisobutyryl fentanyl is not currently listed in any schedule under the CSA, and no exemptions or approvals are in effect for 4-fluoroisobutyryl fentanyl under section 505 of the FDCA, 21 U.S.C. 355. The DEA has found that the control of 4-fluoroisobutyryl fentanyl in schedule I on a temporary basis is necessary to avoid an imminent hazard to the public safety, and as required by 21 U.S.C. 811(h)(1)(A), a notice of intent to issue a temporary order to schedule 4-fluoroisobutyryl fentanyl was published in the Federal Register on March 23, 2017. 82 FR 14842.

To find that placing a substance temporarily into schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA, 21 U.S.C. 811(c): The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation,

<sup>2</sup> As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

manufacture, or distribution. 21 U.S.C. 811(h)(3).

A substance meeting the statutory requirements for temporary scheduling may only be placed into schedule I. 21 U.S.C. 811(h)(1). Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1).

Available data and information for 4-fluoroisobutyryl fentanyl, summarized below, indicate that this synthetic opioid has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. The DEA's three-factor analysis, and the Assistant Secretary's January 17, 2017, letter, are available in their entirety under the tab "Supporting Documents" of the public docket of this action at [www.regulations.gov](http://www.regulations.gov) under FDMS Docket ID: DEA-2017-0004 (Docket Number DEA-452).

### Factor 4. History and Current Pattern of Abuse

The recreational abuse of fentanyl-like substances continues to be a significant concern. These substances are distributed to users, often with unpredictable outcomes. 4-Fluoroisobutyryl fentanyl has recently been encountered by law enforcement and public health officials and the adverse health effects and outcomes are demonstrated by fatal overdose cases. The documented negative effects of 4-fluoroisobutyryl fentanyl are consistent with those of other opioids.

On October 1, 2014, the DEA implemented STARLiMS (a web-based, commercial laboratory information management system) to replace the System to Retrieve Information from Drug Evidence (STRIDE) as its laboratory drug evidence data system of record. DEA laboratory data submitted after September 30, 2014, are repositored in STARLiMS. Data from STRIDE and STARLiMS were queried on December 21, 2016. STARLiMS registered 21 reports containing 4-fluoroisobutyryl fentanyl, all reported in 2016, from Florida, Maryland, Mississippi, New Jersey, New York, Texas, and the District of Columbia. According to STARLiMS, the first laboratory submission of 4-fluoroisobutyryl fentanyl occurred in March 2016 in Maryland. The DEA is not aware of any laboratory identifications of 4-fluoroisobutyryl fentanyl prior to 2016.

The National Forensic Laboratory Information System (NFLIS) is a

national drug forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by other federal, state and local forensic laboratories across the country. According to NFLIS, the only report of 4-fluoroisobutyryl fentanyl from state or local forensic laboratories was recorded in August 2016 in Pennsylvania. Due to normal lag time in reporting, NFLIS data from August through November 2016 is incomplete.<sup>3</sup>

Evidence suggests that the pattern of abuse of fentanyl analogues, including 4-fluoroisobutyryl fentanyl, parallels that of heroin and prescription opioid analgesics. Seizures of 4-fluoroisobutyryl fentanyl have been encountered in powder form and packaged similar to that of heroin. 4-Fluoroisobutyryl fentanyl has been encountered as a single substance as well as in combination with other substances of abuse, including heroin, fentanyl, furanyl fentanyl, methamphetamine, and cocaine. 4-Fluoroisobutyryl fentanyl has been connected to fatal overdoses, in which insufflation and intravenous routes of administration are documented.

### Factor 5. Scope, Duration and Significance of Abuse

Reports collected by the DEA demonstrate 4-fluoroisobutyryl fentanyl is being abused for its opioid properties. This abuse of 4-fluoroisobutyryl fentanyl has resulted in morbidity and mortality (see DEA 3-Factor Analysis for full discussion). The DEA has received reports for at least 62 confirmed fatalities associated with 4-fluoroisobutyryl fentanyl. Information on these deaths, occurring as early as August 2016, was collected from post-mortem toxicology and medical examiner reports by the DEA. These deaths were reported from, and occurred in, Maryland. NFLIS and STARLiMS have a total of 22 drug reports in which 4-fluoroisobutyryl fentanyl was identified in drug exhibits submitted to forensic laboratories in 2016 from law enforcement encounters in Florida, Maryland, Mississippi, New Jersey, New York, Pennsylvania, Texas, and the District of Columbia. It is likely that the prevalence of 4-fluoroisobutyryl fentanyl in opioid analgesic-related emergency room admissions and deaths is underreported as standard immunoassays may not differentiate this substance from fentanyl.

The population likely to abuse 4-fluoroisobutyryl fentanyl overlaps with

<sup>3</sup> Information was obtained from NFLIS on December 21, 2016.

the population abusing prescription opioid analgesics and heroin. This is evidenced by the routes of drug administration and drug use history documented in 4-fluoroisobutyryl fentanyl fatal overdose cases. Because abusers of 4-fluoroisobutyryl fentanyl are likely to obtain this substance through unregulated sources, the identity, purity, and quantity are uncertain and inconsistent, thus posing significant adverse health risks to the end user. Individuals who initiate (*i.e.* use a drug for the first time) 4-fluoroisobutyryl fentanyl abuse are likely to be at risk of developing substance use disorder, overdose, and death similar to that of other opioid analgesics (*e.g.*, fentanyl, morphine, etc.).

#### Factor 6. What, if Any, Risk There Is to the Public Health

4-Fluoroisobutyryl fentanyl exhibits pharmacological profiles similar to that of fentanyl and other  $\mu$ -opioid receptor agonists. The toxic effects of 4-fluoroisobutyryl fentanyl in humans are demonstrated by overdose fatalities involving this substance. Abusers of 4-fluoroisobutyryl fentanyl may not know the origin, identity, or purity of this substance, thus posing significant adverse health risks when compared to abuse of pharmaceutical preparations of opioid analgesics, such as morphine and oxycodone.

Based on information received by the DEA, the abuse of 4-fluoroisobutyryl fentanyl leads to the same qualitative public health risks as heroin, fentanyl and other opioid analgesic substances. As with any non-medically approved opioid, the health and safety risks for users are great. The public health risks attendant to the abuse of heroin and opioid analgesics are well established and have resulted in large numbers of drug treatment admissions, emergency department visits, and fatal overdoses.

4-Fluoroisobutyryl fentanyl has been associated with numerous fatalities. At least 62 confirmed overdose deaths involving 4-fluoroisobutyryl fentanyl abuse have been reported from Maryland in 2016. As the data demonstrates, the potential for fatal and non-fatal overdose exists for 4-fluoroisobutyryl fentanyl; thus, 4-fluoroisobutyryl fentanyl poses an imminent hazard to the public safety.

#### Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the data and information summarized above, the continued uncontrolled manufacture,

distribution, importation, exportation, and abuse of 4-fluoroisobutyryl fentanyl pose an imminent hazard to the public safety. The DEA is not aware of any currently accepted medical uses for this substance in treatment in the United States. A substance meeting the statutory requirements for temporary scheduling, 21 U.S.C. 811(h)(1), may only be placed into schedule I. Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for 4-fluoroisobutyryl fentanyl indicate that this substance has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. As required by section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), the Administrator, through a letter dated January 5, 2017, notified the Assistant Secretary of the DEA's intention to temporarily place this substance into schedule I. A notice of intent was subsequently published in the Federal Register on March 23, 2017. 82 FR 14842.

#### Conclusion

In accordance with the provisions of section 201(h) of the CSA, 21 U.S.C. 811(h), the Administrator considered available data and information, herein sets forth the grounds for his determination that it is necessary to temporarily schedule 4-fluoroisobutyryl fentanyl into schedule I of the CSA, and finds that placement of this synthetic opioid into schedule I of the CSA is necessary to avoid an imminent hazard to the public safety.

Because the Administrator hereby finds it necessary to temporarily place this synthetic opioid into schedule I to avoid an imminent hazard to the public safety, this temporary order scheduling 4-fluoroisobutyryl fentanyl will be effective on the date of publication in the Federal Register, and will be in effect for a period of two years, with a possible extension of one additional year, pending completion of the regular (permanent) scheduling process. 21 U.S.C. 811(h)(1) and (2).

The CSA sets forth specific criteria for scheduling a drug or other substance. Permanent scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done "on the record after opportunity for a hearing" conducted pursuant to the provisions of 5 U.S.C. 556 and 557. 21 U.S.C. 811. The permanent scheduling process of formal

rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions that conclude the permanent scheduling process of formal rulemaking are subject to judicial review. 21 U.S.C. 877. Temporary scheduling orders are not subject to judicial review. 21 U.S.C. 811(h)(6).

#### Requirements for Handling

Upon the effective date of this temporary order, 4-fluoroisobutyryl fentanyl will become subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, engagement in research, and conduct of instructional activities or chemical analysis with, and possession of schedule I controlled substances including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, 4-fluoroisobutyryl fentanyl must be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312, as of May 3, 2017. Any person who currently handles 4-fluoroisobutyryl fentanyl, and is not registered with the DEA, must submit an application for registration and may not continue to handle 4-fluoroisobutyryl fentanyl as of May 3, 2017, unless the DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity of this substance in a manner not authorized by the CSA on or after May 3, 2017 is unlawful and those in possession of any quantity of this substance may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks.* Any person who does not desire or is not able to obtain a schedule I registration to handle 4-fluoroisobutyryl fentanyl, must surrender all quantities of currently held 4-fluoroisobutyryl fentanyl.

3. *Security.* 4-Fluoroisobutyryl fentanyl is subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, 871(b), and in accordance with 21 CFR 1301.71–1301.93, as of May 3, 2017.

4. **Labeling and packaging.** All labels, labeling, and packaging for commercial containers of 4-fluoroisobutyryl fentanyl must be in compliance with 21 U.S.C. 825, 958(e), and be in accordance with 21 CFR part 1302. Current DEA registrants shall have 30 calendar days from May 3, 2017, to comply with all labeling and packaging requirements.

5. **Inventory.** Every DEA registrant who possesses any quantity of 4-fluoroisobutyryl fentanyl on the effective date of this order must take an inventory of all stocks of this substance on hand, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. Current DEA registrants shall have 30 calendar days from the effective date of this order to be in compliance with all inventory requirements. After the initial inventory, every DEA registrant must take an inventory of all controlled substances (including 4-fluoroisobutyryl fentanyl) on hand on a biennial basis, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. **Records.** All DEA registrants must maintain records with respect to 4-fluoroisobutyryl fentanyl pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR parts 1304, and 1312, 1317 and § 1307.11. Current DEA registrants shall have 30 calendar days from the effective date of this order to be in compliance with all recordkeeping requirements.

7. **Reports.** All DEA registrants who manufacture or distribute 4-fluoroisobutyryl fentanyl must submit reports pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304, and 1312 as of May 3, 2017.

8. **Order Forms.** All DEA registrants who distribute 4-fluoroisobutyryl fentanyl must comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305 as of May 3, 2017.

9. **Importation and Exportation.** All importation and exportation of 4-fluoroisobutyryl fentanyl must be in compliance with 21 U.S.C. 952, 953, 957, 958, and in accordance with 21 CFR part 1312 as of May 3, 2017.

10. **Quota.** Only DEA registered manufacturers may manufacture 4-fluoroisobutyryl fentanyl in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303 as of May 3, 2017.

11. **Liability.** Any activity involving 4-fluoroisobutyryl fentanyl not authorized by, or in violation of the CSA, occurring as of May 3, 2017, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

#### Regulatory Matters

Section 201(h) of the CSA, 21 U.S.C. 811(h), provides for a temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. As provided in this subsection, the Attorney General may, by order, schedule a substance in schedule I on a temporary basis. Such an order may not be issued before the expiration of 30 days from (1) the publication of a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary. 21 U.S.C. 811(h)(1).

Inasmuch as section 201(h) of the CSA directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, the DEA believes that the notice and comment requirements of the Administrative Procedure Act (APA) at 5 U.S.C. 553, do not apply to this temporary scheduling action. In the alternative, even assuming that this action might be subject to 5 U.S.C. 553, the Administrator finds that there is good cause to forgo the notice and comment requirements of 5 U.S.C. 553, as any further delays in the process for issuance of temporary scheduling orders would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety.

Further, the DEA believes that this temporary scheduling action is not a "rule" as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act. The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB).

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. However, if this were a rule, pursuant to the Congressional Review Act, "any rule for which an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the federal agency promulgating the rule determines." 5 U.S.C. 808(2). It is in the public interest to schedule this substance immediately to avoid an imminent hazard to the public safety. This temporary scheduling action is taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable the DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h) exempts the temporary scheduling order from standard notice and comment rulemaking procedures to ensure that the process moves swiftly. For the same reasons that underlie 21 U.S.C. 811(h), that is, the DEA's need to move quickly to place this substance into schedule I because it poses an imminent hazard to the public safety, it would be contrary to the public interest to delay implementation of the temporary scheduling order. Therefore, this order shall take effect immediately upon its publication. The DEA has submitted a copy of this temporary order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act), 5 U.S.C. 801–808 because, as noted above, this action is an order, not a rule.

#### List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA amends 21 CFR part 1308 as follows:

#### PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

- 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

- 2. Amend § 1308.11 by adding paragraph (h)(16) to read as follows:

#### § 1308.11 Schedule I

\* \* \* \* \*  
(h) \* \* \*

(16) *N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: 4-fluoroisobutyryl fentanyl, *para*-fluoroisobutyryl fentanyl) .....

(9824)

Dated: April 27, 2017.  
Chuck Rosenberg,  
Acting Administrator.  
[FR Doc. 2017-08943 Filed 5-2-17; 8:45 am]  
BILLING CODE 4410-09-P

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1904**

[Docket No. OSHA-2015-0006]

RIN 1218-AC84

**Clarification of Employer's Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Final rule.

**SUMMARY:** Under the Congressional Review Act, Congress has passed, and the President has signed, Public Law 115-21, a resolution of disapproval of OSHA's final rule titled, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of each Recordable Injury and Illness." OSHA published the rule, which contained various amendments to OSHA's recordkeeping regulations, on December 19, 2016. The amendments became effective on January 18, 2017. Because Public Law 115-21 invalidates the amendments to OSHA's recordkeeping regulations contained in the rule promulgated on December 19, 2016, OSHA is hereby removing those amendments from the Code of Federal Regulations.

**DATES:** This final rule becomes effective on May 3, 2017.

**FOR FURTHER INFORMATION CONTACT:**

*Press inquiries:* Mr. Frank Meilinger, Director, Office of Communications, OSHA, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1999; email [meilinger.francis@dol.gov](mailto:meilinger.francis@dol.gov).

*Technical inquiries:* Ms. Mandy Edens, Director, Directorate of Technical Support and Emergency Management, OSHA, U.S. Department of Labor, Room N-3653, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2270; email [edens.mandy@dol.gov](mailto:edens.mandy@dol.gov).

*Copies of this Federal Register notice and news releases:* Electronic copies of these documents are available at OSHA's Web page at <http://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:** On December 19, 2016, OSHA issued a final rule titled, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness." See 81 FR 91792. The final rule, which became effective on January 18, 2017, resulted in various amendments to OSHA's recordkeeping regulations clarifying that the duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation. On March 1, 2017 (Cong. Rec. pp. H1421-H1430), the House of Representatives passed a resolution of disapproval (H.J. Res. 83) of the rule under the Congressional Review Act (5 U.S.C. 801 *et seq.*). The Senate then passed H.J. Res. 83 on March 22, 2017. President Trump signed the resolution into law as Public Law 115-21 on April 3, 2017. Accordingly, OSHA is hereby removing the affected amendments to the recordkeeping regulations from the Code of Federal Regulations.

**List of Subjects in 29 CFR Part 1904**

Health statistics, Occupational safety and health, Safety, Reporting and recordkeeping requirements, State plans.

Accordingly, the Occupational Safety and Health Administration amends part 1904 of title 29 of the Code of Federal Regulations as follows:

**PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES**

■ 1. Revise the authority citation for part 1904 to read as follows:

**Authority:** 29 U.S.C. 657, 658, 660, 666, 669, 673, Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012).

■ 2. Revise § 1904.0 to read as follows:

**§ 1904.0 Purpose.**

The purpose of this rule (part 1904) is to require employers to record and report work-related fatalities, injuries, and illnesses.

**Note to § 1904.0:** Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that an OSHA rule has been violated,

or that the employee is eligible for workers' compensation or other benefits.

**Subpart C—Recordkeeping Forms and Recording Criteria**

■ 3. Revise the heading of subpart C to read as set forth above.

■ 4. In § 1904.4, remove the note to § 1904.4(a) and revise paragraph (a) introductory text to read as follows:

**§ 1904.4 Recording criteria.**

(a) *Basic requirement.* Each employer required by this part to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:

\* \* \* \* \*

■ 5. Revise § 1904.29(b)(3) to read as follows:

**§ 1904.29 Forms.**

\* \* \* \* \*

(b) \* \* \*

(3) *How quickly must each injury or illness be recorded?* You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.

\* \* \* \* \*

■ 6. Revise the heading and paragraphs (a) and (b)(1) of § 1904.32 to read as follows:

**§ 1904.32 Annual summary.**

(a) *Basic requirement.* At the end of each calendar year, you must:

(1) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;

(2) Create an annual summary of injuries and illnesses recorded on the OSHA 300 Log;

(3) Certify the summary; and

(4) Post the annual summary

(b) \* \* \*

(1) *How extensively do I have to review the OSHA 300 Log entries at the end of the year?* You must review the entries as extensively as necessary to make sure that they are complete and correct.

\* \* \* \* \*

■ 7. Revise the heading and paragraph (b) of § 1904.33 to read as follows:

**§ 1904.33 Retention and updating.**

\* \* \* \* \*

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

**May 11, 2017**

(X ) ACTION/DECISION

( ) INFORMATION

**I. TITLE:** Proposed Initial Groundwater Management Plan for the Trident Capacity Use Area :  
S.C. Code of Laws, Title 49, Chapter 5, *Groundwater Use and Reporting Act*

Legislative Review is not required.

**II. SUBJECT:** Request for Plan Approval

**III. FACTS:**

1. Pursuant to S.C. Code Section 49-5-60(B), the Department of Health and Environmental Control (Department) is directed to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20.

2. 49-5-60 (B) states: “After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve the goals and objectives stated in Section 49-5-20. In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan. The plan must be approved by the board before the department may issue groundwater withdrawal permits for the area.”

3. The Department is proposing an initial groundwater management plan for the Trident Capacity Use Area to the Board for approval. The Department has coordinated with local stakeholders to develop the initial groundwater management plan for the Trident Capacity Use Area (Berkeley, Charleston and Dorchester Counties). This initial plan will begin the process of establishing goals and processes to ensure sustainable growth utilizing our groundwater resources. This is achieved by the establishment of five strategies outlined in the plan that support growth while conserving and protecting this valuable water resource. The initial plan is based on current department procedures for evaluating permit applications and establishing conservation measures. As the plan is updated, the most current information can be incorporated and the plan refined over time.

Therefore, to comply with this 44-5-60, the following actions were taken to invite stakeholder participation:

- A Notice of General Public Interest was published in the State Register on February 24, 2017
- A Stakeholder Meeting on February 23, 2017
- A public hearing on March 29, 2017
- A second stakeholder meeting on April 12, 2017
- Public comments were accepted through April 26, 2017

A copy of the Notice of General Public Interest is submitted as Attachment B. A summary of the public comments received and the Department’s responses is submitted as Attachment C.

4. Department staff requests the Board to grant approval of the proposed Initial Groundwater Management Plan for the Trident Capacity Use Area.

**IV. ANALYSIS:**

The proposed Trident Capacity Use Area Initial Groundwater Management Plan will establish a management strategy for groundwater resources in the Trident area and will be used as a template for the development of groundwater management plans for the other three Capacity Use Areas: Low Country (Beaufort, Colleton, Hampton, and Jasper Counties), Pee Dee (Darlington, Dillon, Florence, Marion, Marlboro, and Williamsburg Counties) and Waccamaw (Georgetown and Horry Counties). All new permit requests, permit renewals and requests for permit modifications are on hold until groundwater management plans for each of the Capacity Use Areas can be finalized. Economic development and growth will be impacted if management plans are not put in place to allow the Department to issue new permits, permit renewals, and modifications to existing permits.

The initial plan relies on 2015 data from the Department, the U.S. Geological Survey (USGS) and the South Carolina Department of Natural Resources (SCDNR). The data (actual groundwater use and actual groundwater levels) provide a basis for a scientifically sound analysis of proposed groundwater withdrawals. However, as more tools and information become available, such as the updated Groundwater Availability Model for the South Carolina Coastal Plain from the USGS and SCDNR, the groundwater management plan will be updated. The groundwater management plan includes a process for updates to the plan on at least a five-year cycle to coincide with permit renewals for the Trident Capacity Use Area. Stakeholder participation is part of this process.

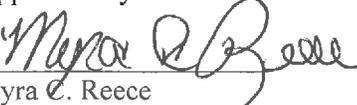
**V. RECOMMENDATION:**

Department staff recommends that the Board grant approval of the proposed Trident Capacity Use Area Initial Groundwater Management Plan.

Submitted By:

  
David G. Baize  
Chief, Bureau of Water  
Environmental Affairs

Approved By

  
Myra C. Reece  
Director of Environmental Affairs

Attachments:

- A. Proposed Trident Capacity Use Area Initial Groundwater Management Plan
- B. State Register Notice of General Public Interest published February 24, 2017
- C. Public Comment Summary

**ATTACHMENT A**

**PROPOSED TRIDENT CAPACITY USE AREA  
INITIAL GROUNDWATER MANAGEMENT PLAN  
MAY 11, 2017**

**ATTACHMENT B**

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**STATE REGISTER NOTICE OF GENERAL PUBLIC INTEREST  
CAPACITY USE AREA GROUNDWATER MANAGEMENT PLAN  
AND PUBLIC HEARING**

**February 24, 2017**

The Groundwater Use and Reporting Act requires that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the development and use of water resources. See S.C. Code Section 49-5-20. Further, the Act states that the Department of Health and Environmental Control (the Department) shall coordinate the affected governing bodies and groundwater withdrawers (of a designated Capacity Use Area) to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. See S.C. Code Section 49-5-60(B). In those areas where the governing bodies and withdrawers are unable to develop a plan, the Department shall take action to develop the plan as required by law.

The Department is initiating the process of developing local groundwater management plans for the Trident, Low Country, Waccamaw, and Pee Dee Capacity Use Areas. A public hearing for the Trident Capacity Use Area is scheduled for March 29, 2017. The hearing will be held from 5:30 PM- 8:30 PM in the 3<sup>rd</sup> Floor Council Chambers of North Charleston City Hall located at 2500 City Hall Lane, North Charleston, SC 29406. Local governments, permitted water users, industry, public water suppliers, and the general public are invited to participate in the plan development.

If you have questions or comments, or wish to be notified of meetings, please contact Robert Devlin, Division of Water Monitoring, Assessment and Protection, at (803) 898-3798 or by email at [DevlinRJ@dhec.sc.gov](mailto:DevlinRJ@dhec.sc.gov). You may also visit our webpage at [www.scdhec.gov/groundwaterplans](http://www.scdhec.gov/groundwaterplans) for more information.

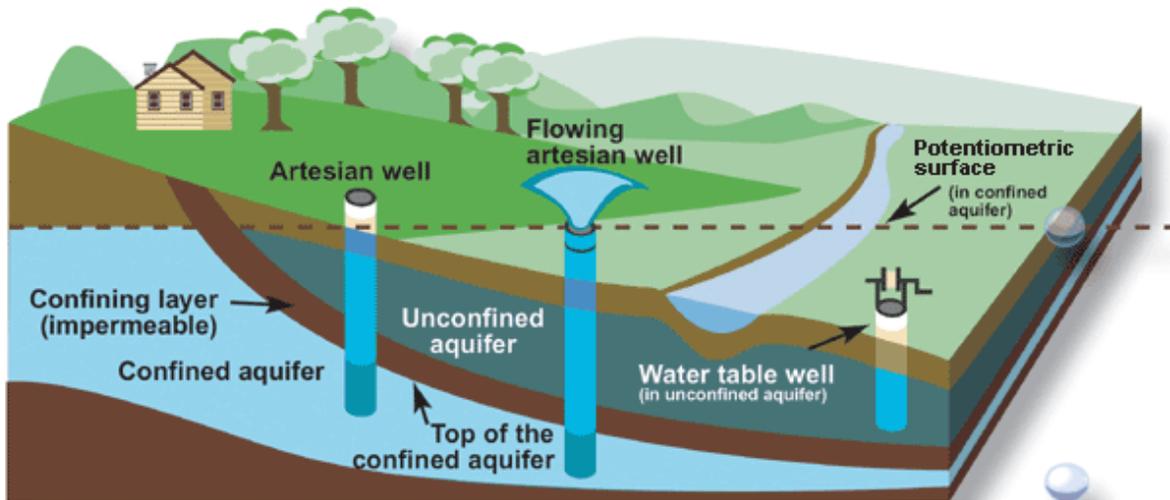
**ATTACHMENT C**

**SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES**

**Proposed Trident Capacity Use Area  
Initial Groundwater Management Plan  
May 11, 2017**

# INITIAL GROUNDWATER MANAGEMENT PLAN FOR THE TRIDENT CAPACITY USE AREA

## Aquifers and wells



Source: Environment Canada, USGS



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## Executive Summary

South Carolina's Groundwater Use and Reporting Act (Chapter 5, Section 49-5-60) gives the South Carolina Department of Health and Environmental Control (DHEC) the legal authority and mandate to establish and implement a local groundwater management program in designated Capacity Use Areas. Effective groundwater management ensures that the groundwater resources of the State are put to beneficial use to the fullest extent which they are capable, conserves and protects the resource, prevents waste, and establishes conditions which are conducive to the development and long-term viability of the water resources. As aquifers and the relative social and economic requirements of the State vary by area and region, groundwater management should be locally and/or regionally assessed, balancing all needs and interests. In this regard, DHEC coordinates with local stakeholders to achieve the stated goals of the plan leading to sustainable development of the groundwater resources. Sustainable development is the key guiding principle, where South Carolina's groundwater resources are managed so that development meets the needs of the present without compromising the ability of future generations to meet their needs.

## Introduction

On August 8, 2002, the South Carolina Department of Health and Environmental Control Board, as established in Section 49-5-60, Capacity Use Designation, declared the whole of Berkeley County, Charleston County, and Dorchester County as the ***Trident Capacity Use Area*** (Trident Area), Figure 1. The Trident Area was the third of the four currently declared Capacity Use Areas in South Carolina. Within the Trident Area, no person shall withdraw, obtain, or otherwise utilize groundwater at or in excess of three (3) million gallons per month for any purpose unless said person shall first obtain a Groundwater Withdrawal Permit from DHEC. A groundwater withdrawer is defined as any person withdrawing groundwater at or in excess of three (3) million gallons during any one month from a *single well* or *multiple wells* within a one-mile radius of any existing or proposed well.

The Board of the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) concurred with the designation of the Berkeley-Charleston-Dorchester (BCD) Region as a Capacity Use Area and the role of the BCDCOG as lead for the development of the Trident Area Groundwater Management Plan. The plan will guide the initial groundwater management strategy and provide direction for future groundwater management goals by evaluating, as data become available, the hydrologic, environmental, social, and economic impacts of groundwater withdrawals at various rates on the long-term sustainable levels for the aquifers of the Trident Area. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their needs and requirements. Therefore, the three general goals of the Trident Area Groundwater Management Plan are:

1. Ensure sustainable development of the groundwater resource by management of groundwater withdrawals;
2. The protection of groundwater quality from salt-water intrusion; and,
3. Monitoring of groundwater quality and quantity to evaluate conditions.

To accomplish the above goals, the Trident Area Groundwater Management Plan addresses the following aspects of water use in the BCD region:

- Groundwater sources currently utilized;
- Current water demand by type and amount used;
- Current aquifer storage and recovery and water reuse;
- Population and growth projections;
- Water demand projections;
- Projected opportunities for aquifer storage and recovery, as well as water reuse;
- Projected groundwater and surface water options; and,
- Water conservation measures.

Planning is a multi-stage process that includes provisions for updating/amending as conditions change over time. In this first plan, only general goals can be established. As more data are developed about the groundwater resources of the Trident Area, more specific goals and withdrawal limits will be incorporated.

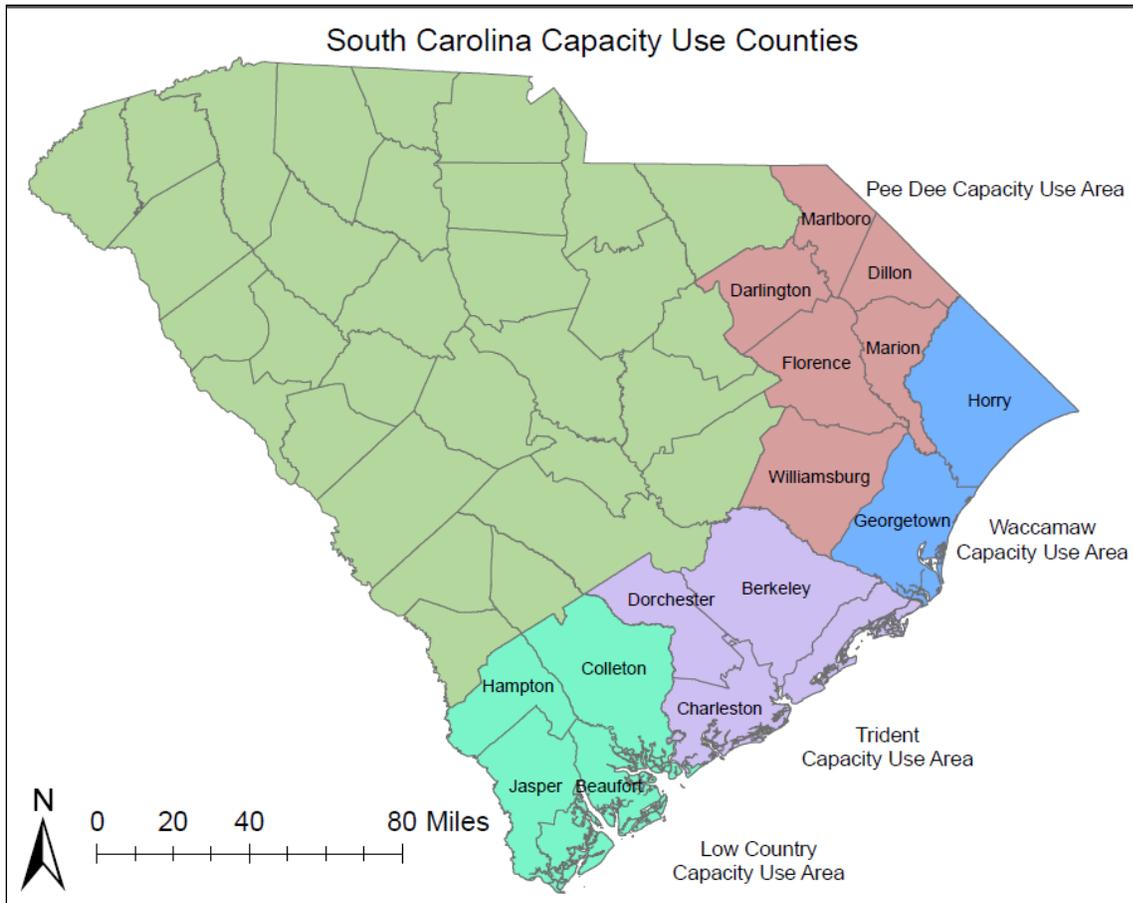


Figure 1. Capacity Use Areas.

## Definitions

**“Adverse Effects”** – Undesirable consequences of withdrawing groundwater that may include: changes in water quality, significant reduction in water level of the aquifer, saltwater intrusion, land subsidence, and decreases in stream flow.

**“Beneficial Use”** - The use of that amount of water that is reasonable and appropriate under reasonably efficient practices to accomplish without waste the purpose for which the appropriation is lawfully made.

**“Best Management Plan”** means a document that supports the design, installation, maintenance, and management of water conveyance systems and/or water withdrawal systems (water supply, commercial, industrial, agricultural, etc.), which promotes water conservation, and protects water quality.

**“Person”** means an individual, firm, partnership, association, public or private institution, municipality or political subdivision, local, state, or federal government agency, department, or instrumentality, public water system, or a private or public corporation organized under the laws of this State or any other state or county.

**“Sustainable Yield”** - ground-water sustainability as development and use of ground water in a manner that can be maintained for an indefinite time without causing unacceptable environmental, economic, or social consequences.

**“Water User”** - A person using groundwater for any purpose.

## Geo-Political Structure

As one of South Carolina’s ten Regional Planning Councils, the BCDCOG’s primary objectives include providing planning and technical support to local governments and assisting them in the development of local and regional plans. The BCDCOG is governed by a forty-five-member board, all of who are appointed by local governments within the three-county region. This board, led by an Executive Committee, sets policy and provides direction to the programs of the BCDCOG.

Currently, the three-county Trident area contains twenty-seven cities and towns and over half a million people. This includes a few central cities surrounded by smaller cities, island communities, and rural towns. Berkeley County’s government is conducted through a Supervisor-Council form of government, while both Charleston and Dorchester Counties use Council-Administrator forms of government. The majority of the municipalities in the region utilize a Mayor-Council form of government.

In an effort to maintain continual assessment of the existing, or potential, need to distribute available groundwater capacity, as well as to recommend modification of the Groundwater Management Plan when necessary and provide recommendation to SCDHEC on permitting issues, the BCDCOG should maintain a standing Technical Advisory Committee to the BCDCOG Environmental Committee. This Committee will be appointed by the chairman of the BCDCOG and include representatives from utilities, industries, and environmental interest groups. This committee may also include representatives of other organizations deemed to be appropriate by the chairman.

The SCDHEC has permit authority for all groundwater withdrawals in the Trident Area. Permits are issued after appropriate review in accordance with Chapter 5, The Groundwater Use and Reporting Act, Groundwater Use and Reporting Regulation, R.61-113, and the goals and management strategy developed in the Trident Area Groundwater Management Plan.

## Regional Description

Comprised of Berkeley, Charleston, and Dorchester Counties, the Trident area covers 3,160 square miles, of which approximately 560 square miles are surface water. The Trident area stretches over seventy miles through central and southern South Carolina, bordered by the Edisto River on the south, the Santee River on the north, and the Atlantic Ocean on the east. The region extends some fifty miles inland towards the intersection of Interstates 26 and 95, and includes over ninety miles of Atlantic coastline. All three counties are located in the Coastal Plain physiographic region, Figure 2.

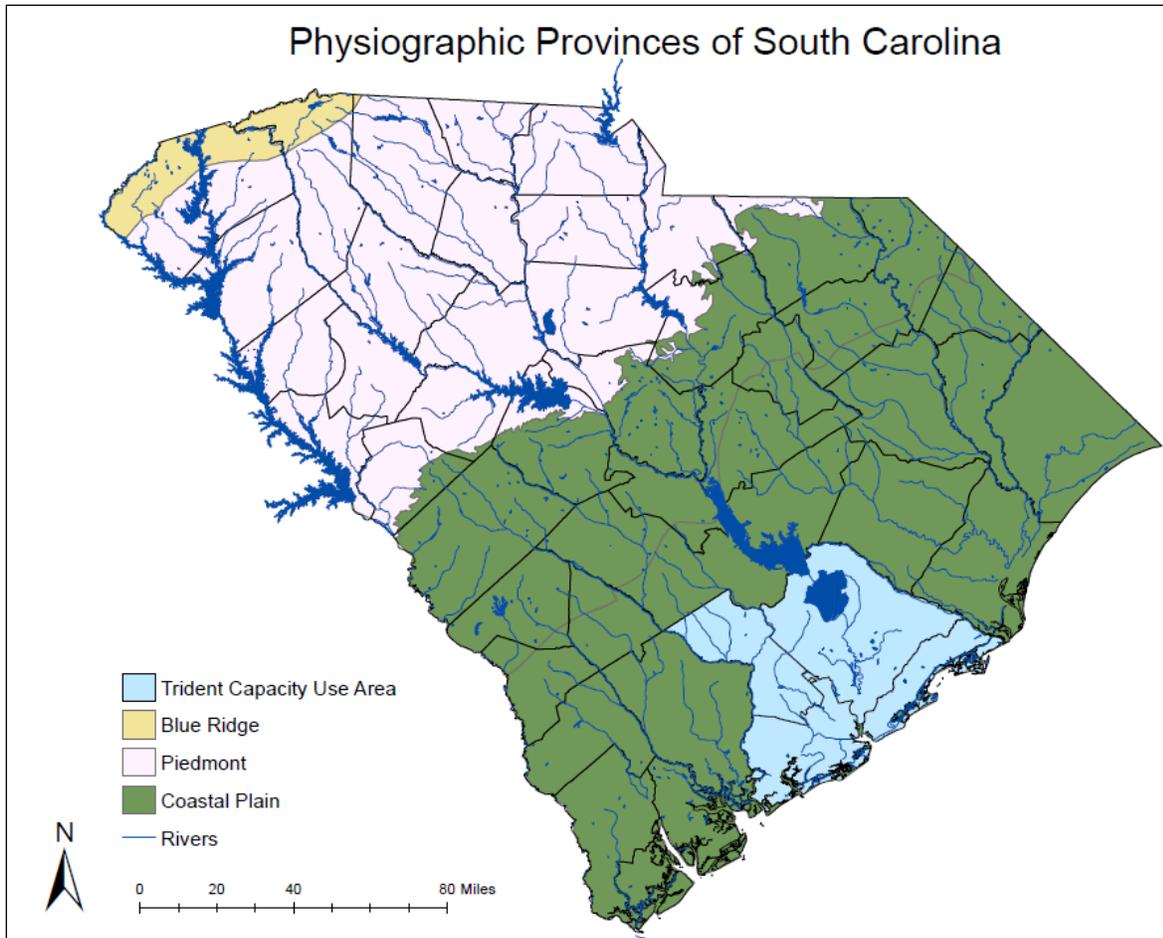


Figure 2. Physiographic Provinces of South Carolina.

There are several major water bodies in the area in addition to the Atlantic Ocean including Lakes Moultrie and Marion, numerous rivers such as the Ashley, Cooper and Wando Rivers and a network of streams, wetlands, and marshes, Figure 3. The topography of the region is very level with only slight undulations in the landscape. Elevations range from mean sea level to slightly over one hundred feet. Soil types vary from well-drained sandy loams to muck lands. Generally, alluvial deposits border the larger streams, organic deposits underlie the swamps, and various types of loams cover the better-drained areas.

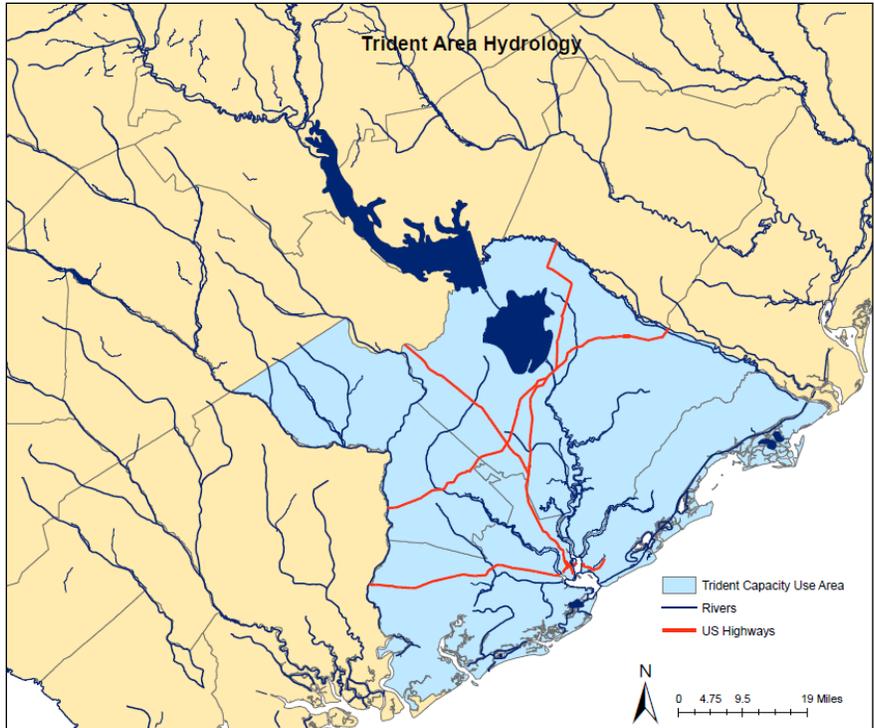


Figure 3. Hydrology of the area.

The Trident Area enjoys a relatively mild and moderate climate characteristic of its southeast US coastal location. Compared to overall State averages, winter temperatures are generally warmer and summers tend to be cooler and less humid. The average annual temperature is 65.6°F, with an average daily maximum of 75.5°F and a minimum of 55.7°F. Approximately forty-one percent of the forty-nine inches of average annual precipitation occurs during the summer months (Figure 4, 5). Thunderstorms are most frequent during the summer and create relatively short durations of concentrated runoff.

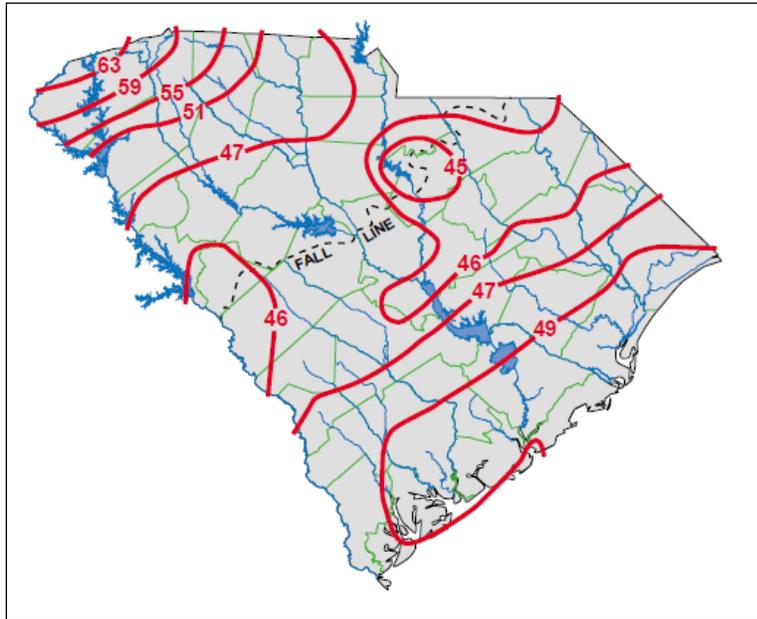


Figure 4. Average annual precipitation, in inches for the period 1948-1990. Source: South Carolina Department of Natural Resources (SCDNR)-Hydrology/Geology Map 2, R.N. Cherry, A.W. Badr, and Andrew Wachob, 2001.



Figure 5. Average annual water yield (precipitation less evapotranspiration), in inches, 1948-1990. Source: SCDNR-Hydrology/Geology Map 2, R.N. Cherry, A.W. Badr, and Andrew Wachob, 2001.

## **Groundwater Supplies**

The oldest (and deepest) aquifers or water-bearing units underlying the Trident Area are of Late Cretaceous age and comprise sediments that have been subdivided into four (4) aquifer systems (oldest to youngest): the Grambling, Charleston, McQueen Branch, Crouch Branch, and Gordan, Figure 6. These units are generally continental shelf to inner marine shelf and deltaic deposits and range from fine to medium grained sand, silts and clays. Water bearing zones typically are beds of sands of varying thickness and extent separated by silty, clayey beds or lenses.

- The Grambling Aquifer is not well defined and no known outcrop has been identified in South Carolina. It is thought to mainly consist of sand and gravel beds separated by thick layers of silt and clay.
- The Charleston/McQueen Branch Aquifer occurs throughout the Coastal Plain, from the Fall Line to the coast. The McQueen Branch crops out (catchment area) adjacent to the Fall Line from Chesterfield County to Edgefield County. In the Trident Area the aquifer is generally composed of thin- to thick-bedded sands and clays deposited in marginal marine and/or lower delta plain environments. In the Trident area, the McQueen Branch-Charleston aquifer is approximately 400 feet thick.
- The Crouch Branch Aquifer occurs throughout the Lower Coastal Plain and crops out in the eastern portion of the Coastal Plain from Lexington County to Dillon County. The aquifer is generally composed of thin- to thick-bedded sands and clays deposited in marginal marine and/or lower delta plain environments. In the Trident area, the Crouch Branch is approximately 400-800 feet thick.

Units overlying the Late Cretaceous formations include the Tertiary age Gordon, Floridan, and Surficial Formations, Figure 6. These units range from marginal marine to outer shelf deposits and their lithologies consist predominantly of sand, silt, and clay, with the upper part being mainly pure to impure limestone.

- The Gordon Aquifer extends from its catchment area in the middle of the Lower Coastal Plains southwest. In the Trident area, the Gordon is approximately 200 feet thick.
- The Floridan Aquifer occurs throughout the southern portion of the coastal plain. In the Trident area, the Floridan Aquifer is approximately 150 feet thick.
- The Tertiary units are overlain by a sequence of sand, silt, clay, and shells of Pleistocene age that are generally not more than fifty feet thick.

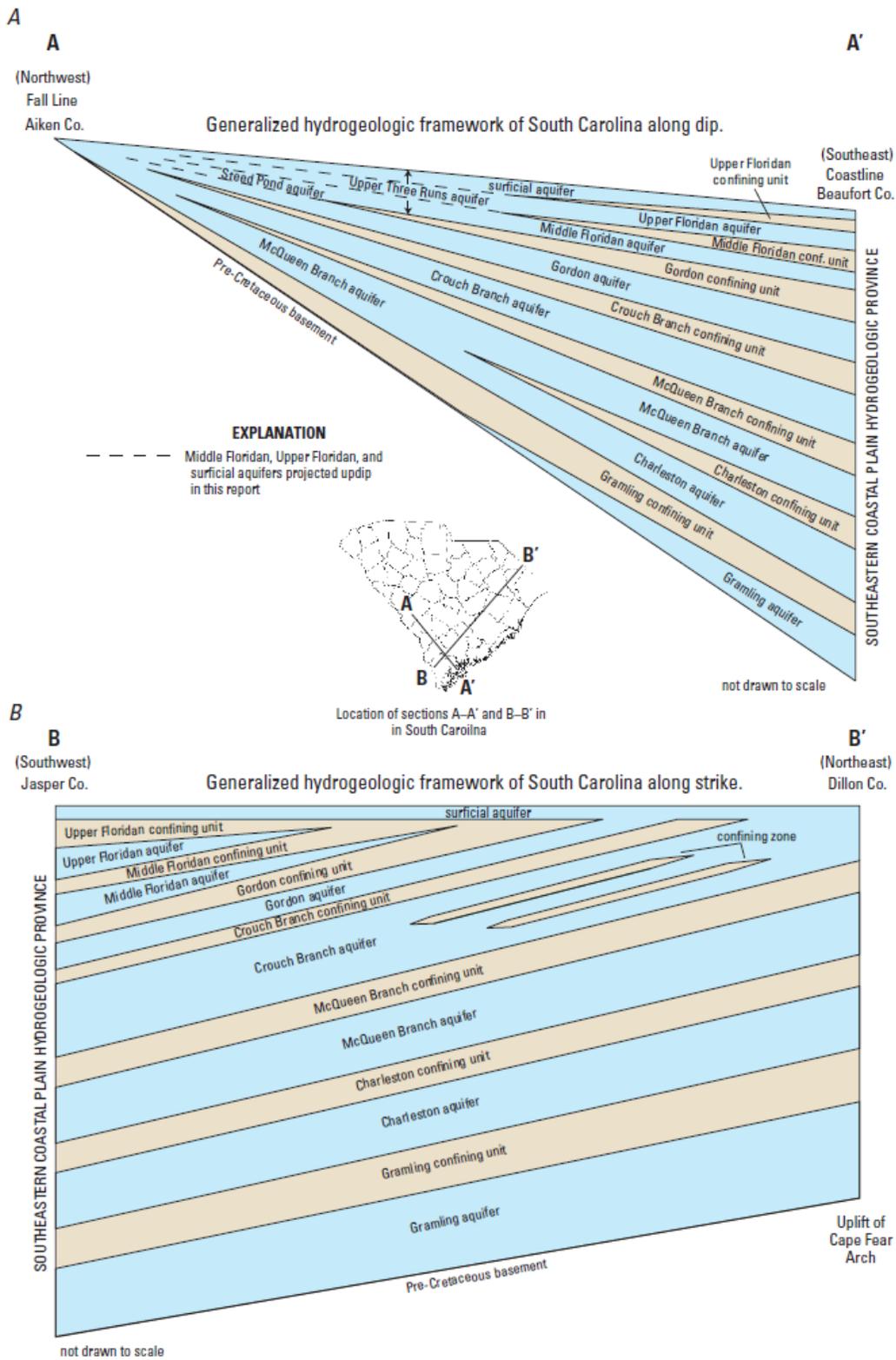


Figure 6. Generalized hydrogeologic framework, J. Gellici and J. Lautier, 2010 Hydrogeologic Framework of the Atlantic Coastal Plain, North and South Carolina: U.S. Geological Survey Professional Paper 1773, 113p.

Groundwater recharge occurs with infiltration of precipitation in catchment (recharge) areas. Figure 7 depicts the general recharge or catchment areas for the aquifers of the Trident Area. Although limited recharge of the Tertiary Sand/Limestone Aquifer occurs in the tri-county area, the majority of recharge of aquifers in the Trident area occurs mainly north of the region proper.

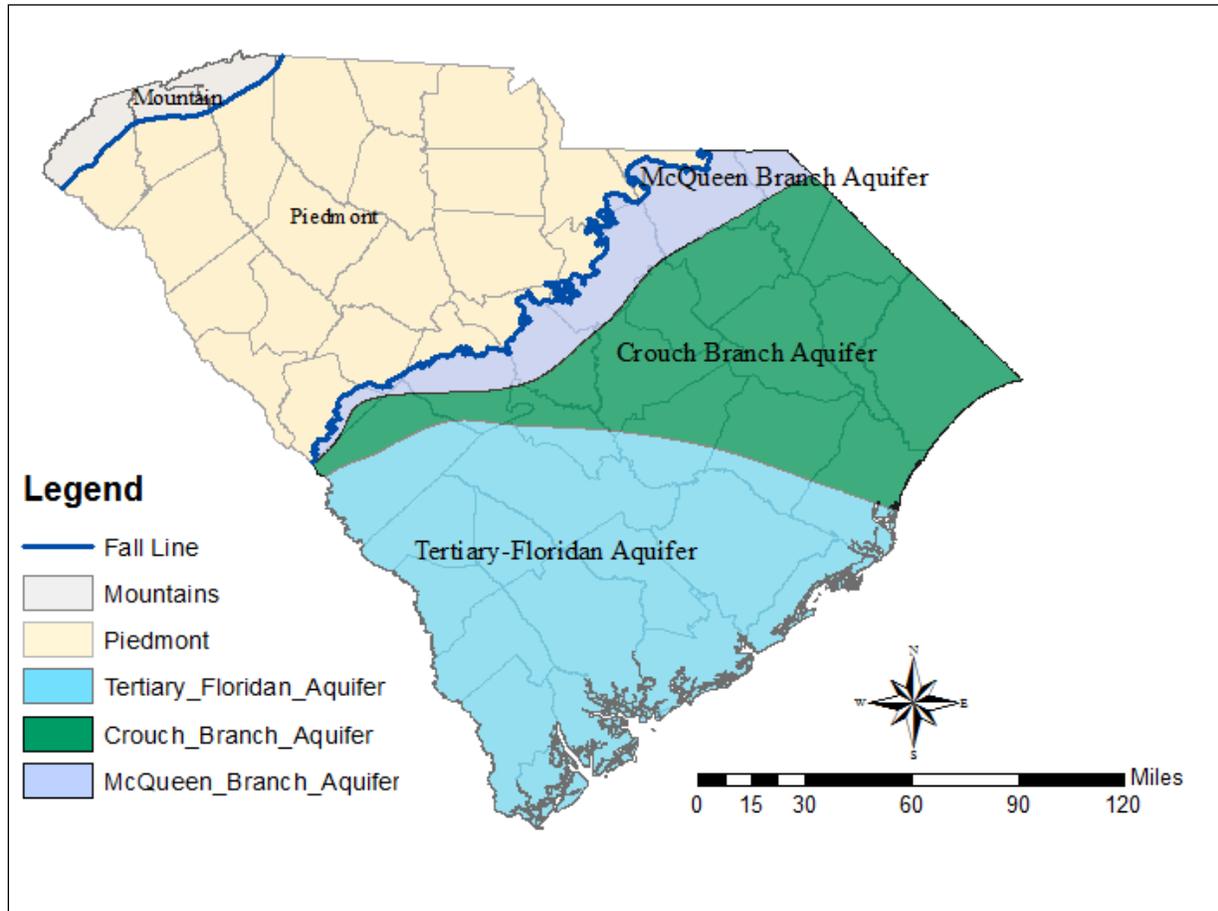


Figure 7. Generalized aquifer recharge areas.

## Groundwater Level Trends

Groundwater levels in the Charleston/McQueen Branch aquifer have declined substantially from pre-development (1879) levels in the Trident area. Much of this decline can be attributed to concentrated public supply and industrial usage. Prior to development, water levels in the Charleston/McQueen Branch aquifer in Charleston County were 126 feet above mean sea level. By 2000, the water level had dropped to 56 feet below mean sea level, a total decline of over 180 feet. Even with the increased use of surface water in the early 1990s, groundwater levels continued to decline. Interpretation of published hydrographs indicates that the rate of groundwater decline in the Charleston/McQueen Branch Aquifer in Berkeley County was approximately 4 feet/year and in Charleston County was approximately 9 feet/year. Starting in 2006, public water supply systems in the area reduced their reliance on groundwater and increased their use of surface water. Between 2008 and 2016, the groundwater levels in the U.S. Geological Survey (USGS) observation well BRK-0431 rebounded by approximately 10 feet. Figure 8 shows the 2004 water levels in the McQueen Branch aquifer (formerly known as the Middendorf). In Mt. Pleasant, the

groundwater levels have rebounded by as much as 50 feet based on potentiometric maps produced by the SCDNR (see Figure 9). As the population of the region increased over 63 percent between 1970 and 2000 and is projected to reach 806,000 by 2030 (Source: South Carolina Revenue and Fiscal Affairs Office, <http://abstract.sc.gov/chapter14/pop5.html>), demands on the groundwater resource are certain to increase in the future.

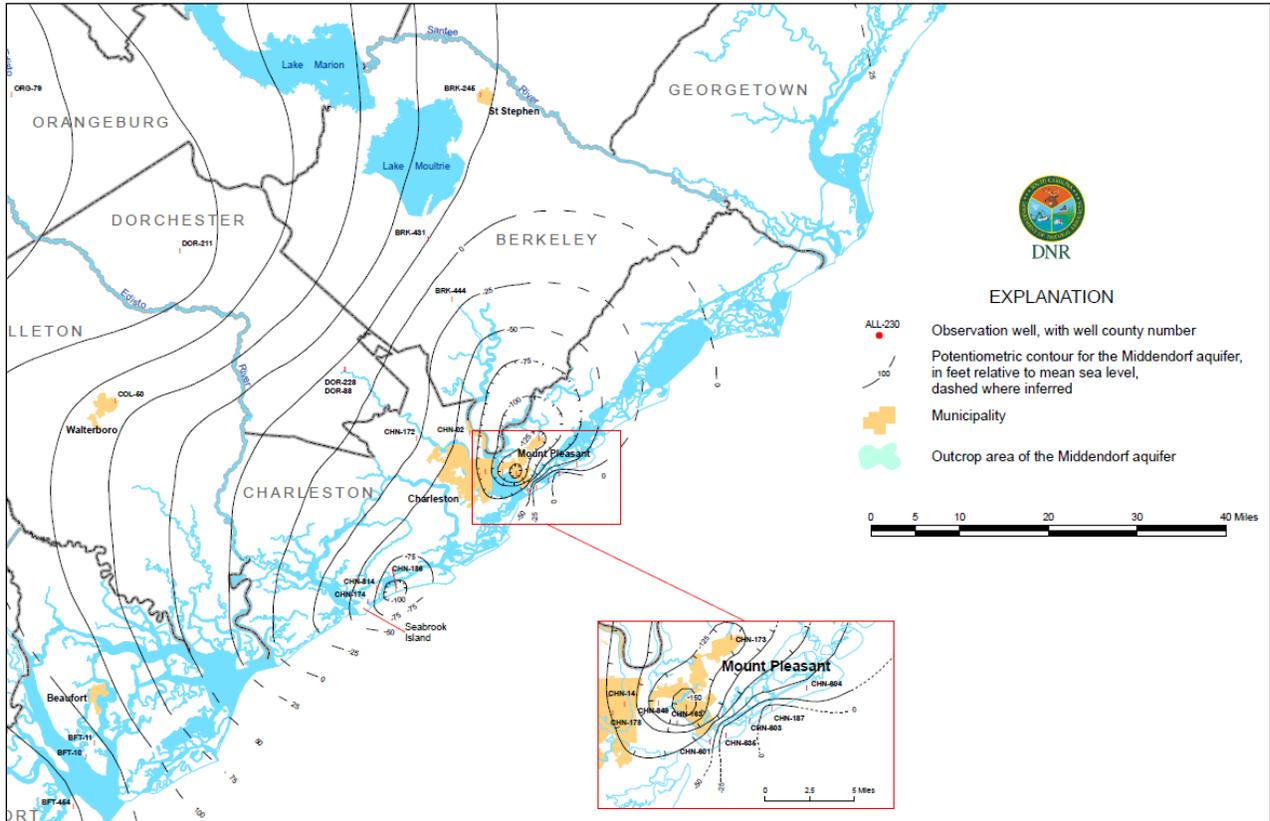


Figure 8. Water level map for the McQueen Branch/Charleston Aquifer (Middendorf), 2004. Source: Hockensmith, 2008, SCDNR Water Resources Report 46.

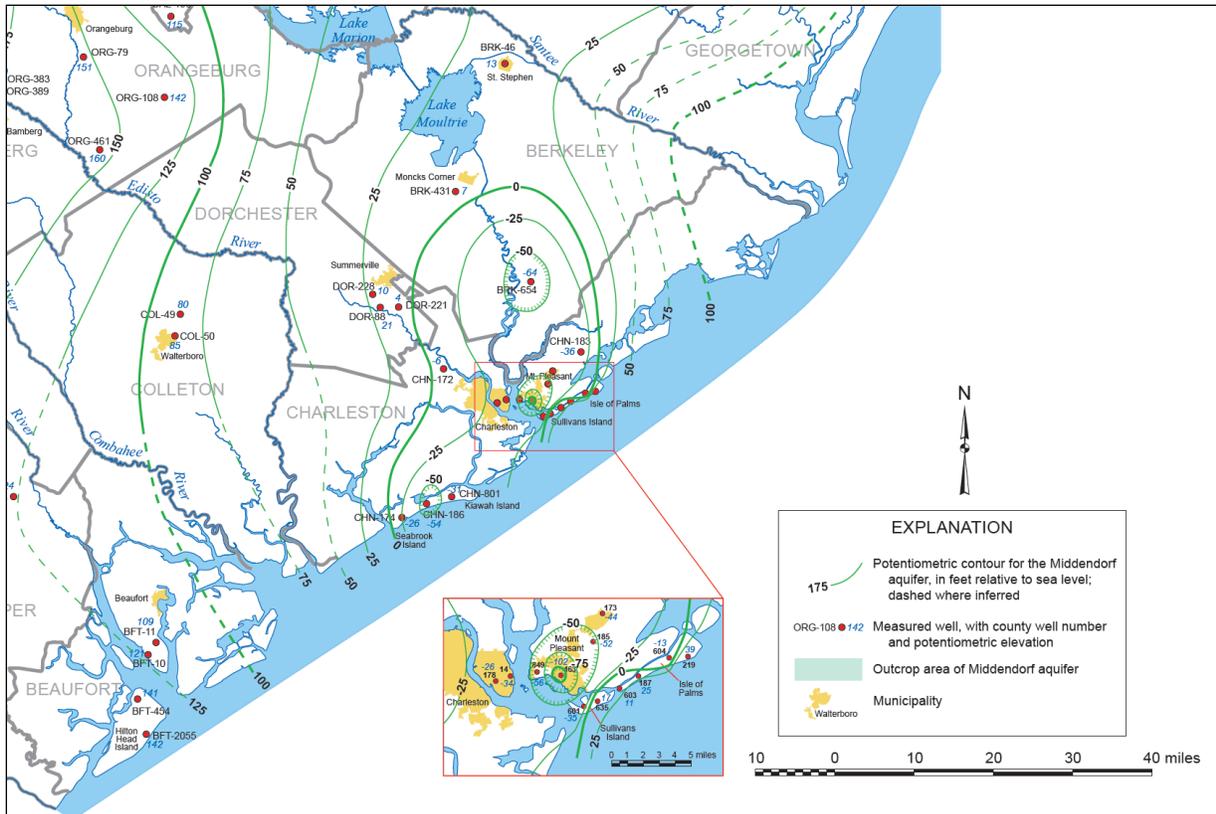


Figure 9. Water level map of the McQueen Branch Aquifer, 2014. Source: Wachob, 2015, SCDNR Water Resources Report 58.

## Current Groundwater Demand

For purposes of water use reporting, DHEC defines the following groundwater withdrawal categories:

- Aquaculture (AQ)– Water used for raising, farming and/or harvesting of organisms that live in water, such as fish, shrimp and other shellfish and vegetal matter (seaweed),
- Golf course irrigation (GC)- Water applied to maintain golf course turf, including tee boxes, fairways, putting greens, associated practice areas and periphery aesthetic landscaping,
- Industrial process (IN)- Water used for commercial and industrial purposes, including fabrication, processing, washing, in-plant conveyance and cooling,
- Agricultural and aesthetic irrigation (IR)- Water that is used for agricultural and landscaping purposes including turf farming and livestock management.
- Mining process (MI)- Water used in mine operations, including mining, processing, washing and cooling,
- Water supply (WS)- Water withdrawn by public and private water suppliers and conveyed to users or groups of users. Water suppliers provide water for a variety of uses including domestic, commercial, industrial and public water use.

Currently in the Trident Area there are 45 **permitted** groundwater withdrawers distributed as follows: 18 public water supply facilities, 12 golf course facilities, 11 industries, 3 agricultural irrigation facilities, and 1 thermal power facility (Table 1). These 45 facilities have 113 wells, Figure 10.

Table 1. Permitted Groundwater Withdrawers by County.

Number of Facilities By Type and By County				
Category	Berkeley County	Charleston County	Dorchester County	Totals
Golf Courses	1	10	1	12
Industry	5	3	3	11
Agricultural Irrigation			3	3
Thermal Power			1	1
Public Water Supply	4	4	10	18
Totals	10	17	18	45

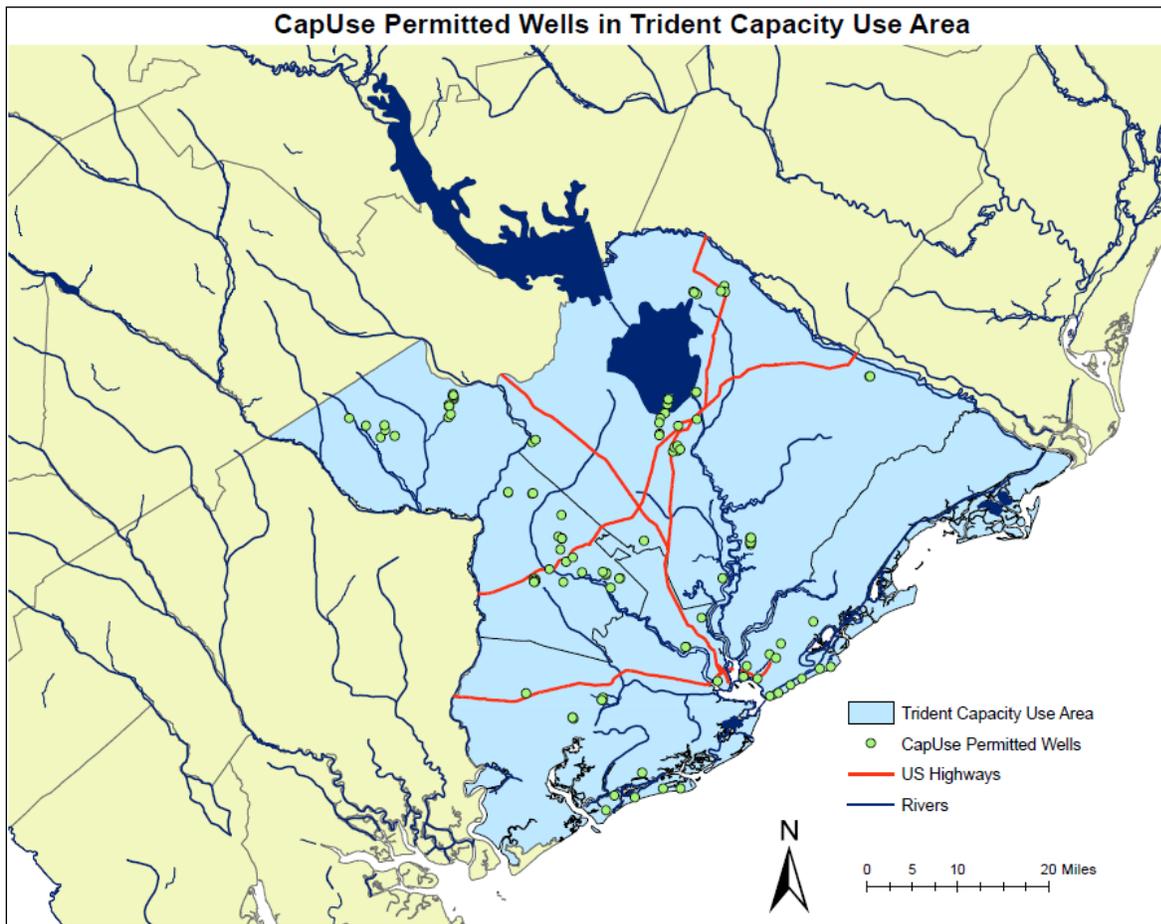


Figure 10. Locations of permitted groundwater withdrawals.

During the period 2010 through 2015, total reported groundwater withdrawals for the Trident Area averaged 4232.56 million gallons per year or approximately 11.56 million gallons per day (mgd). For Berkeley County, average withdrawals were: 10.83 million gallons for golf courses, 1,147.82 million gallons for industrial use, and 37.02 million gallons for public water supply. For Charleston County, average withdrawals were: 549.06 million gallons for golf courses, 60.15 million gallons for industrial use, and 1,438.88 million gallons for public water supply. For Dorchester County, average withdrawals were: 13.02 million gallons for golf courses, 388.6 million gallons for industrial use, 63.26 million gallons for agricultural irrigation, 100.41 million gallons for thermal power, and 459.75 million gallons for public water supply. For reporting year 2015, withdrawers in Berkeley County reported total withdrawals of 1,137,610,000 gallons (approximately 1.14 billion gallons), Charleston County 2,055,510,000 gallons (approximately 2.06 billion gallons), and Dorchester County 1,237,500,000 gallons (approximately 1.24 billion gallons). Reported usage by category for 2015 is listed in Table 2 and shown in Figure 11.

*Table 2. Reported Use (Million Gallons) By County and Category For 2015.*

<b>Category</b>	<b>Berkeley</b>	<b>Charleston</b>	<b>Dorchester</b>	<b>Totals By Category</b>	<b>Percent</b>
Golf Courses	3.66	412.38	13.40	429.44	9.61%
Industry	1092.44	53.01	399.28	1544.73	34.58%
Agricultural Irrigation			279.07	279.07	6.25%
Thermal Power			139.71	139.71	3.13%
Public Water Supply	41.515	1590.116	443.14	2074.77	46.44%
Totals For Counties	1137.61	2055.51	1274.60	4467.73	100.00%
<b>Percent</b>	<b>25.46%</b>	<b>46.01%</b>	<b>28.53%</b>	<b>100.00%</b>	

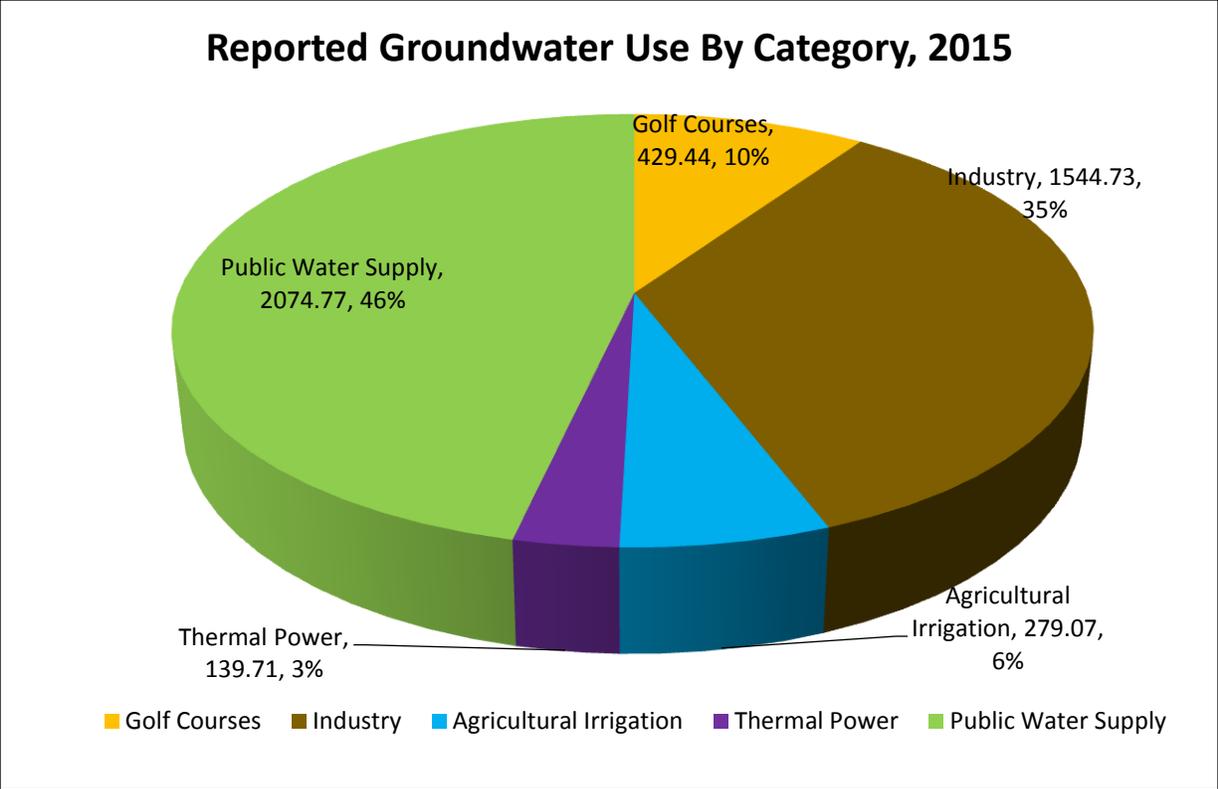


Figure 11. Reported groundwater use by category, 2015.

For the Trident Area in 2015, reported groundwater withdrawals from the Floridan aquifer were 2.75 million gallons, Floridan/Gordon aquifer were 278.49 million gallons, the Gordon aquifer 422.44 million gallons, the Gordon/Crouch Branch aquifer 102.94 million gallons, the Crouch Branch aquifer 602.38 million gallons, the Charleston aquifer 2943.45 million gallons and the Charleston/Grambling aquifer 78.03 million gallons. Groundwater withdrawals by aquifer/county are presented in Table 3 and Figures 12, 13, 14, and 15. In 2015 Charleston County used 46.39% of the region’s groundwater while Dorchester County accounted for 27.93% of the use. Berkeley County used 25.68% of the total reported groundwater use for the Trident area in 2015.

Table 3. Reported Groundwater Use (Million Gallons) By Aquifer and County, 2015.

Aquifer	Berkeley County	Charleston County	Dorchester County	Totals	Percent
Floridan		2.75		2.75	0.06%
Floridan/Gordon	97.37	60.51	120.61	278.49	6.23%
Gordon	41.52	50.58	330.34	422.44	9.46%
Gordon/Crouch Branch			102.94	102.94	2.30%
Crouch Branch	0.16		639.48	639.64	14.32%
Charleston	998.572	1863.64	81.24	2943.45	65.88%
Charleston/Gramling		78.03		78.03	1.75%
<b>Totals</b>	<b>1137.61</b>	<b>2055.51</b>	<b>1274.61</b>	<b>4467.73</b>	<b>100.00%</b>
<b>Percent</b>	<b>25.46%</b>	<b>46.01%</b>	<b>28.53%</b>	<b>100.00%</b>	

### Groundwater Use By Aquifer For the Trident Capacity Use Area, 2015

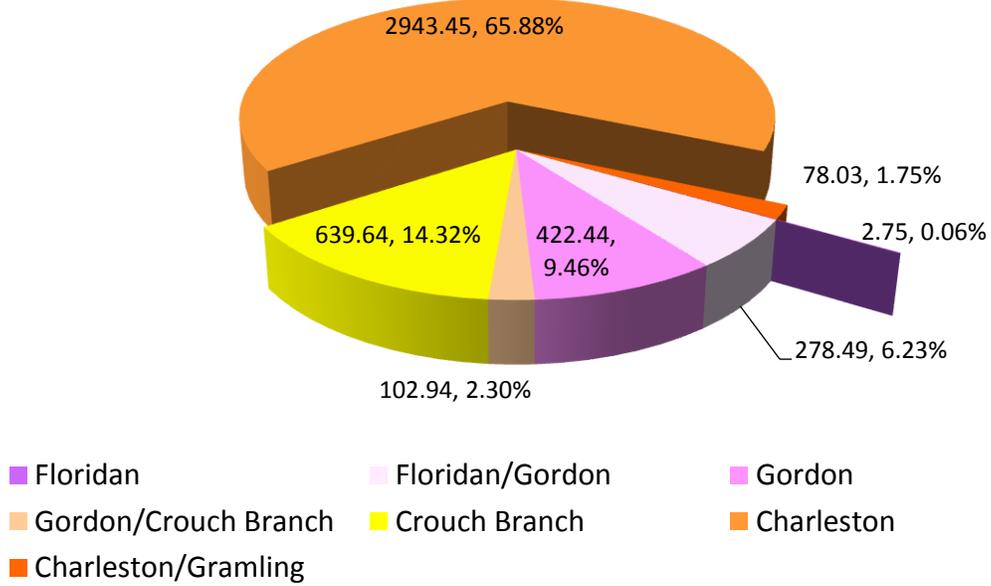


Figure 12. Reported groundwater by aquifer, 2015.

### Groundwater Use By Aquifer For Berkeley County, 2015

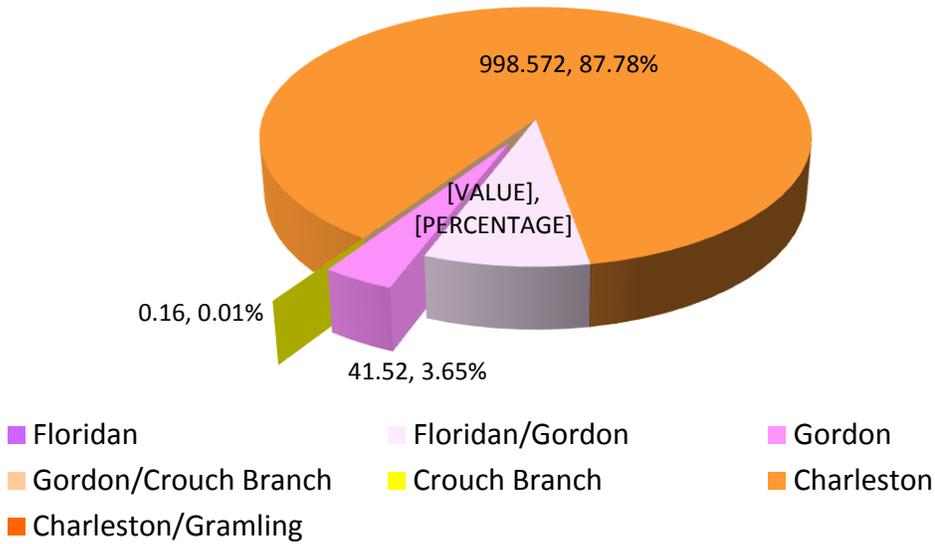


Figure 13. Reported groundwater use by aquifer for Berkeley County, 2015.

### Groundwater Use By Aquifer For Charleston County, 2015

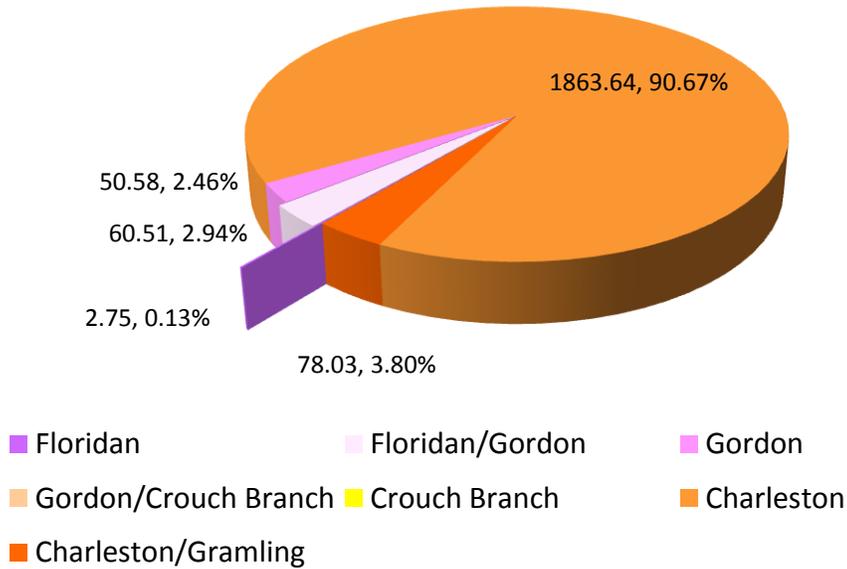


Figure 14. Reported groundwater use by aquifer for Charleston County, 2015.

### Groundwater Use By Aquifer For Dorchester County, 2015

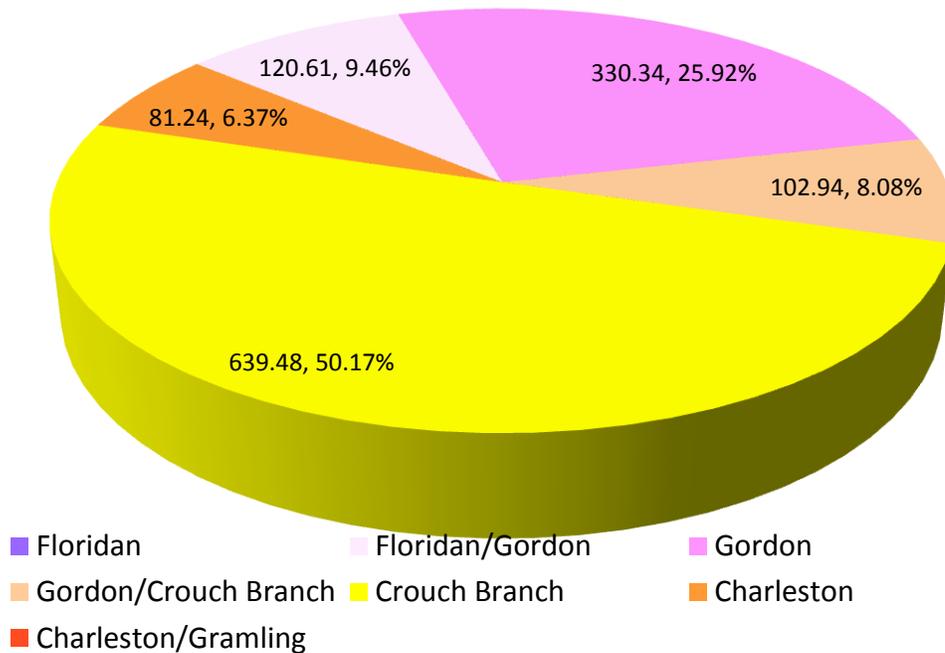


Figure 15. Reported groundwater use by aquifer for Dorchester County, 2015.

## Groundwater Demand Trends

To provide an historical perspective on reported groundwater use in the Trident Capacity Use Area, Figures 16 and 17 show reported use by category of use. Since 2004, the reported permitted use of groundwater for public water supply, industry and golf courses has declined. Public water supply declined from 3776 million gallons to 2104 million gallons in 2015. Industrial use has declined from 2063 million gallons in 2004 to 1544 million gallons in 2015. Reported groundwater use for Golf Courses declined from 806 million gallons in 2004 to 429 million gallons in 2015. Reported use for irrigation has increased slightly (from less than 15 million gallons in 2004 to 279 million gallons in 2015).

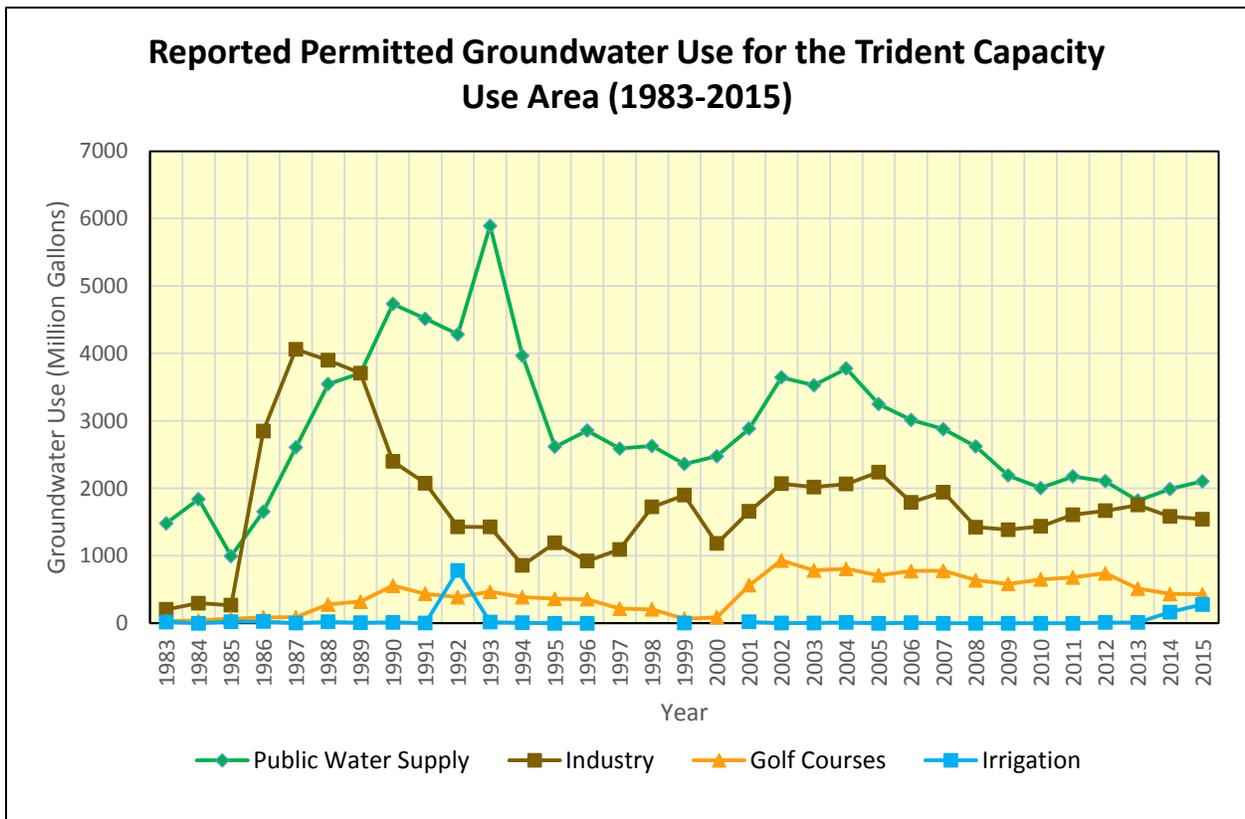


Figure 16. Reported permitted groundwater use for the Trident Capacity Use Area, 1983-2015.

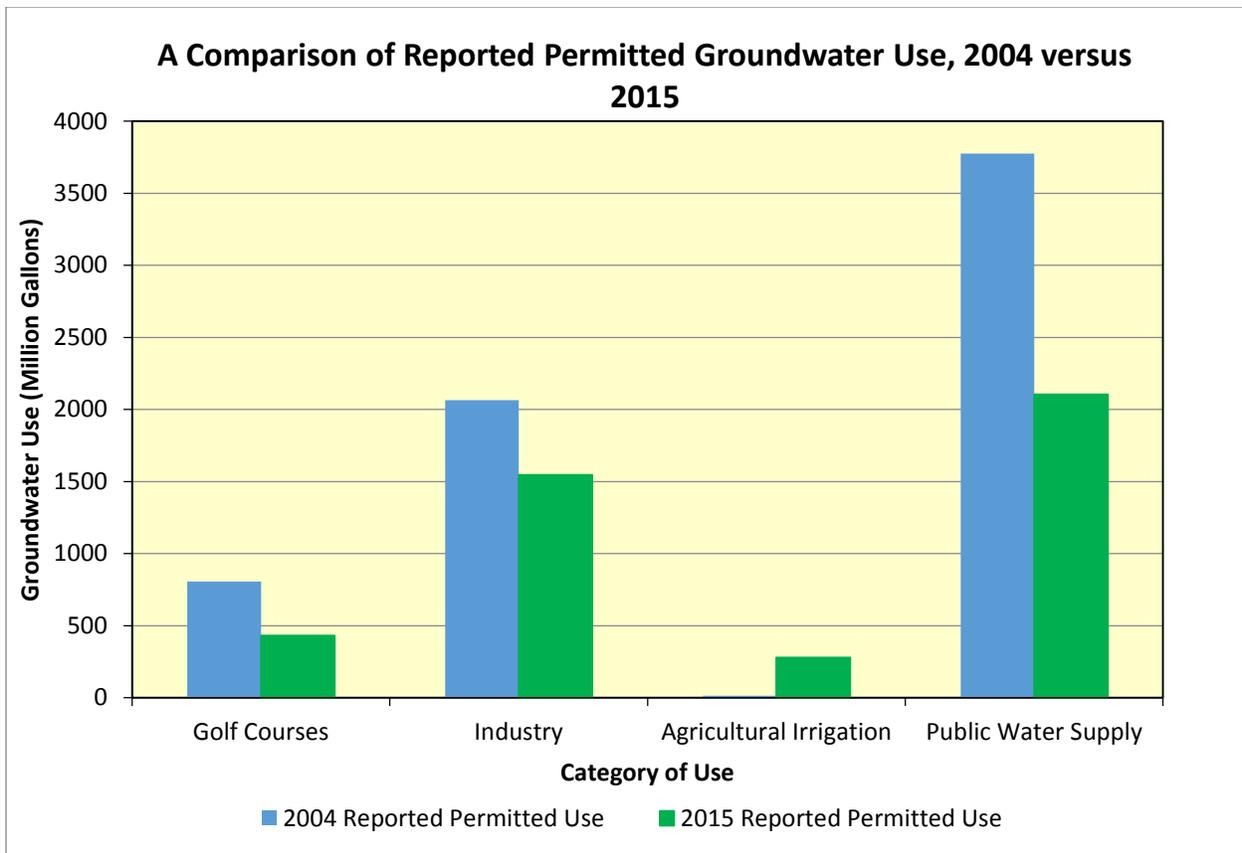


Figure 17. A comparison of reported groundwater use for 2004 to 2015.

## Population, Growth, and Water Use Projections

As with coastal communities around the nation, the population in the Trident area has increased dramatically, rising over 46.8 percent the last 30 years. At the time of the 2010 Census, over 660,000 people were living in the region. Since the 2000 Census, Dorchester County experienced the largest percent increase in population, followed by Berkeley and Charleston Counties, as shown in Table 4.

Table 4. County Population Change 2000-2010.

County	April 1, 2000 Census	April 1, 2010 Census	Change in Population	Percent Change
Berkeley	142,651	177,843	35,192	24.7%
Charleston	309,969	350,209	40,240	13.0%
Dorchester	96,413	136,555	40,142	41.6%

Source: <http://abstract.sc.gov/chapter14/pop5.html>, SC Statistical Abstract, Table 5, Status of Population Projections Based on the 2010 Census Data, South Carolina Revenue and Fiscal Affairs Office).

Table 5 depicts population projections for the three counties and the region as a whole from 2000 to 2030 presented in the *South Carolina Statistical Abstract, 2010*, as prepared by the South Carolina Revenue and Fiscal Affairs Office. The region is expected to grow by more than 256,967 people between 2000 and 2030, an increase of 46.8 percent. While Charleston County has the highest population (360,600 in

2015) and is projected to continue to have a higher population than the other three counties, Dorchester County is projected to experience the largest percent increase in population, followed by Berkeley County.

Table 5. County Projected Population Change, 2000-2030.

Population Counts and Projections 2000-2030								
County	April 1, 2000 Census	April 1, 2010 Census	July 1, 2015 Projection	July 1, 2020 Projection	July 1, 2025 Projection	July 1, 2030 Projection	Projected Change	Projected Percent Change
Berkeley	142,651	177,843	187,800	197,700	208,400	219,100	76,449	53.6%
Charleston	309,969	350,209	360,600	370,900	383,800	396,700	86,731	28.0%
Dorchester	96,413	136,555	152,000	167,400	178,800	190,200	93,787	97.3%
Trident Area	549,033	664,607	700,400	736,000	771,000	806,000	256,967	46.8%

Source: <http://abstract.sc.gov/chapter14/pop5.html>, SC Statistical Abstract, Table 5, Status of Population Projections Based on the 2010 Census Data, South Carolina Revenue and Fiscal Affairs Office).

Permitted withdrawal limits in the Trident Area total 13,592.5 million gallons per year. Total reported usage for 2015 in the Trident Area was 4,453.68 million gallons (Table 6).

Table 6. Permit limits versus reported use (million gallons).

Berkeley County			Charleston County			Dorchester County		
Facility Permit	Permit Limit *	Reported Use* 2015	Facility Permit	Permit Limit*	Reported Use* 2015	Facility Permit	Permit Limit*	Reported Use* 2015
08GC001	24.00	3.66	10GC002	175.00	52.40	18GC004	27.00	13.40
08IN002	60.00	31.89	10GC003	36.00	10.25	18IN001	385.00	238.53
08IN004	132.00	12.56	10GC010	97.00	1.15	18IN002	190.00	65.60
08IN007	103.00	78.28	10GC012	36.00	14.54	18IN040	250.00	95.15
08IN011	1300.00	969.71	10GC015	100.00	74.39	18IR002	36.00	30.12
08IN015	182.50	0.00	10GC016	50.00	11.89	18IR003	235.00	182.7
08WS003	288.00	6.63	10GC020	113.00	112.43	18IR004	98.00	29.15
08WS058	1750.00	0.00	10GC021	350.00	78.03	18PT001	198.00	139.71
08WS064	50.00	34.88	10GC052	140.00	24.05	18WS001	1210.00	11.04
08WS066	36.00		10GC053	50.00	33.25	18WS002	164.00	121.05
<b>Totals</b>	<b>3925.50</b>	<b>1137.61</b>	10IN004	42.00	0.00	18WS003	36.00	29.20
*Limits and use reported in million gallons			10IN010	64.00	53.01	18WS005	650.00	192.20
			10IN011	54.00		18WS006	15.00	6.20
			10WS003	258.00	81.23	18WS007	60.00	0.00
			10WS006	3953.00	1413.05	18WS008	175.00	3.04
			10WS007	108.00	2.44	18WS011	97.00	79.75
			10WS010	200.00	93.40	18WS014	15.00	0.67
			<b>Totals</b>	<b>5826.00</b>	<b>2055.51</b>	<b>Totals</b>	<b>3841.00</b>	<b>1237.51</b>

Potential future groundwater demands are estimated for water supply, based on population projections, and all other categories (total) based on an estimated nominal growth of 2.5% per year.

**Water Supply:**

For 2015 in the Trident Area, total groundwater withdrawal for water supply is approximately 2,074,770,000 gallons . Combined with reported surface water supply (36,709,600,000 gallons), the per capita use of water in the Trident Area is approximately 106 gallons per day. Utilizing this value (106 gpd), projected population, and assuming groundwater will represent approximately 5% of the total water supply demand, groundwater demand is projected through 2030 (Table 7).

*Table 7. Projected groundwater demand-water supply (million gallons) in Trident Area.*

2015	2020	2025	2030
2,074.77 MGY	2,180.23 MGY	2,283.91 MGY	2,387.59 MGY
5.68 MGD	5.973 MGD	6.26 MGD	6.54 MGD

**Other:**

Groundwater demand for all other categories through 2030 is calculated based on an estimated nominal and steady growth of 2.5% per year (Table 8).

*Table 8. Projected groundwater demand-other (million gallons) in Trident Area.*

2015	2020	2025	2030
2,355.85 MGY	2650.34 MGY	2981.63 MGY	23354.34MGY
6.45 MGD	7.261 MGD	8.17 MGD	9.19 MGD

**Total Projected Water Demand:**

Total potential groundwater demand for the Trident Area is estimated from the calculations for Water Supply (Table 7) and Other category (Table 8) (see Table 9).

*Table 9. Total projected groundwater demand-Trident Area (million gallons).*

	2015	2020	2025	2030
Water Supply	2074.77	2180.23	2283.91	2387.59
Other	2355.86	2650.34	2981.63	3354.34
Total MGY	4430.63	4830.57	5265.54	5741.93
Total Mgal/day	12.14	13.23	14.43	15.73

## Groundwater Management Strategy

The ultimate goal of the Groundwater Management Plan is to outline a process to conserve and protect the groundwater resource while establishing conditions that are conducive to the continued development and long-term viability of the aquifers of the Trident Area. In short, the goal is to develop and implement a sustainable development strategy. Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their needs. Ultimately, good scientific data must be available that allow the sustainable yields from each aquifer system in the Trident Area to be determined, and permits for withdrawals issued accordingly. However, these data do not fully exist at this date. This plan, therefore, must focus on obtaining this critical data and the issuance of permits for reasonable water withdrawals in the interim. The key strategies to achieve these goals are outlined below.

### Strategy #1: Identify areas where a leveling and/or reduction in pumping is appropriate.

Prior to each permit renewal cycle, SCDHEC will consider the best available information on the geologic and hydrogeologic characteristics of the aquifer(s) and groundwater withdrawals of the area to protect against or abate unreasonable, or potentially unreasonable, adverse effects on the aquifer(s) and water users of the Trident Area. Measures that the SCDHEC may require applicants, permit holders and groundwater withdrawers to take may include, but not be limited to, the following:

- Reduction of groundwater withdrawal in areas of concentrated pumping;
- Withdrawals from other available freshwater aquifers than those currently used;
- Selective curtailment or reduction of groundwater withdrawals where it is found to be in the public interest or general welfare or to protect the water resource;
- Conjunctive use of aquifers, or waters of less desirable quality, where water quality of a specific character is not essential;
- Construction and use of observation or monitor wells;
- Abandonment of wells that have penetrated zones of undesirable water quality where such wells are found to cause contamination of freshwater aquifers;
- Prohibiting the hydraulic connection of aquifers that could result in deterioration of water quality in a freshwater aquifer(s);
- Abandonment of wells, which will be filled with cement grout, plugged, and sealed;
- Implement reasonable and practical methods to conserve and protect the water resources and to avoid or minimize adverse effects of the quantity and quality of water available to persons whose water supply has been materially reduced or impaired as a result of groundwater withdrawals;
- Such other necessary and appropriate control or abatement techniques as are technically feasible.

As an example, a cone of depression in the McQueen Branch/Charleston aquifer developed in the Charleston/Mt. Pleasant area between the 1980's and early 2000's. Water-levels in the USGS well CHN-0014 (Figure 18.) declined approximately 90 feet in the McQueen Branch/Charleston aquifer. In 2006, public water supply systems reduced their use of groundwater by increasing their reliance on surface water (Figure 19.). Groundwater use for public water supply was reported at 3,248.9 million gallons in 2005; by 2015 the amount reported used had declined to 2,104.7 million gallons. Surface water use for public water supply increased from 32,973.2 million gallons in 2005 to 36,709.6 million gallons. This has resulted in a rebound of groundwater levels in the area of approximately 50 feet.

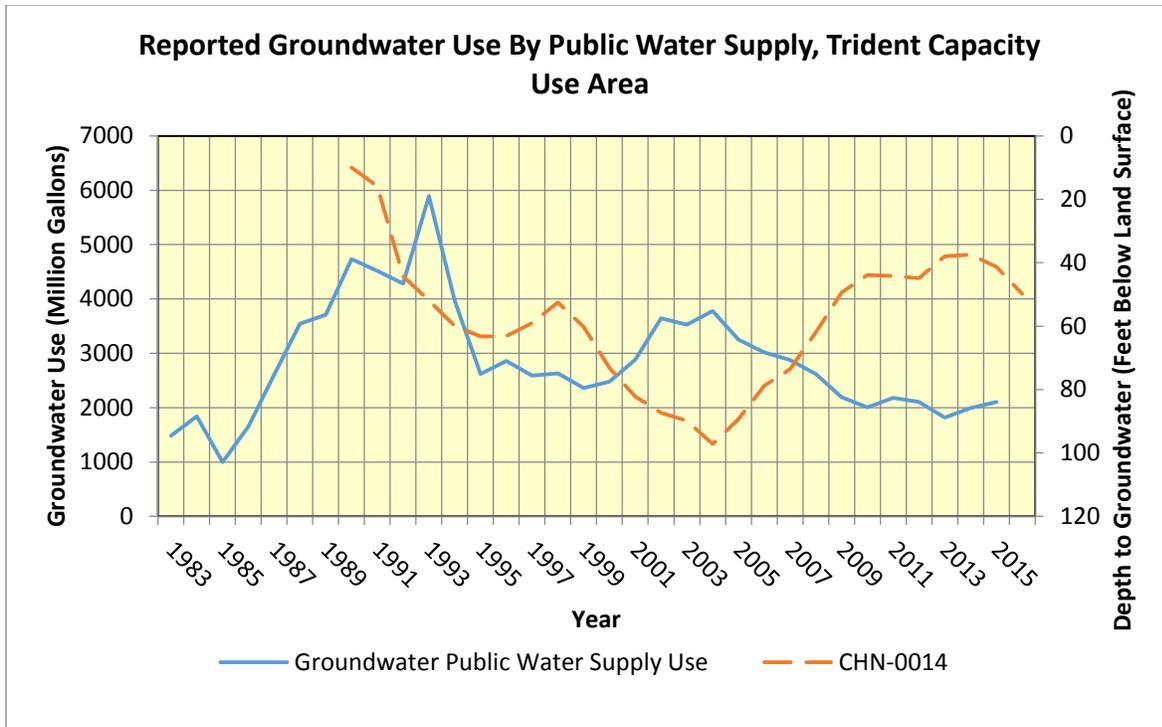


Figure 18. Comparison of water use to groundwater levels in the McQueen Branch Aquifer.

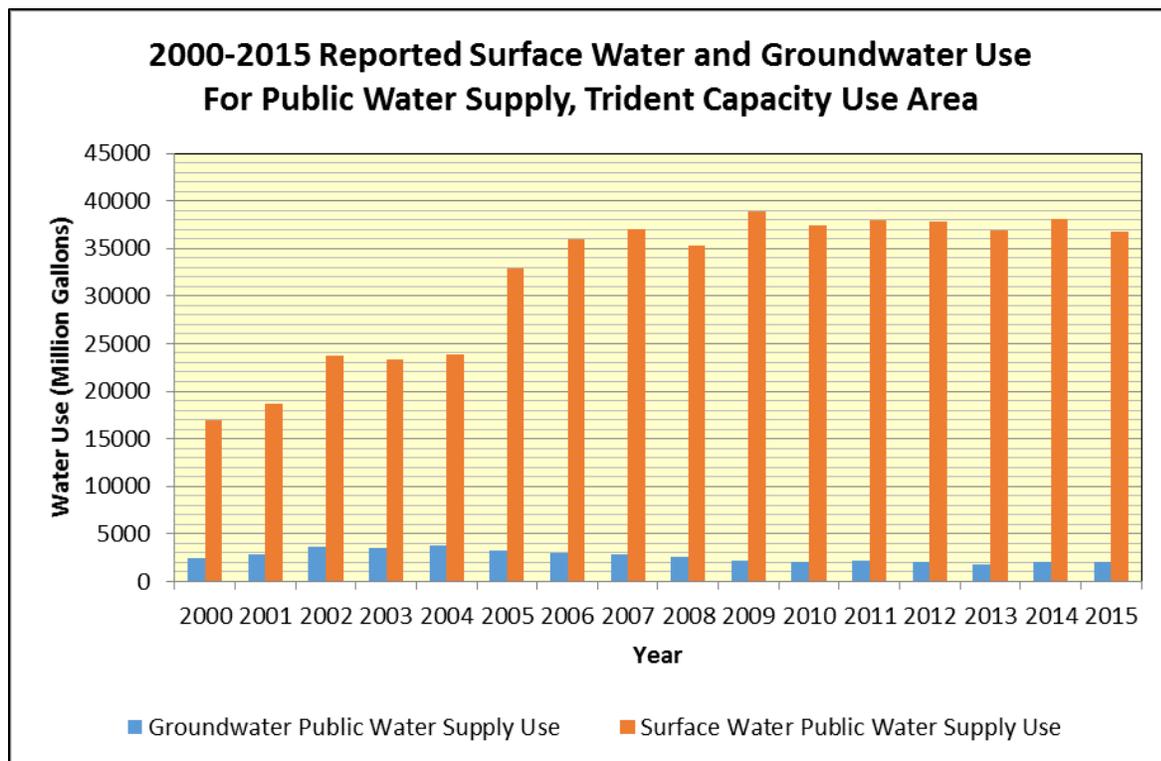


Figure 19. Surface water use versus groundwater use for public water supply.

The reduction in the reliance on groundwater versus surface water for public water supply required the coordination and cooperation of the utilities in the area and is a prime example of users working together to protect and manage the groundwater resource.

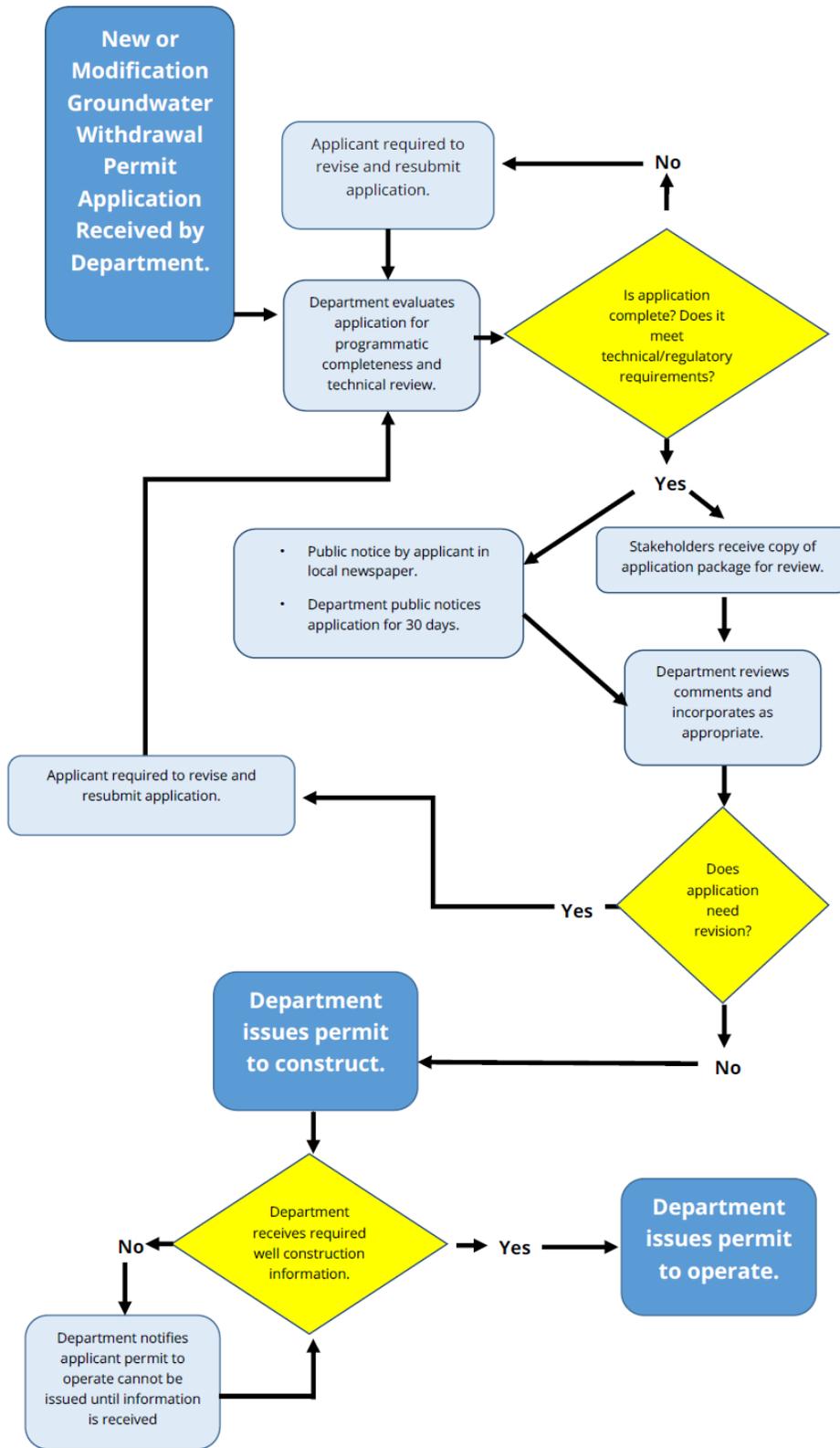
Strategy #2: Review of permit applications based on demonstrated reasonable use.

Proposed withdrawals will be evaluated considering reasonableness of use and need, aquifer(s) being utilized, potential adverse effects on adjacent groundwater withdrawers, previous reported water use, anticipated demand for the proposed activities, availability of alternate water sources and reported water use at facilities with similar activities. Applications for groundwater withdrawal will incorporate a “Water Use Plan” or a “Best Management Strategy” detailing actual or proposed water use activities and all conservation techniques for site specific water management including, but not limited, to:

- Provide appropriate documentation that the proposed water use is a beneficial use of the resource and necessary to meet the reasonable needs of the applicant;
- Describe in detail the applications for which the water is being withdrawn and approximate quantities utilized in each application;
- Identify the aquifer(s) currently utilized and the hydrogeologic (groundwater quality, specific capacity/yield, etc.) factors for utilization. Identify if a less utilized aquifer is suitable to the facility’s need;
- Identify additional or alternate sources of water, including surface water, effluent, or recycled water, among others, suitable to meet the needs of the applicant and supplement, minimize, or eliminate groundwater sources;
- Identify reasonable and appropriate conservation methods or practices that maximize current water use and reduce current water demand;
- Identify any existing or anticipated adverse effects on other groundwater withdrawers, including public use, and strategies to eliminate or minimize these effects.

As part of the permitting process, stakeholder involvement, comment and recommendations will be incorporated during the public notice of the permit application. The Department will send a copy of the permit application to the BCDCOG (TAC and EC) and the stakeholders. Stakeholders and the public will be able to comment and make recommendations on the application to the Department. After review of the comments received, the Department will make a decision on the permit to construct for the proposed withdrawal.

**Permitting Process:**



Strategy #3: Establish a comprehensive groundwater monitoring program.

With increased population and a growing industrial base, water demand (from both surface and groundwater) is increasing at an expanding rate. Although water level declines are a normal response to groundwater withdrawals, not stabilizing these declines may cause serious impairment to the aquifers and groundwater quality of the region. SCDHEC will pursue partnerships with local entities, groundwater users and other agencies (both Federal and State) to facilitate the most effective use of resources in designing and maintaining a monitoring network for the Trident Area. Both the USGS (Southeast Region) and the SCDNR maintain several groundwater level monitoring locations in the Trident area. The table below lists the wells currently being used to monitor groundwater levels in the Trident Capacity Use Area.

County	Well Id	Aquifer	Agency
Berkeley	BRK-0644	Floridan	SCDNR
Berkeley	BRK-0431	McQueen Branch	USGS
Charleston	CHN-0014	McQueen Branch	USGS
Charleston	CHN-0044	Floridan	SCDNR
Charleston	CHN-0101	Floridan	SCDNR
Charleston	CHN-0484	Floridan	SCDNR
Charleston	CHN-0803	Floridan	SCDNR

Current needs for additional groundwater level monitoring locations (Figure 20.) include a well cluster in northern Berkeley County (1 Crouch Branch well and 1 McQueen Branch/Charleston well) at the SCDNR location BRK-0644, a well cluster in central Berkeley County at the current BRK-0431 USGS well (1 Floridan and 1 Crouch Branch well), a well cluster at the current CHN-0014 USGS well (1 Floridan and 1 Crouch Branch well), and a well cluster in Dorchester County (1 Floridan well, 1 Crouch Branch Well and 1 McQueen Branch/Charleston well).

Expanding the current network will allow more accurate monitoring of groundwater level conditions and facilitate scientifically-based recommendations for strategies to address any stressed conditions identified in the aquifers used in the Trident area.

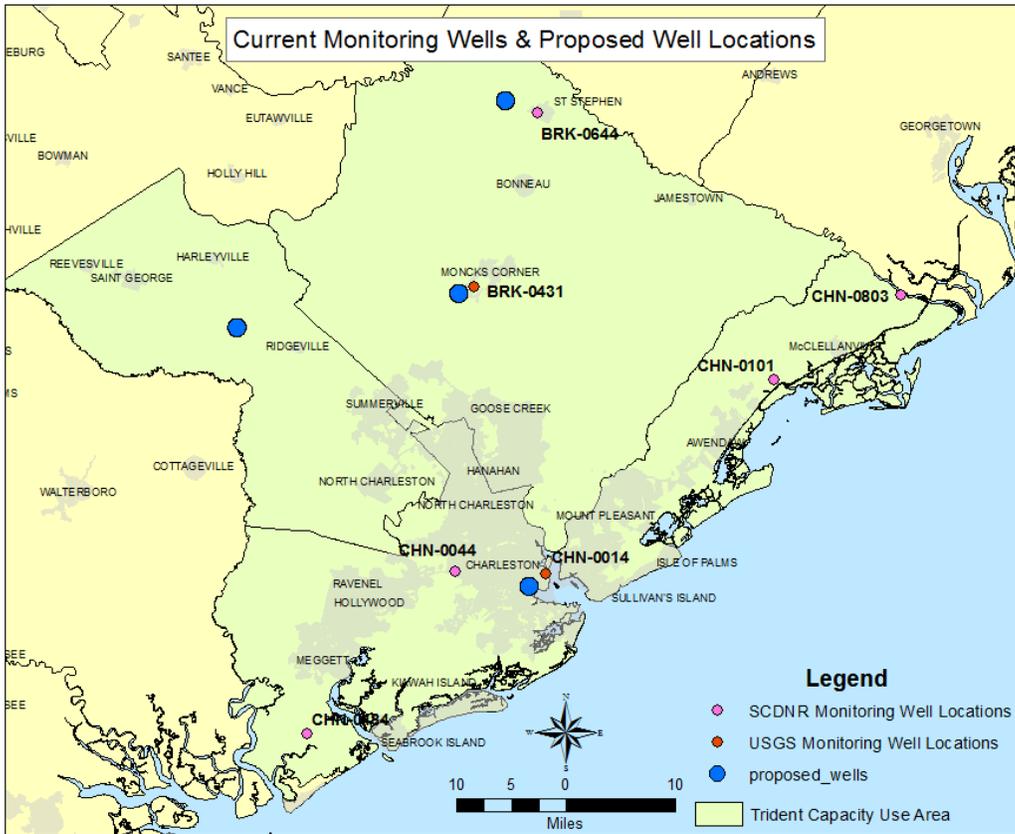


Figure 20. Locations for potential additional monitoring wells.

The existing groundwater monitoring network with the additional locations is necessary to:

- Provide accurate data on the amount and rate of groundwater level declines;
- Establish the correlation between groundwater pumping and water level changes, both on a local and regional scale;
- Guide management efforts to minimize potential impairment of the aquifers and track progress in reversing water level declines;
- Provide groundwater withdrawers with timely and accurate information to effectively manage withdrawal activities.

Strategy #4: Establish a conservation educational plan for the general public and existing groundwater withdrawers.

Water conservation has increasingly become a cornerstone to the development of water management strategies. An effective, viable water conservation program should incorporate the following:

- Provide public education and outreach programs;
- Determine and enhance water use efficiency;
- Determine water losses and establish corrective actions;

- Prepare for water shortages and provide appropriate responses.

#### Strategy #5: Regulation and Planning.

The Groundwater Use and Reporting Act provides for regulation of water withdrawals in South Carolina. Groundwater regulation is necessary to protect and provide for the long-term sustainability of the resource. As data are developed on the groundwater resources of the designated Capacity Use Areas, the regulations should will be reviewed to ensure that sufficient and adequate protection of the resource is provided.

SCDNR is responsible for developing and updating the State Water Plan. A groundwater model of the coastal aquifers is currently being developed by the USGS and SCDNR. As the results of the modeling effort and the updates to the State Water Plan become available, they will help inform potential regulatory and policy changes and will be incorporated into this Groundwater Management Plan.

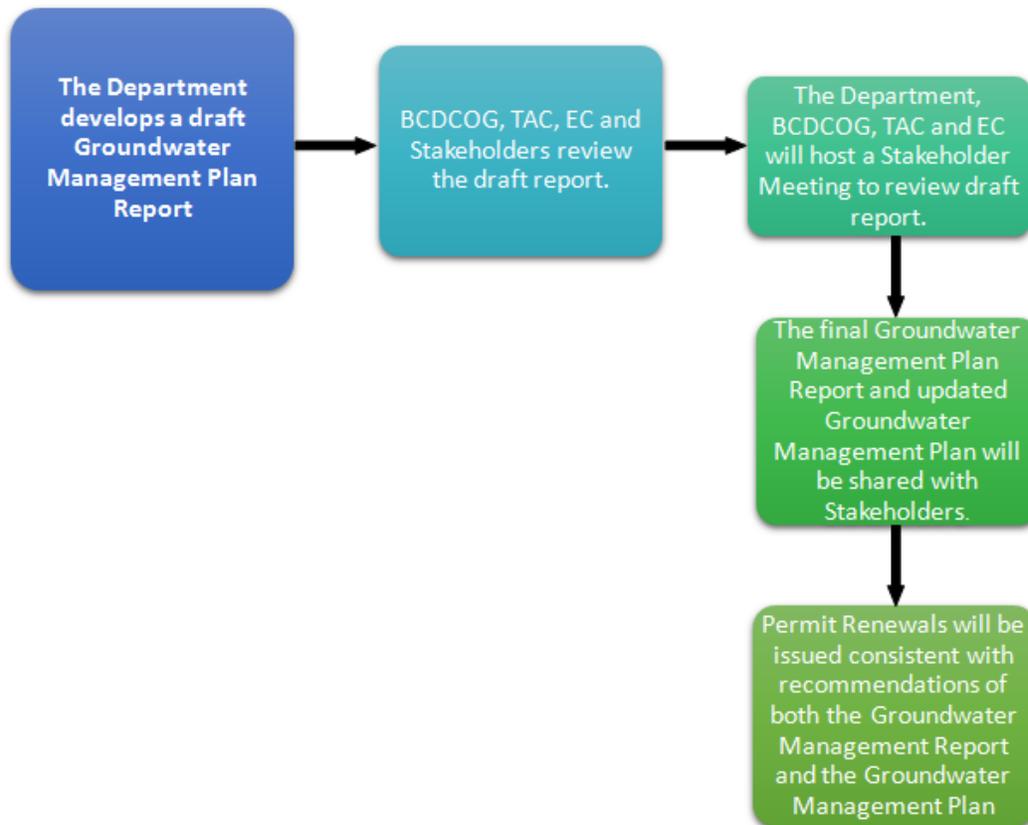
## Groundwater Management Plan Reports

Every 5 years, or length of the permitting cycle, total annual groundwater withdrawals will be compiled and compared to available aquifer potentiometric maps. The report will include the following information:

- Listing of all permitted withdrawers, permitted withdrawal limits, and average groundwater withdrawal;
- Evaluation of withdrawal by category and by aquifer;
- Identification of areas of aquifer stress and all withdrawers utilizing the stressed aquifer(s).

Based on the information developed for the plan report, modifications of groundwater withdrawals in stressed areas will be reviewed and subsequently the Groundwater Management Plan may be amended. The report will also evaluate, as information is developed, changes in water quality of the aquifers, available storage capacity of the aquifers, project future rates of withdrawal and estimate future groundwater declines from the projected withdrawal rates. Through time, a safe sustainable yield for each aquifer will be developed and subsequent withdrawal limits will be based on this available yield. The draft report will be shared with the BCDCOG (including the TAC and EC) and the stakeholders. The Department will host a stakeholder meeting to discuss the draft report. Comments on the draft plan will be taken into consideration as the Department finalizes the report and updates the groundwater management plan based on the report recommendations. The final report and updated groundwater management plan will be shared with the Stakeholders and the permit renewals will be issued consistent with the report and the plan.

**Permit Renewal Process:**





## Environmental Affairs

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# Summary of Public Comments and Department Responses

This document is a summary of comments received on the draft groundwater management plan for the Trident Capacity Use Area during the open comment period (ending April 26, 2017) and DHEC's responses to those comments. They are grouped by six main categories: Definitions, Data, Regional Groundwater Model, Permitting, Groundwater Management Plan and Strategies, and Other.

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### Definitions:

#### **What is the definition of "Beneficial Use" and are ecological functions (base flow) considered beneficial use?**

*"Beneficial Use" is described in the following context in the Groundwater Use and Reporting Act (S.C. Code Ann. Section 49-5-10 (et seq.)): "The General Assembly declares that the general welfare and public interest require that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the development and use of water resources."*

*Further, R. 61-113.F.1(Groundwater Use and Reporting) lists factors for the Department to consider when considering permit applications that help define "beneficial use."*

*Ecological functions (base flow) are not specifically listed in either the Groundwater Use and Reporting Act (S.C. Code Ann. Section 49-5-10 (et seq.)) or the Regulation (R.61-113, Groundwater Use and Reporting). Base flow contribution by groundwater will vary across the Coastal Plain.*

#### **What is the definition of "Sustainable/Sustainable development"? What is "Sustainable Yield"?**

*There are many ways to define this term and concept, but a short definition (and goal of the Groundwater Management Plan) is to satisfy all uses and demands to meet the needs of the present without compromising the ability of future generations to meet their water needs.*

**“Water User” does this refer to all groundwater users or just permitted users?**

*Agree, “Water User” should be defined. For the purpose of the Plan, water user refers to those entities or individuals holding a groundwater withdrawal permit. This will be clarified in the groundwater management plan.*

**Define and include Water Use Plan/Best Management Strategy (WUP/BMS).**

*Agree, a definition for Water Use Plan/Best Management Strategy (WUP/BMS) will be added to the plan.*

*Best management plan (strategy) is defined in R.61-113 (Groundwater Use and Reporting) in R.61-113.B.9. as a document that supports the design, installation, maintenance and management of water conveyance systems and/or water withdrawal systems (water supply, commercial, industrial, agricultural, etc.) which promotes water conservation and protects water quality.*

*In the context of Strategy #2, a “water use plan” is synonymous with “best management strategy (plan)”. The definition for “best management plan” as outlined in R.61-113.B.9. will be added to the groundwater management plan.*

**Define “adverse effects” and should include changes in water quality, wells going dry/water levels dropping below the pump, saltwater intrusion, subsidence and decrease in stream flow.**

*Agree, a definition for “adverse effects” will be added to the plan that includes changes in water quality, wells going dry, water levels dropping below pumps, saltwater intrusion, land subsidence and decreases in stream flow (from reduced contribution by groundwater to base flow).*

**Data:**

**The groundwater management plan should not rely on 2004 data.**

*Clarification:*

*The groundwater management plan incorporates the most recent reported groundwater use data (2015) into the plan:*

- *Table 2. Reported Use (Million Gallons) By County and Category For 2015,*
- *Table 3. Reported Groundwater Use (Million Gallons) By Aquifer and County, 2015,*

- *Figure 8. Groundwater level map of the McQueen Branch/Charleston Aquifer also known as the Middendorf Aquifer (Wachob, 2015, SCDNR Water Resources Report 58),*
- *Figure 11. Reported groundwater use by category, 2015,*
- *Figure 12. Reported groundwater use by aquifer, 2015,*
- *Figure 13. Reported groundwater use by aquifer for Berkeley County, 2015,*
- *Figure 14. Reported groundwater use by aquifer for Charleston County, 2015, and*
- *Figure 15. Reported groundwater use by aquifer for Dorchester County, 2015.*

**The groundwater plan should include graphs of water use over time for each category of use.**

*Agree, graphs of reported groundwater use over time for each category will be added to the plan.*

**Use side by side numbers comparing 2004 data to the 2015 data so that any trends may be apparent.**

*Clarification: A comparison of reported groundwater use for 2004 and for 2015 will be added to plan as a graph. However, long-term trends are not established by looking at only two points in time. The graphs of reported groundwater use over time requested in the previous comment would be the appropriate chart to use in evaluating trends in reported groundwater use.*

### **Regional Groundwater Model:**

**The Trident groundwater management plan should not be finalized until the updates to the regional groundwater model have been finalized by the USGS/SCDNR. The updated model should be incorporated into the groundwater management plan. All new permit requests should be held in abeyance until the USGS groundwater model is complete and the groundwater management plan has been properly vetted and established.**

*The Department agrees that when the updated USGS/SCDNR South Carolina Coastal Plain Groundwater Availability model is available, any new information will be incorporated into the groundwater management plan. The model is one of many tools used to help manage our groundwater resources. SCDNR will be using the updated groundwater model in the development of the State Water Plan. According to SCDNR, the process to update the State Water Plan will be a three to five year process.*

*Also, it should be noted that according to Bruce Campbell (USGS Hydrologist-Southeast Region), via e-mail communication Campbell to Gilkerson, April 6, 2017, the updated model*

*will not be available until January 2019. Therefore, the earliest an evaluation of the coastal aquifer systems would be available is 2022. The Groundwater Use and Reporting Act (S.C. Code Ann. Section 49-5-10 (et seq.)) states that the plan must be approved by the DHEC Board before the Department may issue groundwater withdrawal permits for the area. If the Department cannot consider permit applications in the Trident area for three to five years, this would be an unreasonable impact to economic development and prospective users of the groundwater resource.*

*The Department relies on current water level data from groundwater level monitoring locations in the Trident Area, water level maps for the three major aquifers in the area produced by SCDNR, and the yearly reported groundwater use in making permit decisions. The groundwater level data from the monitoring locations provide real data on water level trends in the McQueen Branch/Charleston Aquifer with periods of record as much as 28 years and in the Floridan Aquifer with periods of record as much as 37 years. The water level data from these wells is collected on an hourly basis using automatic data recorders. SCDNR has published water level maps for the McQueen Branch/Charleston Aquifer (Middendorf) available from 1996 (Hockensmith and Waters, 1998, SCDNR Water Resources Report 19) to the most recently completed map with water level data from 2014 (Wachob, SCDNR Water Resources Report 58). These maps are compiled from hundreds of water level measurements taken by SCDNR, SCDHEC and USGS personnel. These data sets provide a robust, substantial basis for evaluating permit applications in the Trident Area supported by sound science.*

*In summary, a groundwater model is a useful tool, but is not necessary for the Department to evaluate permit applications.*

**The regional groundwater model being updated by the USGS/SCDNR should be used to establish groundwater withdrawals.**

*The Department intends to use the updated model when it becomes available as one of many tools available in managing the groundwater resources. However, the permit criteria in the Groundwater Use and Reporting Act (S.C. Code Ann. Section 49-5-10 (et seq.)) and R.61-113 (Groundwater Use and Reporting Regulation) must still be applied when considering a permit application.*

**The regional groundwater model should be updated every 5 years and incorporated into the groundwater management plan.**

*The South Carolina Coastal Plain Groundwater Availability Model was developed by the USGS and is being updated by the USGS and SCDNR. Future updates are not prescribed by the Department.*

**Model updates should also include models run according to what all groundwater users are fully permitted for versus actual pumpage to ensure that a sustainable withdrawal rate is maintained.**

*This is a scenario that can be run using the model, once the model is final.*

**Data included in the groundwater management plan should include a contrast and comparison between the model numbers in 2004 and 2015, once the 2015 model is complete.**

*The Department will include the 2004 water level map for the McQueen Branch/Charleston Aquifer (Middendorf) compiled by SCDNR (Hockensmith, 2008, SCDNR Water Resources Report 46) for comparison to the 2014 water level map of the same aquifer in the groundwater management plan.*

**USGS/SCDNR should determine the interaction between groundwater and surface water in the coastal plain. All this data and the updated groundwater model should be used in developing the State Water Plan.**

*The Department agrees. SCDNR is required to develop and update the State Water Plan. This is a separate process from the groundwater management plan development for capacity use areas. However, as updates to the State Water Plan become available, the information can be included in revisions of the groundwater management plans.*

**The Technical Advisory Committee (TAC) and the Environmental Committee (EC) of the Berkeley, Charleston, Dorchester Council Of Governments (BCDCOG) along with SCDHEC should host a series of stakeholder meetings to review the model and make any recommendations for the groundwater management plan.**

*Any updates to the groundwater management plan will include the stakeholder process.*

## **Permitting:**

### **Changes to Permit Process**

**Include decision matrix or flow diagram for key steps in the permitting process.**

*Agreed, the Department will add a decision matrix or flow diagram outlining the key steps in the permitting process.*

**Add a section on the permitting process to the plan under the “Geo-political” section identifying the appropriate participants for the TAC to the BCDCOG.**

*The Department will provide the web address for the BCDCOG committee lists maintained by the BCDCOG. Because these lists are maintained by BCDCOG and may change at any time, the plan will reference them and indicate where the most up-to-date list can be found.*

**New permit applications or modification requests should be reviewed by the TAC and EC to determine compliance with the groundwater management plan and make recommendations to SCDHEC.**

*The Department agrees that comments and reviews by the TAC, EC and stakeholders can be incorporated into the review process.*

**The TAC and EC should review all withdrawal reductions proposed by the Department and provide recommendations on permit renewals to SCDHEC.**

*Agree.*

**Upon presentation of the 5-year permit renewals, any model updates and the SCDHEC data updates to the groundwater management plan, SCDHEC, TAC and EC should host a stakeholder's meeting to review the information. The TAC and EC review should include whether the goals and objectives of the groundwater management plan are being met.**

*Agree. The Department believes a stakeholder meeting during the permit renewal process will be beneficial. The groundwater management plan will clarify that a stakeholder meeting will be included in the permit renewal process.*

**Survey users on demand projections to 2035. Use this information to establish allocations of the resource and provide USGS any new information on projected withdrawals. Also, update these projections every 5 years as part of the permit renewal cycle.**

*A water demand forecast process is currently under development by SCDNR, with assistance from the Corps of Engineers, for the state planning process.*

**The Department should require annual water audits to determine water losses or waste. A summary of the permit holders' water audits should be reviewed at renewal.**

*Water audits are included in the groundwater management plan under "Strategy #4: Establish a conservation education plan for the general public and existing groundwater withdrawers" as part of the "Determine water losses and establish corrective actions" bullet.*

**The Farm Bureau requests that water use by aquaculture, agricultural and aesthetic irrigation be included at current and future levels so that the industry can continue to be a viable livelihood for our membership.**

*All groundwater uses are addressed within the plan.*

### **Changes to Application**

**Include sunset provisions in the plan, i.e. golf courses need additional water during grow-in versus maintenance, a goal to reduce withdrawal over time for these types of users should be established.**

*The Department agrees that using a step-down approach for certain uses is appropriate. Note that the Department currently uses this strategy.*

**All applications for new permits or permit modifications must include an alternative analysis and Water Use Plan/Best Management Strategy with justification for the withdrawal. Applicants who do not produce a sufficient WUP/BMS should not be approved.**

*The Department already incorporates an evaluation of alternatives and requires a “Best Management Plan” as part of the permitting process. R.61-113.E.2.j.1. of R.61-113 (Groundwater Use and Reporting) requires that applicants’ alternate sources of water be identified, including but not limited to, surface water(s) and/or availability of treated effluent, to minimize or eliminate groundwater sources. Requirements for a “Best Management Plan” are outlined in R.61-113.E.2.j.*

**New/updated permit applications should follow the same process as is currently required, with expectations and enforcement of the aforementioned Capacity Use Guidelines specifically listed in the groundwater management plan under permit guidelines. Rather than acting as “strategies” we strongly recommend that these become requirements for all applicants.**

*The Department can only require what is outlined in the Groundwater Use and Reporting Act (S.C. Code Ann. Section 49-5-10 (et seq.)) and R.61-113 (Groundwater Use and Reporting Regulation).*

### **Groundwater Management Strategy and Plan:**

**The Technical Advisory Committee (TAC) for BCDCOG should make recommendations for goals and objectives and measures of success for the groundwater management plan.**

*Agree. The Department invites the TAC, BCDCOG, and other stakeholders to share any specific recommendations for goals, objectives and measures of success that they may have for the plan. Please note that the Initial Groundwater Management Plan for the Trident Capacity Use Area is a “living” document and will be evaluated for review and update, at a minimum,*

*on a five year cycle coinciding with permit renewals. There will be an ongoing opportunity for the TAC, BCDCOG and stakeholders to make recommendations and comment on the plan during the permit renewal process. It is envisioned that the plan will evolve over time as conditions change. The Department welcomes continued input from the TAC, BCDCOG and stakeholders in this process.*

**How does the plan reserve water in the aquifer for expected future population growth and industrial use?**

*The groundwater management plan outlines strategies that will be used in evaluating long-term trends, current conditions, and predict future conditions. The groundwater management plan will be reviewed and updated as necessary. Permitted withdrawal amounts can be adjusted as part of the permit renewal process. This will provide an opportunity for newly available information and tools to be incorporated into the plan, assess conditions in the aquifer and take any necessary actions to either prevent or address changing conditions in the aquifer.*

**What is the explanation for the delayed recovery of groundwater shown in Figure 16? The aquifer does not appear to start to recover until 2004.**

*In 2006, public water supply systems in the Trident Area started increasing their reliance on surface water and reducing their groundwater use. Therefore, it is to be expected that groundwater levels in the aquifer would not rebound significantly until after 2006 when withdrawals were consistently reduced.*

*Note that depending upon aquifer characteristics, a response to changes in withdrawals (either increased or decreased) may take some time to be manifested in measured depths to groundwater.*

**Figure 17 seems to show that growth prior to the economic recession (2009) as met by increased surface water usage, not groundwater, was this the result of a water management decision made in 1993?**

*No, several public water supply systems reduced their use of groundwater starting in 2006. Changes in water demand were met by increases in surface water use.*

**The statement in the first sentence of Strategy #3 seems to be at odds with the leveling of usage over the past 10 years as shown in Figure 17.**

*This sentence will be revised to state "With increased population and a growing industrial base, water demand (from both surface and groundwater) is expected to increase.*

**In the Strategy #3 section, the phrase "not stabilizing declines" was disappointing to read. Personally, I would have preferred to read that reversal of the declines was needed.**

*Please note that the expected response in an aquifer in the Coastal Plain to pumping is a decline in water levels. Over time, aquifers typically reach a state of equilibrium where water level declines stabilize and the aquifer reaches a new "steady-state". An indication that a portion of the aquifer is stressed is when these declines do not stabilize. This portion of the strategy identifies when "stressed" aquifers should be evaluated and the potential methods to address the stressed conditions.*

**Stakeholders should have the opportunity to approve significant updates to the groundwater management plan and give public comment.**

*Agree. The plan will be clarified to specifically state that this is part of the plan process.*

**Hydrologic connection of the aquifers should be prohibited.**

*Groundwater Use and Reporting (R.61-113.E.3.g.) specifically prohibits connecting aquifers or zones with documented differences in water quality or result in or create the potential for contamination of any aquifer zone or cause depletion or significant loss of head in any aquifer or zone. Nothing in the groundwater management plan contradicts this prohibition.*

**Water Use Plans/Best Management Strategy should be prepared by groundwater professionals (PG, PE) (Other Appropriate Certifications).**

*Currently, Groundwater Use and Reporting (R.61-113) does not require this certification.*

**Revise the regulation to allow for the collection of fees associated with large groundwater withdrawals. The money from the fees could be used to enhance the groundwater level monitoring network.**

*The establishment of a fee is beyond the scope of the groundwater management plan.*

**Users of water who are exempt under the current laws and regulations from reporting must be considered when examining the demands placed on the aquifers.**

*Agree, however, please note that the Department has no authority to regulate these withdrawals. Pumping effects from exempt withdrawals are captured by the water level maps, water level monitoring data and the groundwater modeling.*

**The Draft Plan must answer the following:**

- **What is the average annual recharge of the various aquifers in the Trident Capacity Use Area?**
- **What is the total useable storage of the various aquifers?**
- **What are the current rates and volumes of groundwater pumping from the various aquifers (from all sources, including estimates for wells pumping below reportable limits)?**

- **What is the seasonal variability of current pumping activities?**
- **What level of water level decline may pose a risk of salt water intrusion?**
- **What are the potential impacts on future groundwater users of significant groundwater declines, including costs of drilling and pumping deeper wells, costs of treatment of poor quality water, or other impacts?**
- **Is the objective to achieve an overall regional balance between aquifer recharge and aquifer discharge (pumping and natural discharge)? If not, what is the objective?**
- **Are local groundwater declines permissible? If so, to what degree?**
- **Are there potential ecological impacts that may result from groundwater declines and reductions of spring flow or other natural groundwater discharge?**
- **What is the relationship between surface water and groundwater systems, and how might this relationship be affected by future pumping from the different regional aquifers?**

*This information will be added to the plan as it becomes available.*

**The Trident Plan should incorporate a comprehensive approach to managing the risk of saltwater intrusion.**

*Monitoring for saltwater intrusion is an element in the plan.*

**Sea level rise presents an elevated risk of saltwater intrusion that should be directly addressed in the Trident Plan.**

*As additional information becomes available regarding sea level rise and the potential impacts to the aquifers in the Trident Area, it will be added to the plan.*

**DHEC has not followed the statutorily-required stakeholder process in the groundwater management plan development. Per Section 45-5-20 of the Groundwater Use and Reporting Act, only “ in those areas where the affected governing bodies and withdrawers are unable to develop a plan”, is DHEC directed to “take action to develop a plan”.**

*The Department disagrees. The BCDCOG and TAC led the initial effort to draft the plan starting in 2005. Although some progress was made, concurrence by local stakeholders on a final plan was never reached.*

*Therefore, the Department is fulfilling its' obligation under the Groundwater Use and Reporting Act (S.C. Code Ann. Section 49-5-10 (et seq.)) by leading a stakeholder-driven process to develop a plan for the region. The Groundwater Use and Reporting Act, S.C. Code Ann. Section 49-5-60 (B) states, “... In those areas where the affected governing bodies and*

*withdrawers are unable to develop a plan, the department shall take action to develop the plan.” The following meetings were held to invite stakeholder participation:*

- *A stakeholder meeting on February 23, 2017,*
- *A public hearing on March 29, 2017, and*
- *A second stakeholder meeting on April 12, 2017.*

*Comments and input were solicited during the meetings and hearing. Additionally, the Department accepted comments and input on the plan through the end of the comment period on April 26, 2017. The plan will incorporate stakeholder, TAC and EC involvement in plan updates as part of the permit renewal cycle.*

**Other:**

**Do not issue a permit modification for Google. Do not let Google use groundwater.**

*Comments are being solicited on the draft initial plan, not on any particular permit application.*