

SCSL Digital Collections

EQC Enforcement Report

Item Type	Text
Rights	Copyright status determined to be in the public domain on April 27, 2020 by United States Supreme Court ruling (Georgia et al., Petitioners v. Public.Resource.Org, Inc. : 590 U.S.__(2020))
Download date	2024-11-02 02:57:55
Link to Item	https://dc.statelibrary.sc.gov/handle/10827/48016

EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
October 11, 2012

BUREAU OF LAND AND WASTE MANAGEMENT

Underground Storage Tank Enforcement

- 1) Order Type and Number: Administrative Order 11-0128-UST
 Order Date: June 20, 2012
 Respondent: **S & M 786, Inc.**
 Facility: Elko Grocery
 Location: 10193 Highway 78, Elko, SC 29826
 Mailing Address: 2840 Brooklet Leefield Road,
 Brooklet, GA 30415-6056

 County: Barnwell
 Previous Orders: None
 Permit/ID Number: 00882
 Violations Cited: State Underground Petroleum
 Environmental Response Bank Act of 1988 (SUPERB Act) Section 44-2-60(A) (2002 and Supp. 2010), and the South Carolina Underground Storage Tank Control Regulation 61-92.280.34(c), R. 61-92.280.70, R. 61-92.280.93(a), and R. 61-92.280.110(c) (Supp. 2011).

Summary: S & M 786, Inc. (Respondent) owns and operates underground storage tanks (USTs) in Barnwell County, South Carolina, and has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulations as follows: failure to submit the mechanism used to demonstrate financial responsibility; failure to submit a completed Certificate of Financial Responsibility; failure to pay annual tank registration fees and late fees for fiscal year 2012; failure to submit documents to the Department upon request; and, failure to comply with the regulatory requirements of a temporarily closed UST.

Action: The Respondent is required to: pay annual tank registration fees and late fees in the amount of two hundred forty-two dollars (\$242.00); submit a completed Certificate of Financial Responsibility and proof of mechanism; submit proof that both 8,000-gallon USTs have been emptied to less than one inch of residue; and, pay a civil penalty in the amount of four thousand, two hundred fifty dollars (**\$4,250.00**).

- 2) Order Type and Number: Administrative Order 11-0269-UST
 Order Date: August 8, 2012

Respondent: **Jennifer Riley**
Facility: Patterson Mill Grocery
Location: 365 Patterson Mill Road, Barnwell,
SC 29812
Mailing Address: P.O. Box 585, Barnwell, SC 29812
County: Barnwell
Previous Orders: AO 09-0301-UST (\$4,850.00)
Permit/ID Number: 00887
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act) Section 44-2-
60(A) (2002 and Supp. 2010), and the South Carolina Underground
Storage Tank Control Regulation 61-92.280.35(c) (Supp. 2011).

Summary: Jennifer Riley (Respondent) owns and operates underground storage tanks (USTs) in Barnwell County, South Carolina, and has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulations as follows: failure to have a trained Class A/B operator for the Facility by August 8, 2011, and, failure to pay annual tank registration fees and late fees for fiscal year 2012.

Action: The Respondent is required to: pay annual tank registration fees and late fees in the amount of two hundred forty-two dollars (\$242.00); submit proof of a trained Class A/B operator for the Facility; and, pay a civil penalty in the amount of nine hundred dollars (**\$900.00**).

3) Order Type and Number: Administrative Order 12-0143-UST
Order Date: August 8, 2012
Respondent: **G.J. Creel & Sons, Inc.**
Facility: Jimmy's Shell
Location: 1314 Longstreet Street, Kingstree,
SC 29556
Mailing Address: 708 12th Avenue, Conway, SC 29526
County: Williamsburg
Previous Orders: 11-0358-UST (\$600.00)
Permit/ID Number: 09100
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act) (2002 and
Supp. 2010), and the South Carolina Underground Storage Tank Control
Regulation 61-92.280.93(a) and R. 61-92.280.110(c) (Supp. 2011).

Summary: G.J. Creel & Sons, Inc. (Respondent) owns and operates underground storage tanks (USTs) in Williamsburg County, South Carolina, and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to comply with Consent Order 11-0358-UST, in that the Respondent failed to continue operation and maintenance of a temporarily closed

UST; failed to pay annual tank registration fees for fiscal year 2012; and, failed to pay a civil penalty of six hundred dollars (\$600.00). The Respondent also failed to demonstrate financial responsibility upon expiration of the previous mechanism and failed to provide financial responsibility documentation to the Department upon expiration of the previous mechanism.

Action: The Respondent is required to submit: proof that the 4,000 gallon tank has been emptied to less than one inch of residue; a completed Certificate of Financial Responsibility and proof of mechanism; payment of outstanding annual tank registration fees and late fees for fiscal year 2012 in the amount of three hundred sixty-three dollars (\$363.00); and, pay a civil penalty in the amount of three thousand, four hundred dollars (**\$3,400.00**). Six hundred dollars (\$600.00) is assessed for Consent Order 11-0358-UST and two thousand, eight hundred dollars (\$2,800.00) is assessed for Administrative Order 12-0143-UST.

- 4) Order Type and Number: Administrative Order 10-0280-UST
Order Date: May 3, 2012
Respondent: **Lottie J. Garvin Et Al, and Marion Garvin, Charles Garvin, Roger Garvin, and Ethel Woods**
Facility: The Former Garvin Corner Store
Location Address: 18 Morgan Dollar Road, Ridgeland, SC
Mailing Address: 10 Jackson Street, Norton, MA 02766
County: Jasper
Previous Orders: None
Permit/ID Number: 05303
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), Section 44-2-60(A) (2002 and Supp. 2010), and the South Carolina Underground Storage Tank Control Regulation 61-92.280.34(c) and R.61-92.280.65 (Supp. 2011).

Summary: Lottie J. Garvin Et Al, and Marion Garvin, Charles Garvin, Roger Garvin, and Ethel Woods (Respondents) owned underground storage tanks, located in Ridgeland, South Carolina, and have violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to pay annual underground storage tank registration fees; failure to determine the full extent of a release in accordance with a schedule established by the Department; and, failure to provide records to the Department upon request.

Action: The Respondents are required to: pay annual tank registration and late fees in the amount of one thousand, five hundred four dollars (\$1,504.00);

submit an Initial Groundwater Assessment Report; and, pay a civil penalty in the amount of five thousand, eight hundred fifty dollars (**\$5,850.00**).

- 5) Order Type and Number: Consent Order 12-0239-UST
Order Date: August 31, 2012
Respondent: **Oliver B. Thames**
Facility: Bull's Bay Supply
Location: 10086 Highway 17 North,
McClellanville, SC 29458
Mailing Address: P.O. Box 698, McClellanville, SC
29458
County: Charleston
Previous Orders: None
Permit/ID Number: 17455
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act) (2002 and
Supp. 2011), and the South Carolina Underground Storage Tank Control
Regulation 61-92.280.93(a), and R.61-92.280.110(c) (Supp. 2011).

Summary: Oliver B. Thames (Respondent) owns and operates underground storage tanks (USTs) in Charleston County, South Carolina, and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility upon expiration of the previous mechanism; and, failure to provide Financial Responsibility documentation to the Department upon request, upon expiration of the previous mechanism.

Action: The Respondent is required to pay a civil penalty in the amount of six hundred dollars (**\$600.00**). The Respondent complied after the implementation of Delivery Prohibition and prior to the execution of the Consent Order.

- 6) Order Type and Number: Consent Order 12-0138-UST
Order Date: August 10, 2012
Respondent: **Sanjay Patel and Ulka Patel**
Facility: Pee Dee Grocery
Location Address: 9150 Highway 701 South, Conway,
SC
Mailing Address: 2521 Hunters Trail, Myrtle Beach,
SC 29588
County: Horry
Previous Orders: AO 11-0148-UST (\$4,158.00)
Permit/ID Number: 10475

Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), and the South Carolina Underground Storage Tank Control Regulation 61-92.280.93(a) and R.61-92.280.110(c) (Supp. 2011).

Summary: Sanjay Patel and Ulka Patel (Respondents) own and operate underground storage tanks, located in Conway, South Carolina, and have violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility and failure to provide financial responsibility documentation to the Department upon request.

Action: The Respondent is required to pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

7) Order Type and Number: Consent Order 12-0245-UST
Order Date: August 7, 2012
Respondents: **First Choice Services, LLC**
Facility: Gas Mex, LLC
Location: 729 South Piedmont Hwy.,
Piedmont, SC 29673
Mailing Address: 2919 White Horse Road, Greenville,
SC 29611
County: Greenville
Previous Orders: None
Permit/ID Number: 16391
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act) (Rev. 2002 and Supp. 2010), and the South Carolina Underground Storage Tank Control Regulation 61-92.280.93(a) and R.61-92.280.110(c) (Supp. 2011).

Summary: First Choice Services, LLC (Respondent) owns and operates underground storage tanks (USTs) in Greenville County, South Carolina, and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility and failure to submit updated financial responsibility documentation, upon expiration of the previous mechanism.

Action: The Respondent is required to: submit a completed Certificate of Financial Responsibility; submit proof of a financial responsibility mechanism; and, pay a civil penalty in the amount of eight hundred fifty dollars (**\$850.00**).

8) Order Type and Number: Consent Order 12-0255-UST
Order Date: August 9, 2012
Respondent: **Orange Heaven, Inc.**

Facility: Orange Heaven, Inc. d.b.a. Jetco
Location: 106 East Cedar Street, Pickens, SC
29671
Mailing Address: Same
County: Pickens
Previous Orders: 11-0105-UST (\$630.00)
Permit/ID Number: 07285
Violations Cited: State Underground Petroleum
Environmental Response Bank Act of 1988 (SUPERB Act) (2002 and
Supp. 2010), and the South Carolina Underground Storage Tank Control
Regulation 61-92.280.20(c)(1)(ii) (Supp. 2011).

Summary: Orange Heaven, Inc. (Respondent) owns and operates underground storage tanks (USTs) in Pickens County, South Carolina, and has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to use an adequate overfill protection system on an underground storage tank, in that the required shut-off mechanism was blocked by a stick.

Action: The Respondent is required to: pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Solid Waste Enforcement

9) Order Type and Number: Consent Order 12-02-SW
Order Date: August 31, 2012
Respondent: **A.C.E. Environmental, Inc.**
Facility: Ace Recycling
Location: 512 Cherokee Road, Pelzer, SC
Mailing Address: 508 Cherokee Road, Pelzer, SC
29669
County: Anderson
Previous Orders: None
Permit/ID Number: 042663-2001
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991 (Rev. 2002); the Solid Waste Management:
Solid Waste Processing Facilities Regulation 61-107.6.F.3.b. (Supp.
2011); the Solid Waste Processing Permit #042663-2001, Conditions 1, 2,
7, and 9; and the Solid Waste Center Construction Permit Application,
Sections 2.3, 3.1.1., 3.1.2., Figures 3, 3.2, 3.3, Sections 5.0, and 7.1.

Summary: A.C.E. Environmental, Inc. (Respondent) owns and operates a solid waste processing facility, located in Pelzer, South Carolina, and has violated the South Carolina Solid Waste Policy and Management Act of 1991, Solid Waste Processing Facilities Regulation, Solid Waste Processing Permit #042663-2001,

and the Solid Waste Processing Center Construction Permit Application (CPA) as follows: failure to adhere to the final engineering plans/specifications for a solid waste processing facility.

Action: The Respondent is required to: cease accepting and processing non-Appendix I C&D waste within the permitted boundaries of the facility; mark the permitted boundaries with permanent, visible markers; separately mark the boundary outside of the Solid Waste Processing Facility for the Recovered Material Processing Facility; remove all non-appendix I waste, including waste tires, from the permitted boundaries of the Solid Waste Facility and provide documentation of its recovery and/or disposal; bring the facility into compliance with the regulation, the permit and the CPA; submit as-built drawings that certify the construction of the facility is in accordance with the permit and the CPA; begin keeping records of recovered materials stored outside the boundaries of the permitted facility, to demonstrate a 75% recovery rate; submit any proposed amendments to the Solid Waste Processing Permit for the facility; and, pay a civil penalty in the amount of seven thousand, five hundred dollars (**\$7,500.00**).

Hazardous Waste Enforcement

10) Order Type and Number: Consent Order 12-09-HW
Order Date: August 9, 2012
Respondent: **Owen Electric Steel of South Carolina d.b.a. CMC Steel South Carolina**

Facility: CMC Steel South Carolina
Location: 310 New State Road
Cayce, SC 29033

Mailing Address: Same
County: Lexington
Previous Orders: None
Permit Number: SCD 003 353 760
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulation 61-79.264.145(f)(1)(i)(A) and R.61-79.264.146(f)(6).

Summary: Owen Electric Steel of South Carolina d.b.a. CMC Steel South Carolina (Respondent) operates a steel works facility and has been issued a permit for post-closure care of a hazardous waste management unit. The Respondent has violated the South Carolina Hazardous Waste Management Regulations as follows: failure to demonstrate that the requirements of a financial test have been passed by meeting at least two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus

depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and, failure to notify the Department of the Respondent's intent to establish alternate financial assurance within 90 days after the end of the fiscal year for which the year-end financial data demonstrates that the owner or operator no longer meets the requirements.

Action: The Respondent is required to: ensure financial assurance for post-closure care is maintained in compliance with the regulations and pay a civil penalty in the amount of four thousand, three hundred eighty dollars (**\$4,380.00**).

- 11) Order Type and Number: Consent Order 12-10-HW
Order Date: August 8, 2012
Respondent: **Shealy Environmental Services, Inc.**
Facility: Shealy Environmental Services, Inc.
Location: 106 Vantage Point Drive
West Columbia, SC
Mailing Address: Ssame
County: Lexington
Previous Orders: None
Permit/ID Number: SCR 000 075 879
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2); The South Carolina Hazardous Waste Management Regulation 61-79.262.34(c)(1)(ii); R.61-79.273.14(e); R.61-79.273.13(d)(1); R.61-79.262.13(d); R.61-79.262.41(a); R.61-79.265.54(d); R.61-79.265.53(b); and, R.61-79.265.37(a)(1-4).

Summary: Shealy Environmental Services, Inc. (Respondent), located in West Columbia, South Carolina, is an environmental laboratory that offers analytical and biological services. The Respondent has violated the South Carolina Hazardous Waste Management Regulations as follows: failure to mark satellite accumulation containers with the words: "HAZARDOUS WASTE" or with other words that identify the contents of the container; failure to label or mark clearly each lamp or container in which such lamps are contained with one of the following phrases: "Universal Waste – Lamp(s)," "Waste Lamps," or "Used Lamp(s);" failure to contain any universal waste lamp in closed containers or packages that are structurally sound, adequate to prevent breakage, compatible with the contents of the lamps; failure to file a revised Notification form whenever the information previously provided becomes outdated or inaccurate; failure to prepare and submit within 30 days after the end of each calendar quarter a written report of the waste generated during the quarter; failure to immediately amend the contingency plan whenever the list of emergency coordinators changes; failure to submit a copy of the contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response

teams that may be called upon to provide emergency services; and, failure to make all necessary preparedness and prevention arrangements with emergency responders, as appropriate for the type of waste handled at the facility.

Action: The Respondent is required to: pay a civil penalty in the amount of four thousand, five hundred dollars (**\$4,500.00**).

Joint Enforcement – Solid Waste, Hazardous Waste, Water Pollution

12) Order Type and Number: Consent Order of Dismissal
Docket No. 10-ALJ-07-0813-CC

Order Date: August 6, 2012

Respondent: **3R, Inc.**

Facility: 3R, Inc.

Location: 712 DeYoung Road,
Greer, SC 29651 &
242 Crawford Circle
Spartanburg, SC 29301

Mailing Address: 242 Crawford Circle,
Spartanburg, SC 29301

County: Spartanburg

Previous Orders: None

Permit/ID Number: SCR 000 767 194 (Haz. Waste)

Violations Cited: South Carolina Hazardous Waste Management Act §44-56-130(2); South Carolina Hazardous Waste Management Regulation 61-79.263.11(a); R.61-79.265.173(c); R.61-79.262.34(a)(2); R.61-79.265.173(d); R.61-79.270.1(c); R.61-79.262.11; R.61-79.263.30; R.61-79.262.90; R.61-79.262.13(d); and, R.61-79.263.12; R.61-79.262.40(a); Pollution Control Act, S.C. Code Ann. § § 48-1-90(a), 48-1-110(d)(2008) and the regulations governing Water Pollution Control Permits, 24 S.C. Code Ann. Regs. 61-9.122.41(a)(2) (Supp.2010); South Carolina Solid Waste Policy and Management Act of 1991 (Rev. 2002), and Solid Waste Processing Facilities Regulation 61-107.6, Section D.1 (Supp. 2011).

Summary: 3R, Inc. (Respondent) operates as a full service environmental response contractor specializing in industrial maintenance and cleaning at two (2) locations in Spartanburg County. The Department issued an Administrative Order (AO) against the Respondent on August 17, 2010. The Board denied the Respondent's Request for Final Review on September 24, 2010. Appeals to the Administrative Law Court resulted in a Joint Motion to Vacate Summary Judgment Orders as well as a Consent Order of Dismissal.

Action: The Respondent is required to: submit formal notification of its regulated waste activity; submit documentation of an accurate waste

determination and proper disposal of numerous waste streams outlined in the AO; submit a site inventory and documentation of an accurate waste determination for solid wastes remaining at both sites; submit, for review and approval, a work plan that addresses remediation of stained soils described in the AO; immediately cease transportation of hazardous waste; cease all solidification activities requiring permits; develop a Best Management Practices (BMP) Guide for waste management activities occurring at both sites; determine the appropriate Standard Industrial Classification (SIC) for each of its business locations; prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) in conformance with applicable requirements along with an application for an Industrial Stormwater General Permit; pay a civil penalty in the amount of ten thousand dollars (\$10,000.00); and, pay a stipulated penalty in the amount of twenty thousand dollars (\$20,000.00) if the Respondent fails to meet any requirement of the Order. Any violations similar to those addressed in the AO occurring within one (1) year shall result in the assessment of an additional thirty thousand dollar (\$30,000.00) civil penalty.

BUREAU OF WATER

Drinking Water Enforcement

13)	<u>Order Type and Number:</u>	Consent Order 12-057-DW
	<u>Order Date:</u>	August 1, 2012
	<u>Respondent:</u>	Carolina Water Service, Inc.
	<u>Facility:</u>	Indian Pines Subdivision
	<u>Location:</u>	St. David's Church Road West Columbia, SC 29171
	<u>Mailing Address:</u>	200 Weathersfield Avenue Altamonte Springs, FL 32714-4027
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	3250051
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.5.H(2)

Summary: Carolina Water Service, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: the PWS exceeded the maximum contaminant level (MCL) for combined radium 226/228.

Action: The Respondent is required to: submit a corrective action plan to include proposed steps to address the combined radium 226/228 MCL exceedance

and pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should the Respondent fail to meet any requirement of the Order.

14) Order Type and Number: Consent Order 12-058-DW
Order Date: August 17, 2012
Respondent: **Country Walk Homeowners Association, Inc.**
Facility: Country Walk Subdivision
Location: 115 Dogwood Terrace Lane
Clemson, SC 29631
Mailing Address: Same
County: Pickens
Previous Orders: None
Permit/ID Number: 39-065-11
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Country Walk Homeowners' Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. The Respondent has violated the Public Swimming Pools Regulation as follows: the skimmer baskets were missing weirs; 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 pH level was not within the acceptable range of water quality standards; the emergency telephone was not operating; and the letter sizing on the "No Lifeguard On Duty - Swim At Your Own Risk" signs was incorrect. A violation was issued for failure to properly operate and maintain the pool on one occasion.

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

15) Order Type and Number: Consent Order 12-059-DW
Order Date: August 7, 2012
Respondent: **CRP, Inc.**
Facility: Days Inn
Location: 1564 Highway 17 North
Little River, SC 29566
Mailing Address: Same
County: Horry
Previous Orders: None
Permit/ID Number: 26-977-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: CRP, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. The Respondent has violated the Public Swimming Pools Regulation as follows: the pool floor was not clean and free of algae; the pool deck was not clear of hazards; the gutters were dirty and not operating properly; the pool rules sign was not completely filled out; the pool operator of record information was not posted; two approvable "Shallow Water - No Diving" signs were not posted; there was no United States Coast Guard approved life ring; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; and, the bound and numbered log book was not maintained on a daily basis. A violation was issued for failure to properly operate and maintain the pool on one occasion.

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

16) <u>Order Type and Number:</u>	Consent Order 12-060-DW
<u>Order Date:</u>	August 7, 2012
<u>Respondent:</u>	Shiram Hospitality, LLC
<u>Facility:</u>	La Quinta
<u>Location:</u>	201 South Ocean Boulevard North Myrtle Beach, SC 29582
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	26-M66-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J) and 61-51(K)(1)(c)

Summary: Shiram Hospitality, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. The Respondent has violated the Public Swimming Pools Regulation as follows: the bound and numbered log book was not maintained on a daily basis; the pool walls were not clean; the cyanuric acid level was above the water quality standards acceptable limit; there were chlorine sticks in the skimmer baskets; the perimeter fencing was broken; the post light by the entrance gate was missing and electrical wiring was exposed; the United States Coast Guard approved life ring was missing a throw line; the shepherd's crook was not permanently attached to a compliant pole; the pool operator of record information was not posted or available; the disinfection equipment was not operating; and, the Respondent failed to schedule an inspection of the pool prior to re-opening after Department closure. A violation was issued for failure to properly operate and maintain the pool on three occasions and the pool was re-opened prior to receiving Department approval on

one occasion. A follow-up inspection following the third violation verified that all of the deficiencies had been addressed.

Action: The Respondent is required to: submit a corrective action plan to address the log book deficiency and pay a civil penalty in the amount of one thousand nine hundred sixty dollars (**\$1,960.00**). The civil penalty is to be paid in three installments.

17) Order Type and Number: Consent Order 12-061-DW
Order Date: August 16, 2012
Respondent: **Peppertree Homeowners Association, Inc.**
Facility: Peppertree Subdivision
Location: 26 Chateau Drive
Greenville, SC 29615
Mailing Address: P.O. Box 1309
Taylors, SC 29687
County: Greenville
Previous Orders: None
Permit/ID Number: 23-117-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Peppertree Homeowners Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. The Respondent has violated the Public Swimming Pools Regulation as follows: the lifeline with floats was not in place; the main drain grates were not visible; the pool water was cloudy; and, the recirculation and filtration system was not operating properly (leaking water). A violation was issued for failure to properly operate and maintain the pool on two occasions.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies and pay a civil penalty in the amount of seven hundred twenty dollars (**\$720.00**). The civil penalty has been paid.

18) Order Type and Number: Consent Order 12-062-DW
Order Date: August 24, 2012
Respondent: **JER/Jameson Properties, LLC**
Facility: Jameson Inn
Location: 226 Hi-Tec Road
Seneca, SC 29678
Mailing Address: 1703 Laurel Street
Columbia, SC 29201
County: Oconee

Previous Orders: None
Permit/ID Number: 37-042-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J) and
61-51(K)(1)(c)

Summary: JER/Jameson Properties, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. The Respondent has violated the Public Swimming Pools Regulation as follows: the chlorine level was not within the acceptable range of water quality standards; several no diving tiles were missing from the deck or not affixed securely in their location; the depth marker tiles did not have the proper letter sizing; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not filled out; the bound and numbered log book was not maintained on a daily basis; the writing on the pool rules sign was not legible; the life rings and shepherd's crook were not easily accessible; and, the Respondent failed to schedule an inspection of the pool prior to re-opening after Department closure. A violation was issued for failure to properly operate and maintain the pool on four occasions and the pool was re-opened prior to receiving Department approval on two occasions.

Action: The Respondent is required to: submit a corrective action plan and schedule of implementation to address the deficiencies and pay a civil penalty in the amount of two thousand two hundred forty dollars (**\$2,240.00**). The civil penalty has been paid.

19) Order Type and Number: Consent Order 12-063-DW
Order Date: August 23, 2012
Respondent: **The Cliffs at Keowee Vineyards
Golf & Country Club, LLC**
Facility: Keowee Vineyards Marina
Location: 191 Horse Pasture Road
Sunset, SC 29685
Mailing Address: 303 Peachtree Street
Northeast Suite 5300
Atlanta, GA 30308
County: Pickens
Previous Orders: None
Permit/ID Number: 39-1005B
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Cliffs at Keowee Vineyards Golf & Country Club, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a pool. The Respondent has violated the Public Swimming Pools Regulation as follows: the skimmer baskets were missing weirs; the flow meter was broken; 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 United States Coast Guard approved life ring was not the correct size; the emergency telephone was not operational; and, the pool rules sign was not filled out. A violation was issued for failure to properly operate and maintain the pool on one occasion. A follow-up inspection verified that all of the deficiencies had been addressed.

Action: The Respondent is required to: pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid.

20) Order Type and Number: Consent Order 12-064-DW
Order Date: August 24, 2012
Respondent: **Jenkinsville Water Company, Inc.**
Facility: Jenkinsville Water Company
Location: 12924 Highway 213
Jenkinsville, SC 29065
Mailing Address: Same
County: Fairfield
Previous Orders: 10-058-DW (Stipulated \$4,000.00);
10-125-DW (Stipulated \$3,600.00)
Permit/ID Number: 2020001
Violations Cited: S.C. Code Ann. Regs. 61-58.5.F(2),
61-58.6.E(2)(b)(i), and 61-58.16.E(1)(b)

Summary: Jenkinsville Water Company, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: the PWS exceeded the maximum contaminant level for total coliform which resulted in an acute violation of the Total Coliform Rule; and the Respondent failed to provide a public notice no later than twenty-four hours after learning of the violation, and failed to collect at least one ground water source sample within twenty-four hours of notification of the total coliform positive sample. Routine sample results following the exceedance were absent for total coliform.

Action: The Respondent is required to: submit a standard operating procedure that will be followed by the representatives of the Respondent to ensure that all monitoring and reporting requirements are complied with; and pay a civil penalty in the amount of fourteen thousand dollars (**\$14,000.00**).

21) Order Type and Number: Consent Order 12-065-DW
Order Date: August 17, 2012
Respondent: **Greenville Hotel Partners, Inc.**

Facility: Comfort Inn & Suites
Location: 831 Congaree Road
Greenville, SC 29607
Mailing Address: Same
County: Greenville
Previous Orders: None
Permit/ID Number: 23-354-1
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Greenville Hotel Partners, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a pool. The Respondent has violated the Public Swimming Pools Regulation as follows: the gate did not self latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool water was cloudy; there was no emergency landline phone within two hundred feet of the pool; the pool rules sign was not filled out; and, the bound and numbered log book was not maintained on a daily basis. A violation was issued for failure to properly operate and maintain the pool on one occasion.

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

Water Pollution Enforcement

22) Order Type and Number: Consent Order 12-028-W
Order Date: August 7, 2012
Respondent: **John Dodd Road Industrial Properties, LLC**
Facility: AVANTI - Spartanburg
Location: John Dodd Rd & North Blackstock Rd., Spartanburg, SC
Spartanburg, SC
Mailing Address: 340 East Main Street, Suite 500
Spartanburg, SC 29302
County: Spartanburg
Previous Orders: None
Permit/ID Number: SCR10P378
Violations Cited: S.C. Code Ann. § 48-1-110(d) (2008); S.C. Code Ann. § 48-1-90(a) (2008); 24 S.C. Code Ann. Regs. 61-9.122.41(e) (2011).

Summary: John Dodd Road Industrial Properties, LLC (Respondent), located in Spartanburg, South Carolina, owns and is responsible for the land disturbing activities associated with the development of the AVANTI-Spartanburg Site. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to install and properly operate and maintain storm water, sediment and erosion control devices; 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 Respondent is required to: submit sign-in sheets and agendas from pre-construction meetings; submit copies of all weekly storm water inspections for a period of six (6) months; submit a report signed and stamped by a Professional Engineer certifying controls; and, pay a civil penalty in the amount of ten thousand two hundred dollars (**\$10,200.00**).

23) Order Type and Number: Consent Order 12-029-W
Order Date: August 7, 2012
Respondent: **North Greenville University**
Facility: North Greenville University
Location: 2620 Highway 414
Traveler's Rest, SC
Mailing Address: P.O. Box 1892
Tigerville, SC 29688
County: Greenville
Previous Orders: None
Permit/ID Number: 35259-WW
Violations Cited: S.C. Code Ann. § 48-1-110(a) (2008); 25 S.C. Code Ann. Regs. 61-67.100.E(4) and (7) (2002); and, 25 S.C. Code Ann. Regs. 61-67.300.G(1)(2002).

Summary: North Greenville University (Respondent), located in Greenville, South Carolina, owns and is responsible for the proper operation and maintenance of a wastewater collection system (WWCS). The Respondent has violated the Pollution Control Act and the Standards for Wastewater Facility Construction Regulations as follows: constructed and placed into operation components of the WWCS without the appropriate permits or approvals from the Department; and operated an unapproved pump and haul operation.

Action: The Respondent is required to: purchase and connect to an existing wastewater treatment facility (WWTF); complete the construction of a proposed WWTF or construct a drainfield once approved by the Department; continue the pump and haul program with weekly reports to the Region 2 Greenville EQC office; and, pay a civil penalty in the amount of eight thousand four hundred dollars (**\$8,400.00**).

24) Order Type and Number: Consent Order 12-030-W
Order Date: August 7, 2012
Respondent: **Pickens County Public Service Commission**
Facility: Eighteen Mile Creek Upper Regional Wastewater Treatment Facility
Location: Intersection of US Highway 123 and Black Bottom Road, Pickens, SC 29650
Mailing Address: 151 Clearwater Drive Liberty, SC 29657
County: Pickens
Previous Orders: 11-042-W (\$8,000.00); 10-036-W (\$1,700.00)
Permit/ID Number: SC0042994
Violations Cited: S.C. Code Ann. § 48-1-110(d) (2008) and 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (d) (2010).

Summary: Pickens County Public Service Commission (Respondent) is responsible for the proper operation and maintenance of the Eighteen Mile Creek Upper Regional Wastewater Treatment Facility (WWTF) located in Pickens County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the permitted limits for Whole Effluent Toxicity (WET), as specified in its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent is required to: initiate a Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE) if the WWTF effluent fails to meet WET limits during a period of one year from the execution date of the Consent Order; submit a TIE/TRE Plan to the Department in the event of the failure to meet WET limits; and, pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**).

25) Order Type and Number: Consent Order 12-031-W
Order Date: August 31, 2012
Respondent: **Reflective Recycling of SC, LLC**
Facility: Manufacturing Facility and Wastewater Treatment System
Location: 520 Calico Drive Pacolet, SC 29732
Mailing Address: Same
County: Spartanburg
Previous Orders: None
Permit/ID Number: None

Violations Cited: S.C. Code Ann. § 48-1-110(d) (2008) and 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (d) (2010).

Summary: Reflective Recycling of SC, LLC (Respondent) is responsible for the proper operation and maintenance of its manufacturing facility and the associated wastewater treatment facility (WWTF) located in Spartanburg County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: discharged wastewater into the environment, including into waters of the State, in a manner other than in compliance with a permit issued by the Department; failed to apply for and obtain a valid National Pollutant Discharge Elimination System (NPDES) Permit prior to discharging wastewater into waters of the State; and, failed to obtain approval prior to placing a wastewater disposal system into operation.

Action: The Respondent is required to: submit an administratively complete NPDES Permit application; submit an updated Storm Water Pollution Prevention Plan (SWPPP), reflecting current operations, conditions and activities at the Site; submit an Operation and Maintenance Manual, addressing the operation of the wastewater treatment system; pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**); and, pay a suspended penalty in the amount of six thousand dollars (\$6,000.00) should the Respondent fail to meet any requirement of the Order.

26) Order Type and Number: Consent Order 12-032-W
Order Date: August 24, 2012
Respondent: **Oconee Joint Regional Sewer Authority**
Facility: Martins Creek Pump Station
Location: Owens Rd and Ridgeview Lane
Mailing Address: P.O. Box 399
Seneca, SC 29679-0399
County: Oconee
Previous Orders: None
Permit/ID Number: SC0033553
Violations Cited: S.C. Code Ann. § 48-1-90(a) and 110(d) (2008) and 24 S.C. Code Ann. Regs. 61-9.122.41(e) and (l)(6)(i) (Supp. 2010)

Summary: Oconee Joint Regional Water and Sewer Authority (Respondent) owns and is responsible for a wastewater trunkline and transportation system (WWTTS) in Oconee County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to provide twenty-four (24) hour oral and five (5) day written notification of two (2) sanitary sewer overflows (SSO); failed to properly operate and maintain the WWTTS in accordance with the terms and

conditions of its National Pollutant Discharge Elimination System (NPDES) Permit, and discharged raw sewage into the environment, including waters of the State, in a manner other than in compliance with a permit issued by the Department.

Action: The Respondent is required to: close out a holding pond; develop and implement a capacity, Management, Operation and Maintenance (cMOM) program for the wastewater treatment facility (WWTF); properly report all SSOs in accordance with State Regulations; and, pay a civil penalty in the amount of eighteen thousand dollars (**\$18,000.00**). The civil penalty is to be paid in two (2) installments of nine thousand dollars (\$9,000.00).

BUREAU OF AIR QUALITY

27) <u>Order Type and Number:</u>	Consent Order 12-026-A
<u>Order Date:</u>	August 7, 2012
<u>Respondent:</u>	The Spartanburg Humane Society, Inc.
<u>Facility:</u>	The Spartanburg Humane Society, Inc.
<u>Location:</u>	150 Dexter Rd, Spartanburg, SC 29303
<u>Mailing Address:</u>	Same
<u>County:</u>	Spartanburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	2060-0323
<u>Violations Cited:</u>	24A S.C. Code Ann. Regs. 61-62.5, Standard No. 3 - Section VI.C.2, and 24A S.C. Code Ann. Regs. 61-62.1, Section II

Summary: The Spartanburg Humane Society, Inc. (Respondent) owns and operates a kennel for the adoption of stray and unwanted animals. On December 10, 2009, the Department issued State Air Quality Operating Permit 2060-0323 (Operating Permit) to the Respondent. The Respondent violated South Carolina Air Pollution Control Regulations and its Operating Permit as follows: failure to record the daily waste(s) charge rates and hours of operation for its pet crematory incinerator and failure to record temperature readings at least every 15 minutes during operation of the incinerator.

Action: The Respondent is required to record the daily waste(s) charge rates (in pounds of animals cremated), hours of operation, and temperature readings of the combustion zone and/or afterburner; pay a civil penalty in the amount of six hundred dollars (**\$600.00**); and, pay a suspended penalty in the

amount of five thousand four hundred dollars (\$5,400.00) should the Respondent fail to meet any requirements to the order.

28) Order Type and Number: Consent Order 12-027-A
Order Date: August 7, 2012
Respondent: **Giant Cement Company**
Facility: Giant Cement Company
Location: 654 Judge St, Harleyville, SC 29448
Mailing Address: P.O. Box 218, Harleyville, SC 29448
County: Dorchester
Previous Orders: 08-018-A (\$34,000.00)
Permit/ID Number: 0900-0002
Violations Cited: U.S. EPA 40 CFR 63.1220(c) (1),
24A S.C. Code Ann. Regs. 61-62.1, Section II, and 24A S.C. Code Ann.
Regs. 61-62.63, Subpart EEE.

Summary: Giant Cement Company (Respondent) owns and operates a Portland cement manufacturing facility. The Department issued Part 70 Air Quality Operating Permit TV-0900-0002 (Title V Permit) to the Respondent, effective April 1, 2003. The Respondent violated U.S. EPA Regulations, South Carolina Air Pollution Control Regulations, and its Title V Permit as follows: failure to achieve a destruction and removal efficiency (DRE) of 99.99% for 1,2-Dichlorobenzene, which is a principle organic hazardous constituent (POHC), from the cement kiln system.

Action: The Respondent is required to: achieve a DRE of 99.99% for all POHCs introduced to the waste feed of the cement kiln system and pay a civil penalty in the amount of five thousand six hundred dollars (**\$5,600.00**).

29) Order Type and Number: Consent Order 12-028-A
Order Date: August 7, 2012
Respondent: **Aeroacoustic Corporation**
Facility: Aeroacoustic Corporation
Location: 3300 Corporation Way
Darlington, SC 29532
Mailing Address: Same
County: Darlington
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: 24A S.C. Code Ann. Regs. 61-62.2,
Prohibition of Open Burning

Summary: Aeroacoustic Corporation (Respondent) located in Darlington County, South Carolina, manufactures products for the reduction, containment or

exclusion of unwanted sound. The Respondent violated South Carolina Air Pollution Control Regulations as follows: burned materials prohibited by the regulation, including wooden pallets.

Action: The Respondent is required to: cease open burning, except as in accordance with the regulations and pay a civil penalty in the amount of five thousand six hundred dollars (**\$5,600.00**).

30) Order Type and Number: Consent Order 12-029-A
Order Date: August 17, 2012
Respondent: **Jeanie Weeks**
Facility: Jeanie Weeks
Location: 6939 Candy Buck Lane
Effingham, SC 29541
Mailing Address: Same
County: Florence
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: 24A S.C. Code Ann. Regs. 61-62.2
(Supp. 2011), Prohibition of Open Burning

Summary: Ms. Jeanie Weeks (Respondent) owns and resides on property located at 6939 Candy Buck Lane in Effingham, South Carolina. The Respondent violated South Carolina Air Pollution Control Regulations as follows: burned materials prohibited by the Regulation, including household garbage.

Action: The Respondent is required to: cease open burning, except as in accordance with the regulations; pay a civil penalty in the amount of one hundred dollars (**\$100.00**); and, pay a suspended penalty in the amount of five hundred dollars (\$500.00) should the Respondent fail to meet any requirement of the Order.

31) Order Type and Number: Consent Order 12-030-A
Order Date: August 31, 2012
Respondent: **Guardian Industries Corp.**
Facility: Guardian Industries Corp.
Location: 610 L&C Distribution Park,
Richburg, SC 29729
Mailing Address: Same
County: Chester
Previous Orders: None
Permit/ID Number: 0640-0018
Violations Cited: S.C. Code Ann. 48-1-90(a)

Summary: Guardian Industries Corp. (Respondent) manufactures float and pattern glass at its facility located in Richburg, South Carolina. The Department issued Part 70 (Title V) Air Quality Operating Permit TV-0640-0018 to the Respondent, effective January 1, 2008. The Respondent violated the Permit as follows: exceeded its sulfur dioxide and sulfuric acid emission limits during five events where the pollution control devices were shutdown for routine maintenance.

Action: The Respondent is required to: submit a permit modification request addressing uncontrolled emissions occurring during routine maintenance and pay a civil penalty in the amount of six thousand five hundred dollars (**\$6,500.00**).