

South Carolina Department of Health and Environmental Control  
Bureau of Land and Waste Management  
Underground Storage Tank Program  
2600 Bull Street, Columbia, S.C. 29201

**CONSENT ORDER**

NUMBER: 03-5339-UST

EFFECTIVE DATE: **OCT 24 2003**

Facility Name: Westend Shell

UST Permit #: 08299

Facility Address: 555 W. Georgia St., Woodruff, Spartanburg County, SC

To: Bobby Godfrey d/b/a Westend Shell

Findings of Fact

1. Bobby Godfrey d/b/a Westend Shell owns and operated underground storage tanks as defined in the State Underground Petroleum Environmental Response Bank (SUPERB) Act, Title 44, Chapter 2 of the South Carolina Code of Laws as amended, which are located at the above referenced facility.
2. Notices of Violation, dated **July 15, 2003 and August 11, 2003**, attached and incorporated herein as part of this Order, were issued citing the above referenced facility for violations of the South Carolina Underground Storage Tank Control Regulations, R.61-92.
3. Based on inspection of the facility as set forth in the Notices of Violation, the owner/operator is found to have violated the provisions set forth below with corresponding civil penalties and regulations.

R.61-92

Section 280.70(c) Failure to properly abandon a temporarily closed system after 12 months \$500

R.61-92

Section 280.93(a) Failure to demonstrate financial responsibility \$500

R.61-92

Section 280.34(c) Failure to provide records to the Department upon request \$100  
- properly close tanks and submit a closure assessment report  
- submit a completed Certificate of Financial Responsibility  
and proof of mechanism

**TOTAL PENALTY OWED: \$1,100**

Conclusions of Law

1. This Department has authority under Section 44-2-140 of the SUPERB Act to issue Orders requiring compliance and assessing civil penalties for violations of the above laws and regulations.
2. The owner/operator violated the above referenced regulations.

Therefore, the owner/operator is hereby ordered to pay a civil penalty in the amount of **\$1,100**, correct the violations cited above and on the attached Notices of Violation, return information documenting compliance **within thirty (30) days of the effective date of the Order which will be established upon the signature of the Department's Legal Office**, and henceforth comply with the South Carolina Underground Storage Tank Control Regulations R.61-92.

DHEC/UST/092603

UST PROGRAM  
DOCKETING #

Tech  
2

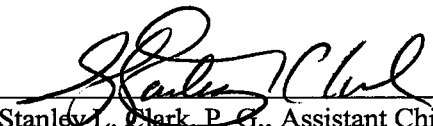
Upon signing the Consent Order, the owner/operator waives the opportunity to appeal this Consent Order and it becomes binding. **Failure to comply with a signed Consent Order is an additional violation and may result in further penalties and enforcement action.**

The owner/operator has the right to request a conference to discuss the Consent Order. The conference must be requested **within fifteen (15) days of receipt**. Requests shall be made by writing to the Enforcement Section, Underground Storage Tank Program, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201, or by calling the Enforcement Project Manager, Joe W. Gladney, at (803) 898-4350 or (800)826-5435.

If you do not submit documentation demonstrating compliance, request a conference, or return the signed Consent Order within the stipulated time frame, the Department will initiate additional enforcement proceedings. Additionally, failure to respond to the Consent Order does not relieve you of the responsibility to comply fully with the regulations, including correcting the violations that have been specifically identified.

The South Carolina Department of  
Health and Environmental Control

Issued:

By:   
Stanley L. Clark, P. E., Assistant Chief  
Bureau of Land and Waste Management

October 7, 2003  
Date

Reviewed:

By: Etta R. Williams  
Attorney for the Department

October 24, 2003  
Date

CONSENT:

  
Owner/Operator/Representative

Oct 22, 2003  
Date

SLC/jwg  
08299pco4

DHEC/UST/092603

**RECEIVED**

OCT 24 2003

**RECEIVED**

OCT 24 2003

DHEC  
OFFICE OF GENERAL COUNSEL

UNDERGROUND STORAGE  
TANK PROGRAM

**RECEIVED**

OCT 23 2003

BUREAU OF WATER  
WATER ENFORCEMENT DIVISION

South Carolina Department of Health and Environmental Control  
Bureau of Land and Waste Management  
Underground Storage Tank Program  
2600 Bull Street, Columbia, S.C. 29201

**ADMINISTRATIVE ORDER**

NUMBER 01-0730-UST

EFFECTIVE DATE: JAN 27 2003

Facility Name: Westend Shell Site  
Facility Address: 555 W Georgia St., Woodruff, Spartanburg County, SC

Facility ID#: 08299

To: Destiny 98 TD

Findings of Fact

1. Destiny 98 TD (Respondent) owns underground storage tanks as defined in the State Underground Petroleum Environmental Response Bank (SUPERB) Act, Title 44, Chapter 2 of the South Carolina Code of Laws as amended. The tanks are located at 555 W Georgia St., Woodruff, Spartanburg County, SC.
2. The Department inspected the Respondent's underground storage tanks on September 6, 2001. The inspection and a subsequent file review revealed that the Respondent has failed to properly abandon a temporary closed system after twelve (12) months and submit a closure assessment report.

Conclusions of Law

1. The Department has authority under Section 140, Title 44, Chapter 2 of the South Carolina Code of Laws to issue Orders requiring compliance and assessing civil penalties for violations of the SUPERB Act and regulations promulgated thereunder.
2. Based on the foregoing Findings of Fact, the Department has determined that Respondent has violated the following regulations.  
  
25A S.C. Code Ann.Reg. 61-92.280.70(c), in that it failed to properly abandon a temporary closed system that has been substandard for more than twelve (12) months and submit an assessment report.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Respondent must correct the deficiencies identified above and perform the following activities within thirty (30) days of the date of this order:

1. comply with all provisions of the SUPERB Act and the Underground Storage Tank Control Regulations;
2. properly abandon the underground storage tanks and submit a closure assessment report;
3. pay a civil penalty of \$10,700.00.

**IT IS FURTHER ORDERED** that the failure to comply with any provision of this Administrative Order shall be grounds for sanctions under the SUPERB Act, Section 44-2-140, to include additional civil penalties and enforcement of the Administrative Order in the appropriate court.

The payment of the penalty must be in the form of a certified check payable to the "Department of Health and Environmental Control" with the number of the Administrative Order written on the check. Send the check to:

Justin W. Hughes  
Enforcement Section, Underground Storage Tank Program  
Bureau of Land and Waste Management  
South Carolina Department of Health and Environmental Control  
2600 Bull Street, Columbia, SC 29201

UST PROGRAM  
BOOKING #

Tech  
1

Pursuant to the Administrative Procedures Act and R.61-72, this Administrative Order may be contested by serving a request for a contested case hearing upon the Clerk of the Board of the Department of Health and Environmental Control within 15 calendar days of receipt of this letter. The request must be received by the Clerk of the Board, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201.

The request must contain the following:

- A. The name of the party requesting the hearing and the issue(s) for which the hearing is requested;
- B. The caption or other information sufficient to identify the decision, Order, action, or inaction which is the subject of the hearings; and
- C. The relief requested.

In addition, the Administrative Law Judge Division requires that a person requesting a contested case hearing must file a copy of the request and a filing fee in the amount of \$100.00 with the Administrative Law Judge Division at the following address: Clerk, Administrative Law Judge Division, 1205 Pendleton Street, Suite 224, P.O. Box 11667, Columbia, SC 29201.

This Order becomes final as written fifteen (15) days after receipt unless a contested case hearing is requested.

The South Carolina Department of Health and Environmental Control

By: C. Earl Hunter  
C. Earl Hunter  
Commissioner

Date: Jan. 27, 2003  
Columbia, South Carolina

By: Stanley L. Clark  
Stanley L. Clark, P.G., Assistant Chief  
Bureau of Land and Waste Management

Date: January 16, 2003

Reviewed by:

Etta R. Williams  
Attorney for the Department

Date: January 27, 2003

CEH/SLC/jwh  
DHEC/UST/010303

*appealed*  
*absolved - no penalty*

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Inspection Warrant Pursuant  
to Section 48-1-50(24)

TO ANY DULY AUTHORIZED ENVIRONMENTAL CONTROL OFFICER OF THE SOUTH  
CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

It appearing from the attached sworn application that there are reasonable grounds to conduct an  
administrative inspection pursuant to Section 48-1-50(24) of the Code of Laws of South Carolina,  
1976, as amended, at the following described premises:

Westend Shell, 555 West Georgia Street, Woodruff, County of Spartanburg, South  
Carolina. Tax Map #4-32-07-083.00.

NOW THEREFORE you are hereby authorized to conduct an administrative inspection at the  
subject premises and to collect and retain such information as necessary for such inspection. The  
activities contemplated by this inspection include removal of the liquids in the underground  
storage tanks (USTs), and sampling of soils and/or groundwater in the vicinity of the UST  
system.

This inspection warrant shall expire one hundred twenty (120) days from the date of issuance.  
The Department is authorized to access the site as necessary throughout the course of this  
warrant's duration. A copy of the inspection warrant shall be delivered to the person in charge of  
the premises inspected at the time of the inspection or as soon thereafter as practicable. If such  
person is unascertainable after reasonable diligence in attempting to locate the person, a copy of  
this warrant shall be posted in a prominent place on the premises.

A written inventory of activities performed pursuant to this Inspection Warrant shall be made to  
the Colleton County Magistrate whose name is affixed below. A copy of such inventory shall be  
made available to the owner of the premises so inspected if demand is made for a copy thereof.

  
\_\_\_\_\_  
Presiding Magistrate

This 9<sup>th</sup> day of March 2006  
Spartanburg, South Carolina

08299-IW:DOC





UNDERGROUND STORAGE TANK PROGRAM  
 BUREAU OF LAND ANI  
 2600 Bull Street, Colum  
 Telephone (803) 896-6

MAR 30 2006

mailed to Brian  
 again 4-26-06

Mr. Brian Shane  
 Midlands Environmental Consultants, Inc.  
 Post Office Box 854  
 Lexington, South Carolina 29071

Re: IGWA Bid Package #SB-28162-05/26/05-EMW

Dear Mr. Shane:

Based on the award of the referenced bid package, enclosed is an information packet to conduct two (2) Initial Ground Water Assessments (IGWAs). The packet contains all necessary approvals for work to begin. Please reference the UST Permit # and Cost Agreement #26659 on the appropriate invoices submitted for payment against the facility. Invoice forms are enclosed for your convenience. As specified in the referenced bid, **the completed invoice forms and associated IGWA report (include contract certification number) are expected on or before the designated due date associated with the site (see below).**

UST Permit #	County	Report Due Date (days from the date of this letter)	CP Approval Amt.
08299	Spartanburg	45	\$500

Midlands Environmental Consultants will perform services at the site on behalf of the site's responsible party (RP); however, payments will be made from the UST Program as appropriate. The site RP has no obligation for payment to Midlands Environmental Consultants for this scope of work.

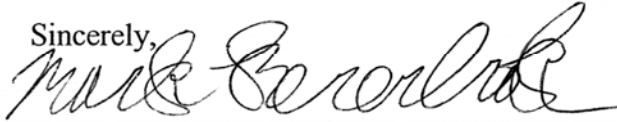
Please note the following:

- 1) Any water supply wells within 250 feet of the UST system are not required to be sampled;
- 2) A Department representative must be present during the assessment activities. Please contact me by phone at least four (4) days prior to beginning site work;
- 3) The property is vacant and all buildings have been razed;
- 4) The Department representative will specify the location of the monitoring wells;
- 5) Four USTs are located at the site.

The Program grants pre-approval for transportation of drums of virgin petroleum contaminated soil and drums of groundwater from the referenced site to a permitted treatment facility. The contaminated soil and/or groundwater must be properly stored in labeled 55-gallon drums or equivalent containers. The contaminated soil and/or groundwater must be accepted by the approved treatment facility. There can be no spillage or leakage in transport. A copy of the disposal manifest from the receiving facility that clearly designates the quantity received must be included as an appendix to the final report. Please note, transportation of waste oil contaminated soil must receive preapproval from the Bureau of Land and Waste Management.

Please provide this office with a drilling date and coordinate all work with me before commencing work at the facility. Please contact me if you have any questions or need further assistance at (803) 896-6848.

Sincerely,



Mark Berenbrok, Petroleum Brownfields Coordinator  
Regulatory Compliance Division  
Underground Storage Tank Program  
Bureau of Land and Waste Management

MKB/mkb  
08299-08:DOC

Enc: Information Packet w/copy of monitoring well approval form  
Inspection Warrant (copy)

CC: Mark Berenbrok (w/o enclsoures)



## UNDERGROUND STORAGE TANK PROGRAM

### Regulatory Compliance Division

Date: March 10, 2006

Approval No.: 19862

### Monitoring Well Installation Approval Form

**Approval is hereby granted to:**  
On Behalf of: Bobby Godfrey

**Midlands Environmental Consultants, Inc.**

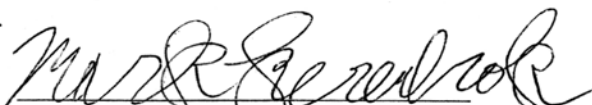
Location: Westend Shell  
555 West Georgia Street  
Woodruff, SC, Spartanburg County  
UST Permit #08299

This approval is for the construction of two monitoring wells at the site. The wells are to be constructed within the surficial aquifer for the intended purpose of monitoring ground-water quality and/or water level(s) at the referenced facility. Approval is provided with the following conditions:

1. The latitude and longitude, surveyed elevations, boring and/or geologist logs and actual (as built) construction details for each well will be submitted with the technical report.
2. Each well will be labeled with an identification plate constructed of a durable material affixed to the casing or surface pad where it is readily visible. The plate will provide monitoring well I.D.#, date of construction, static water level, and driller name and state certification #.
3. Well construction and sampling derived waste including, but not necessarily limited to, drill cuttings, drilling fluids, development and purge water should be managed properly and in compliance with applicable requirements. If containerized, each vessel should be clearly labeled with regard to contents, source, and date of activity.
4. A minimum of ninety-six (96) hours prior to initiation of drilling activities, please notify this office at (803) 896-6848.
5. Please provide ground-water quality analytical data (chemical analysis and/or water level(s)) and associated measurements (i.e., in-situ field measurements) to this office with the technical report.
6. Monitoring wells will be installed by or under the direct supervision of a licensed well driller certified by the State of South Carolina.
7. Monitoring wells and temporary monitoring wells will be abandoned by or under the direct supervision of a licensed well driller certified by the State of South Carolina. Monitoring wells may be abandoned only upon this Bureau's concurrence.

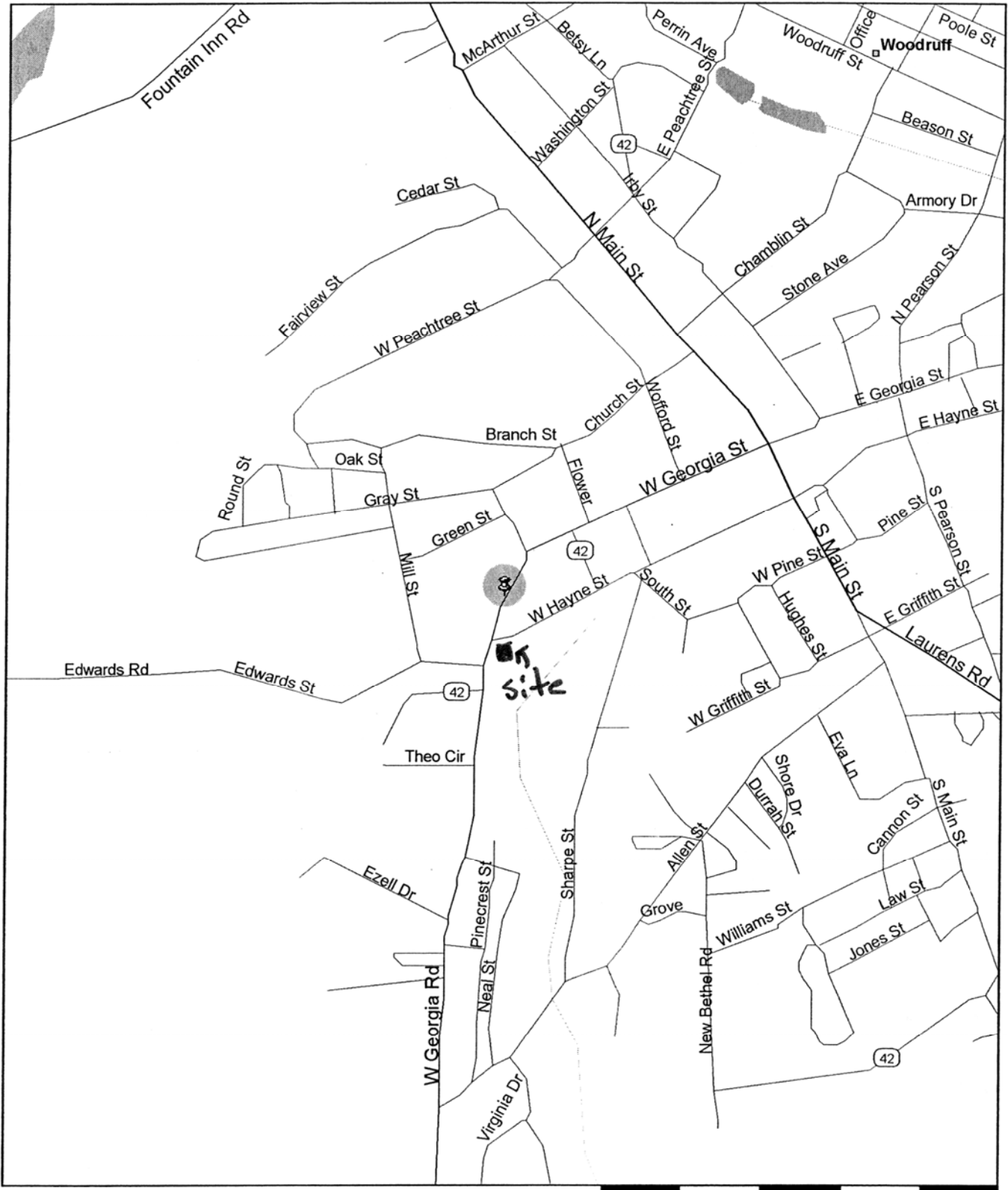
This approval is pursuant to the provisions of Section 44-55-40 of the 1976 South Carolina Code of Laws and the Department of Health and Environmental Control Regulations R.61-71. Please remember to have a copy of this approval on the site during well installation.

Approved by:

  
Mark Berenbrok, Petroleum Brownfields Coordinator  
Regulatory Compliance Division  
Underground Storage Tank Program  
Bureau of Land and Waste Management



**Westend Shell, 555 West Georgia St, Woodruff**  
UST Permit #08299



Microsoft, Expedia, Inc.  
**Streets98**

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Inspection Warrant Pursuant  
to Section 48-1-50(24)

TO ANY DULY AUTHORIZED ENVIRONMENTAL CONTROL OFFICER OF THE SOUTH  
CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

It appearing from the attached sworn application that there are reasonable grounds to conduct an administrative inspection pursuant to Section 48-1-50(24) of the Code of Laws of South Carolina, 1976, as amended, at the following described premises:

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NOW THEREFORE you are hereby authorized to conduct an administrative inspection at the subject premises and to collect and retain such information as necessary for such inspection. The activities contemplated by this inspection include removal of the liquids in the underground storage tanks (USTs), and sampling of soils and/or groundwater in the vicinity of the UST system.

This inspection warrant shall expire one hundred twenty (120) days from the date of issuance. The Department is authorized to access the site as necessary throughout the course of this warrant's duration. A copy of the inspection warrant shall be delivered to the person in charge of the premises inspected at the time of the inspection or as soon thereafter as practicable. If such person is unascertainable after reasonable diligence in attempting to locate the person, a copy of this warrant shall be posted in a prominent place on the premises.

A written inventory of activities performed pursuant to this Inspection Warrant shall be made to the Colleton County Magistrate whose name is affixed below. A copy of such inventory shall be made available to the owner of the premises so inspected if demand is made for a copy thereof.

  
\_\_\_\_\_  
Presiding Magistrate

This 9<sup>th</sup> day of March 2006  
Spartanburg, South Carolina

08299-IW:DOC

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Application for Inspection Warrant  
Pursuant to Section 48-1-50(24)

To: Presiding Judge, Spartanburg County Magistrate's Court

Mark Berenbrok, or any duly authorized Environmental Control Officer of the South Carolina Department of Health and Environmental Control (SCDHEC), hereby applies for an inspection warrant, pursuant to Section 48-1-50(24) of the Code of Laws of South Carolina, 1976, as amended, to conduct an administrative inspection(s) of the following establishment, premises, or component thereof:

1. The establishment is known as Westend Shell, 555 West Georgia Street, Woodruff, County of Spartanburg, South Carolina. Tax Map #4-32-07-083.00.

The Westend Shell, SCDHEC Underground Storage Tank (UST) permit #08299, was operated as a service station. The USTs and property are owned by Bobby Godfrey. Four (4) USTs are located at the site. The USTs are storing liquids and do not meet state and federal UST requirements. Mr. Godfrey has not complied with Department requests to permanently close the USTs and assess the site for petroleum contamination. On May 17, 2005 the Department sent a certified letter to Mr. Godfrey requesting that he grant the Department access to the site so that the Department could remove liquids from the USTs and assess for petroleum contamination. A copy of the letter is attached. The letter requested a response by June 14, 2005. Mr. Godfrey received the letter on May 18, 2005 and has not responded. The removal of liquids from the underground storage tanks, and assessment of environmental conditions in the vicinity of the underground storage tanks to determine if petroleum contamination is present, is reasonably necessary to protect human health and the environment.

2. Section 48-1-50(24) of the 1976 Code and Regulations promulgated thereunder authorize DHEC to protect the public's health, and investigate and enter property on behalf of that interest.

3. This inspection will be undertaken as part of an inspection program, authorized by Statute and Regulations issued thereunder, designed to assure the safety of public health within South Carolina.

4. The inspection(s) will be conducted at a reasonable time, and shall be completed with reasonable promptness. The Department of Health and Environmental Control officer's credentials and a copy of the inspection warrant will be presented if the owner of the property is present. Inspection(s) will begin as soon as practicable after the issuance of the warrant. The inspection(s) will require multiple site visits, but will be completed within 120 days of the issuance of the warrant.

5. The following activities will be conducted:


- a) Removal of the liquids in the underground storage tanks (USTs);
- b) Sampling of soils and/or groundwater in the vicinity of the UST system.

6. Environmental Control Officers are authorized to inspect the designated premises, and may be accompanied by one or more Environmental Control Officers, or other duly authorized employees of the department of Health and Environmental Control. These reasonable activities referenced above will be completed by employees of the South Carolina Department of Health and Environmental Control, and/or contractors retained by them. All activities will be completed in the presence of a representative of the South Carolina Department of Health and Environmental Control.

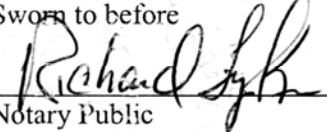
*Jaw*  
*3/9/06*

7. A return will be made to the Court upon completion of the inspection, or not later than the expiration date of the Inspection Warrant.

SWORN AND SUBSCRIBED TO BY:

  
\_\_\_\_\_  
Mark Berenbrok, Environmental Control Officer  
South Carolina Department of Health  
and Environmental Control

This 3 day of MARCH 2005  
Sworn to before

  
\_\_\_\_\_  
Notary Public

My commission expires 3.29.2009

08299-APPIW:DOC

Sworn to before  
J. T. Wall, Magistrate.  
J. T. Wall  
March 9, 2006

Confirmation Report - Memory Send

37 1/2 x 13  
Plywd

Date & Time: Aug-08-2005 13:47  
Tel line : +8038966245  
Machine ID : UST PROGRAM

Job number : 922  
Date & Time : Aug-08 13:43  
To : 918644766457  
Number of pages : 007  
Start time : Aug-08 13:43  
End time : Aug-08 13:47  
Pages sent : 007  
Status : OK  
Job number : 922

864 (596-2564) (Courtthouse)  
864-596-3622 fax  
Judge Pasley  
Thursday

\*\*\* SEND SUCCESSFUL \*\*\*



Date: August 8, 2005

Number of pages including cover sheet: 7

Please Deliver This Fax Message

TO: Judge Vickie Smith  
864-476-6457  
Fax Number 864-476-2281  
Phone Number

FROM: Mark Berenbrok  
Underground Storage Tank Program  
berenbm@dhcc.sc.gov  
803-896-6245  
Fax Number 803-896-6848  
Phone Number

SUBJECT/COMMENT:

Judge Smith - Attached is the Application for Inspection Warrant, Inspection Warrant, and a copy of the Department's May 17, 2005 letter for Godfrey's property in Woodruff. The underground storage tank and property owner, Bobby Godfrey, has not responded to my letter requesting right-of-entry to the site. I would like to make an appointment to get the Inspection Warrant signed at your convenience. Thank you for your help.

UST PROGRAM DOCKETING # 3 Reg



9-26-05

Date: ~~August 8, 2005~~

Number of pages including cover sheet:

7

Please Deliver This Fax Message

TO: Judge Vickie Smith  
864-476-6457 Fax Number  
864-476-2281 Phone Number

FROM: Mark Berenbrok  
Underground Storage Tank Program  
berenbmk@dhec.sc.gov  
803-896-6245 Fax Number  
803-896-6848 Phone Number

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Judge Smith – Attached is the Application for Inspection Warrant, Inspection Warrant, and a copy of the Department’s May 17, 2005 letter for Godfrey’s property in Woodruff. The underground storage tank and property owner, Bobby Godfrey, has not responded to my letter requesting right-of-entry to the site. I would like to make an appointment to get the Inspection Warrant signed at your convenience. Thank you for your help.

To: Presiding Judge, Spartanburg County Magistrate's Court

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2. Section 48-1-50(24) of the 1976 Code and Regulations promulgated thereunder authorize DHEC to protect the public's health, and investigate and enter property on behalf of that interest.

3. This inspection will be undertaken as part of an inspection program, authorized by Statute and Regulations issued thereunder, designed to assure the safety of public health within South Carolina.

4. The inspection(s) will be conducted at a reasonable time, and shall be completed with reasonable promptness. The Department of Health and Environmental Control officer's credentials and a copy of the inspection warrant will be presented if the owner of the property is present. Inspection(s) will begin as soon as practicable after the issuance of the warrant. The inspection(s) will require multiple site visits, but will be completed within 120 days of the issuance of the warrant.

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6. Environmental Control Officers are authorized to inspect the designated premises, and may be accompanied by one or more Environmental Control Officers, or other duly authorized employees of the department of Health and Environmental Control. These reasonable activities referenced above will be completed by employees of the South Carolina Department of Health and Environmental Control, and/or contractors retained by them. All activities will be completed in the presence of a representative of the South Carolina Department of Health and Environmental Control.

7. A return will be made to the Court upon completion of the inspection, or not later than the expiration date of the Inspection Warrant.

SWORN AND SUBSCRIBED TO BY:

\_\_\_\_\_  
Mark Berenbrok, Environmental Control Officer  
South Carolina Department of Health  
and Environmental Control

This \_\_\_\_ day of \_\_\_\_\_ 2005  
Sworn to before

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

08299-APPIW:DOC



STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Inspection Warrant Pursuant  
to Section 48-1-50(24)

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\_\_\_\_\_  
Presiding Magistrate

This \_\_\_\_ day of \_\_\_\_\_ 2005

\_\_\_\_\_, South Carolina

08299-IW:DOC

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Mr Bobby Godfrey  
 113 Pauls Drive  
 Duncan, SC  
 29334-9752

2. Article Number  
 (Transfer from service label)  
 PS Form 3811, February 2004

7001 2510 0008 4156 3706  
 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
 X *Bobby Godfrey*  
 B. Received by (Printed Name) *Bobby Godfrey*  
 C. Date of Delivery *5-19-05*  
 D. Is delivery address different from item 1?  Yes  
 If Yes, enter delivery address below:  No

**RECEIVED**  
 MAY 19 2005

3. Service Type  
 Certified Mail  Express Mail  Registered Mail  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  Yes  
 4. Restricted Delivery? (Extra Fee)  Yes

102595-02-M-1540

**U.S. Postal Service  
 CERTIFIED MAIL RECEIPT**  
 Domestic Mail Only; No Insurance Coverage Provided

7001 2510 0008 4156 3706

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	\$

Postmark Here

Sent To  
 Mr Bobby Godfrey  
 Street, Apt. No., or PO Box No. 113 Pauls Drive  
 City, State, ZIP+4 Duncan SC 29334-9752



UNDERGROUND STORAGE TANK PROGRAM  
BUREAU OF LAND AND WASTE MANAGEMENT  
2600 Bull Street, Columbia, South Carolina 29201  
Telephone (803) 896-6240 Fax (803) 896-6245

May 17, 2005

**VIA CERTIFIED MAIL**

Mr. Bobby Godfrey  
113 Pauls Drive  
Duncan, South Carolina 29334-9752

Re: Westend Shell  
555 W Georgia Street, Woodruff, SC, Spartanburg County  
UST Permit ID #08299  
Notice of Violation

Dear Mr. Godfrey:

A recent inspection performed by personnel of the Underground Storage Tank (UST) Program has found that you have not permanently closed the UST system at the referenced facility, have not assessed the UST system for the presence of a release, and have not maintained financial responsibility. This places you in violation of Subparts G and H of the South Carolina UST Control Regulations, R.61-92. A copy of the regulations is enclosed.

Because of your failure to comply with activities required by the South Carolina UST Control Regulations, the UST Program will perform some activities on your behalf to protect human health and the environment. These activities will consist of conducting a limited site assessment to determine if a release of regulated substances has occurred and emptying the USTs of liquids if required. The assessment will consist of the installation of one ground-water monitoring well, analysis of one ground-water sample and one soil sample for petroleum constituents, and a receptor survey.

You will be provided a copy of the reports upon completion of the work. The estimated cost for conducting a site assessment is \$825.00. The estimated base cost for emptying the USTs of all liquids is approximately \$600.00 plus an additional charge for each gallon of liquid. At a future date, you will be billed for the costs incurred.

Please complete and return the enclosed Right-of-Entry form to my attention on or before June 14, 2005. Please note that after the UST Program performs the activities noted above, you are still required to perform all activities required by the South Carolina Underground Storage Tank Control Regulations. As such, DHEC's performance of the above-listed activities is not a waiver of its legal rights to seek enforcement of any Orders related to this matter.

In the event you do not grant the UST Program right-of-entry to the site, the UST Program will seek to obtain an Inspection Warrant to gain access to the site to perform the activities noted above.

Please contact me at 803-896-6848 or 800-826-5435 if you have any questions or comments.

Sincerely,



Mark Berenbrok, Petroleum Brownfields Coordinator  
Regulatory Compliance Division  
Underground Storage Tank Program  
Bureau of Land and Waste Management

MKB/mkb  
08299-01:DOC

CC: Joe Gladney (w/o enclosures)

Enclosure: South Carolina UST Control Regulations  
Right-of-Entry form

**PERMISSION FORM**

**UNDERGROUND STORAGE TANK AND PROPERTY OWNER**

Westend Shell, 555 W Georgia Street, Woodruff, SC, Spartanburg County, UST Permit ID #08299

**If you are the owner of the former underground storage tanks and the property owner, please complete this form.**

I, \_\_\_\_\_, certify that I am the legal owner of the underground storage tanks and property located at the facility identified below or serve as the authorized representative for the owner. I grant permission to the South Carolina Department of Health and Environmental Control (SCDHEC) to secure on my behalf contractor services to conduct abatement and/or assessment activities, and authorize SCDHEC, or a contractor selected by SCDHEC, to enter this property at reasonable times only to conduct abatement and/or assessment activities, as required. I understand that SCDHEC will be responsible for notifying me of all activities that are necessary prior to their initiation, and will provide to me a copy of the assessment report.

Name of Facility \_\_\_\_\_ Phone # \_\_\_\_\_

Street Address of Facility \_\_\_\_\_

Town, City, District, Suburb \_\_\_\_\_

Name of nearest intersecting street, road, highway, alley  
\_\_\_\_\_

Is this facility within the city limits? (yes or no) \_\_\_\_\_

Does a public water or sewer utility service this facility? (yes or no) \_\_\_\_\_, if no, please provide the name and phone number of a person that we can contact that can assist in the location of private water and septic tank lines \_\_\_\_\_,  
phone number \_\_\_\_\_

Were underground storage tanks previously removed from the ground at this facility? (yes or no) \_\_\_\_\_. If yes, please provide the name of a person we can contact that can assist in the location of the former underground storage tank excavation \_\_\_\_\_  
Phone number \_\_\_\_\_

Is the property currently leased or rented to someone? (yes or no) \_\_\_\_\_. If yes, please provide their name \_\_\_\_\_ and phone number \_\_\_\_\_ and let them know about the pending assessment activities. If vehicles or other mobile structures are parked over the former or existing underground storage tanks, they should be moved before SCDHEC's contractor gets to the site.

NAME of UST/property owner (Please Print): \_\_\_\_\_

Phone Number (home) \_\_\_\_\_ (work) \_\_\_\_\_

Signature of UST/property Owner: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year

**EFIS - Environmental Facility Information System**

File Edit Data Entry Tasks Permits Documents Reports Tools Admin Exit All Help Window

**UST Facility Update for WESTEND SHELL**

Exit Permit No. 08299 Prefix N Category Retail Sales

Facil. Name WESTEND SHELL D Acct. Bal. 00

Business 555 W GEORGIA ST County Spartanburg District Appalachia III

Address WOODRUFF, SC 29388-1858 Phone No. Region Region 2

Tank Owner GODFREY, BOBBY D Phone No. 864-433-9897

Operator D Phone No.

Land Owner GODFREY, BOBBY D Phone No. 864-433-9897

Last Inspection SEP 06, 2001 Transfer of Ownership NOV 30, 1998 Financial Responsibility is required!

Tank Summary	Total Tanks	Billable	Abandoned	Other	Release Summary	Suspect	Closed	Confirmed	Closed
	4 =	0 +	0 +	4		0	0	0	0

**Release Information**

No.	Proj. Manager	RBCA	St	Fin. Status	Reported	NFA'ed	Confirmed	CU Complete	CU > RBSL

USTfield Release Details Add Release Delete Release

Permit Notes History Tanks Location Info Financial Resp. Tasks Invoices Documents Enf. Actions  
Violations Referrals Utility Report Utility Labels Above Ground Storage Tanks Lock

Record 1/1 <NSC> <DRG>

start 2 Novell Gr... EFIS - Enviro... 00533-01 - Mi... 3:46 PM

280.70(c) - perm close, AR  
 280.93(a) - FR

**EFIS - Environmental Facility Information System**

File Edit Data Entry Tasks Permits Documents Reports Tools Admin Exit All Help Window

**Person Update for GODFREY, BOBBY**

Last Name: **GODFREY** Created: FEB 24, 2001 By: EFIS  
 First Name: **BOBBY** Prefix: Prefix Updated: DEC 31, 2003 By: MCLEOD, BEVERLY S  
 Middle Name: Middle Name Suffix: Suffix  
 Short Name: **Bobby Godfrey**  
 EFIS User: EFIS User  
 Secure? Secure?

Prog. Area Notifications  
 UST - Name and Address Change

Active Status: **Normal** Status Date: FEB 24, 2001 Gender: Gender  
 Dept.: Dept. Title: Title

Business Address Status: **Active** Copy address & phone no. from company  
 Line 1: **113 PAULS DR**  
 Line 2: Line 2  
 City: **DUNCAN** State: **SC** Attention: Attention  
 County: **Spartanburg** District: **Appalachia III** ZIP Code: **29334-9752** Region: **Region 2**  
 Country: **United States** Remarks: Remarks

Bus. Phone: **864-433-9897** Ext.: Ext. Status: **Active** Remarks: Remarks

Legal Status: Legal Status Status Date: Status Date Date Filed: Date Filed Bankruptcy: Bankruptcy

Permits Other Addresses Other Phones Other Names/ID's Notes EFIS User Info History Enf. Actions Objects  
 Documents Relations Account Date Events Tasks Incidents Violations Map

Record: 1/1 <NSC> <DRG>

start 2 Novell Gr... EFIS - Enviro... 00533-01 - Mi... 3:46 PM

**From:** Joe W. Gladney  
**To:** Berenbrok, Mark K.  
**Date:** 5/5/2005 4:20:17 PM  
**Subject:** Re: Westend Shell, 08299, Bobby Godfrey

During a telephone conference on 11/2/04, Bobby Godfrey agreed to complete a Right of Entry Form so that the Department could perform certain assessment work at the Westend Shell facility. He was sent the Form and a self-addressed and stamped envelope by regular mail so that the Program would receive the document at no expense to him. As of May 5, 2005, the Department has not received the Form even though on this date Godfrey claimed that it has been returned.

>>> Mark K. Berenbrok 05/04/05 3:28 PM >>>

I need a brief narrative of what we've done to get the ROE for the justification portion of the inspection warrant.





**Spartanburg County Assessor's Office**  
 366 North Church Street, Suite 800, Spartanburg, South Carolina 29303  
 (864) 596-2544

### Detailed Property Information

Map #: 4-32-07-083.00

GIS Pin: 6085-67-3552.15

Prop Desc: LOT 6 G C EDWARDS PROP P/B 26 32 6-327

Owner Name: GODFREY BOBBY

Mail Addr: 113 PAUL DR

Taxpayer Name: GODFREY BOBBY

City: DUNCAN

Previous Owner: DESTINY 98 TD

State: SC

Zip: 29334

Deed Vol/Page: 78C /319

Sale Price:

SF Living Area: 0

Deed Date: 05/03

Census Tract: 236.00

Total Area: 0

Permit Date: 00/00

Hmst Code:

District: 4TSWW

Permit Type:

Pri Town Code: J

Fire District:

Permit Value: \$0.00

Sec Town Code:

Acreage: 0.00

Permit #:

Num Of Units: 0

**Tax Year 2004****Tax Year 2005****Appraised****Taxable****Appraised****Taxable**

Land: \$14,500

\$14,500

Land: \$14,500

\$14,500

Building: \$0

\$0

Building: \$0

\$0

Total: \$14,500

\$14,500

Total: \$14,500

\$14,500

**Assessed****Assessed**

Land: \$870

Land: \$870

Building: \$0

Building: \$0

Total: \$870

Total: \$870

Property Location: 555 W GEORGIA ST WOODRUFF

Land Use: OTHER UNDEVELOPED LAND/WATER

Prop Type: COM VAC

Condition:

Year Built: 0

Asmnt Code: RG

Design:

Num Of Units: 0

SF Living Area: 0

Roof Material:

Basement:

Total Area: 0

Story Height: 0.0

Attic:

Fireplace: 0

Heat Type:

Garage:

Baths: 0.0

Bedrooms: 0

Road: PAVED

Foundation 1/2:

Walls 1/2:

Roof 1/2:

Floors 1/2:

Heat/AC 1/2:

Exterior 1/2:

Utility 1/2/3: ALLPUBL

Topo 1/2/3: LEVEL

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**EFIS - Environmental Facility Information System**

File Edit Data Entry Tasks Permits Documents Reports Tools Admin Exit All Help Window

**UST Facility Update for WESTEND SHELL**

Permit No. 08299 Prefix N Category Retail Sales Significant Notes

Facil. Name WESTEND SHELL D Acct. Bal. .00

Business 555 W GEORGIA ST County Spartanburg District Appalachia III

Address WOODRUFF, SC 29388-1858 Phone No.

Tank Owner GODFREY, BOBBY D Phone No.

Operator D Phone No.

Land Owner DESTINY 98 TD D Phone No.

Last Inspection SEP 06, 2001 Transfer of Ownership Financial Responsibility is required!

Tank Summary Total Tanks 4 = Billable 0 + Abandoned 0 + Other 4

Release Summary Suspect 0 Closed 0 Confirmed 0

Release Information										
No.	Proj.	Manager	RBCA	St	Fin. Status	Reported	NFA'ed	Confirmed	CU Complete	CU > RBSL

USTfield

Release Details Add Release Delete Release

Permit Notes History Tanks Location Info Financial Resp. Tasks Invoices Documents Enf. Actions

Violations Referrals Utility Report Utility Labels Lock

Record: 1/1 List of Values

Start GroupWise - Mailbox EFIS - Environmental 2:55 PM

UST PROGRAM DOCKETING # 4 Reg

I. OWNER OF UST(S)

Name Westend Shell  
Address 555 W Georgia St.  
City, State, Zip Code Woodruff SC 29388  
Telephone Number \_\_\_\_\_  
Contact Person \_\_\_\_\_

II. SITE IDENTIFICATION AND LOCATION

Permit I.D. # 08299  
Facility Name Westend Shell  
Street Address 555 W Georgia St  
City, County Woodruff SC 29388

III. RECEPTORS

	Yes	No
A. Are there any lakes, ponds, streams, or wetlands located within 1000 feet of the UST system?  If yes, indicate type of receptor, distance, and direction on site map.		<input checked="" type="checkbox"/>
B. Are there any public, private, or irrigation water supply wells within 1000 feet of the UST system?  If yes, indicate type of well, distance, and direction on site map.		<input checked="" type="checkbox"/>
C. Are there any underground structures (e.g., basements) Located within 100 feet of the UST system?  If yes, indicate type of structure, distance, and direction on site map.		<input checked="" type="checkbox"/>
D. Are there any underground utilities (e.g., telephone, electricity, gas, water, sewer, storm drain) located within 100 feet of the UST system that could potentially come in contact with the contamination?  If yes, indicate the type of utility, distance, and direction on the site map.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Signature Gwen Taylor Date 8/24/02  
Print Name Gwen Taylor

# Site Map

## LEGEND

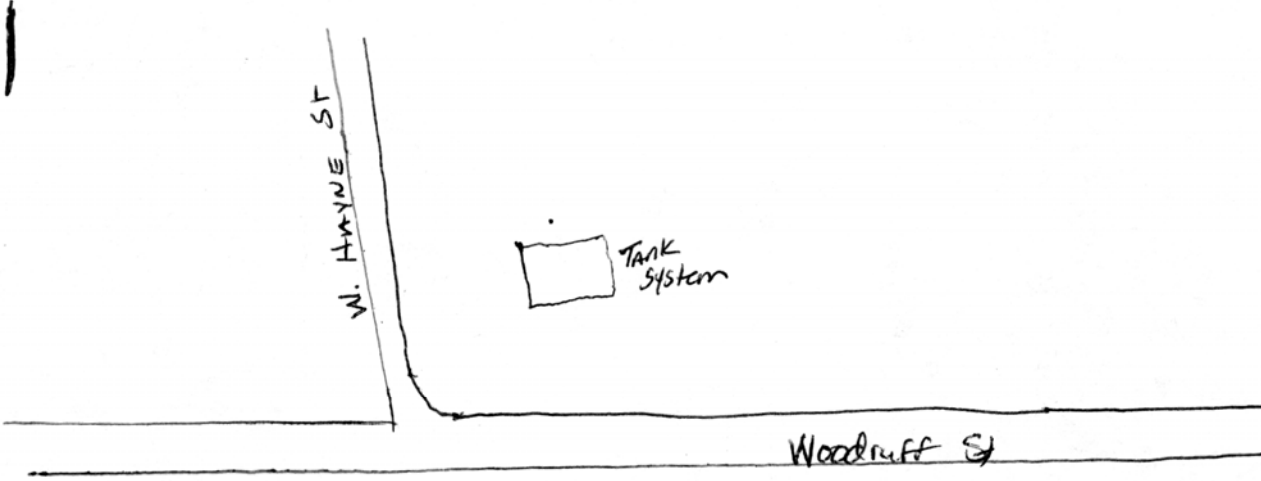
SD	Storm drain
DW	Drink water well
IW	Irrigation well
WL	Water line
SL	Sewer line
GL	Gas line
TL	Telephone line
EL	Electrical line



*Gwen*

Site Information for N-08299 Facility: **STEND SHELL**

<u>Bus.</u>	555 W GEORGIA ST	<u>Phone</u>	
<u>Address</u>	WOODRUFF SC 29388-1858	<u>County</u>	Spartanburg
		<u>District</u>	Appalachia III
<u>Category</u>	Retail Sales	<u>Last Inspection</u>	09/06/01
		<u>Trans. of Ownership</u>	
<u>Tank Owner</u>	GODFREY, BOBBY		
<u>Bus.</u>	555 W GEORGIA ST	<u>Phone</u>	- -
<u>Address</u>	WOODRUFF SC 29388-1858	<u>Phone</u>	- -
<u>Operator</u>		<u>Phone</u>	
<u>Bus.</u>		<u>Phone</u>	
<u>Address</u>		<u>Phone</u>	
<u>Land Owner</u>	DESTINY 98 TD		
<u>Bus.</u>		<u>Phone</u>	
<u>Address</u>		<u>Phone</u>	
<u>Tanks</u>	4	<u>Billable</u>	0
		<u>Aband.</u>	0
		<u>Other</u>	4




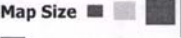



08299

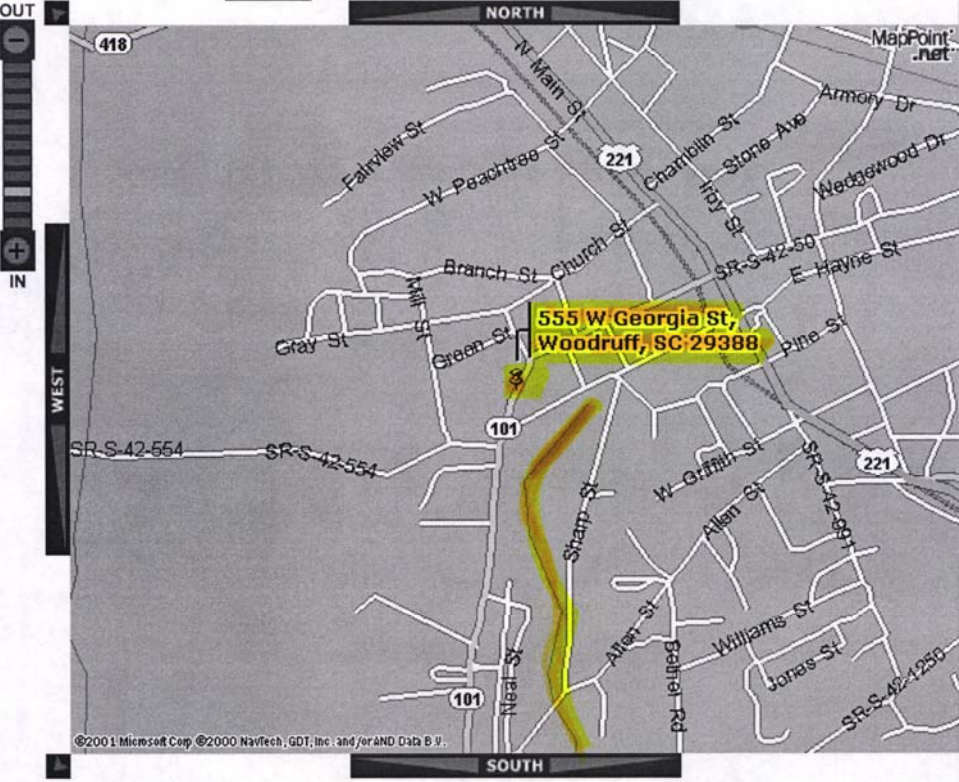
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**555 W Georgia St,  
Woodruff, SC 29388**

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