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**Board:**  
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## **South Carolina Board of Health and Environmental Control**

### **Agenda January 5, 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. Agency Affairs
2. Minutes of December 8, 2016, meeting
3. Administrative Orders and Consent Orders issued by Environmental Affairs
4. Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
5. Public Hearing and Request for Final Approval – Proposed Amendment of R.61-47, Shellfish, State Register Document No. 4736 , Legislative Review is required

Executive Session (if needed)

Adjournment

*Note: The next scheduled meeting of the S.C. Board of Health and Environmental Control will be Thursday, February 9.*

SUMMARY SHEET  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
January 5, 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 November 1, 2016 – November 30, 2016.
3. **FACTS:** For the period of November 1, 2016, through November 30, 2016, Environmental Affairs issued one hundred twelve (112) Consent Orders with total assessed civil penalties in the amount of \$118,533.00. Also, one (1) Administrative Order was issued during the reporting period with total assessed penalties in the amount of \$5,775.00.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
<b>Land and Waste Management</b>				
UST Program	0	0	3	\$1,600.00
Aboveground Tanks	0	0	0	0
Infectious Waste	0	0	0	0
Solid Waste	1	\$5,775.00	1	\$4,400.00
Hazardous Waste*	0	0	1	\$2,500.00
Mining	0	0	0	0
<b>SUBTOTAL</b>	<b>1</b>	<b>\$5,775.00</b>	<b>5</b>	<b>\$8,500.00</b>
<b>Water</b>				
Recreational Water	0	0	39	\$32,980.00
Drinking Water	0	0	1	\$4,000.00
Water Pollution	0	0	1	\$2,800.00
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>41</b>	<b>\$39,780.00</b>
<b>Air Quality</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>\$14,000.00</b>
<b>Environmental Health Services</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>65</b>	<b>\$56,153.00</b>
<b>OCRM</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>1</b>	<b>\$5,775.00</b>	<b>112</b>	<b>\$118,433.00</b>

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

Submitted by:

Myra C. Reece

Myra C. Reece  
Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
January 5, 2017**

**BUREAU OF LAND AND WASTE MANAGEMENT**

**Underground Storage Tank Enforcement**

- 1)     Order Type and Number:                     Consent Order 16-0267-UST  
       Order Date:                                 December 1, 2016  
       Individual/Entity:                         **Keenan Energy Co.**  
       Facility:                                     Gaz Bah 1  
       Location:                                    1501 Bluff Road  
  Columbia, SC  
       Mailing Address:                         3923 West Beltline Boulevard  
  Columbia, SC 29204-1503  
       County:                                     Richland  
       \*Previous Orders:                         None  
       Permit/ID Number:                        07701  
       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: Keenan Energy Co. (Individual/Entity) owns and operates underground storage tanks (USTs) located in Columbia, South Carolina. On September 2, 2016, the Department conducted a routine inspection and issued a Notice of Alleged Violation because there was no overfill prevention device on the diesel UST (tank #4) 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 permitted or upgraded site with overfill prevention equipment.

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. All violations were corrected prior to the issuance of the Order.

- 2)     Order Type and Number:                     Consent Order 15-0338-UST  
       Order Date:                                 November 15, 2016  
       Individual/Entity:                         **Computer Sciences Corp.**  
       Facility:                                     Computer Sciences Corp.,  
       Location:                                    10301 Wilson Blvd,  
  Blythewood, SC 29016  
       Mailing Address:                         Same  
       County:                                     Richland  
       Previous Orders:                         None  
       Permit/ID Number:                        10162

Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act) (Supp. 2014)

Summary: Computer Sciences Corp. (Individual/Entity) owns and operates underground storage tanks (USTs) in Richland County, South Carolina. A file review was conducted on August 8, 2016. The Individual/Entity has violated the SUPERB Act as follows: failed to pay annual underground storage tank fees for fiscal year 2017.

Action: The Individual/Entity is required to: pay annual underground storage tank fees and associated late fees for fiscal year 2017 in the amount of one thousand, eight hundred fifteen dollars (1,815.00); and, pay a civil penalty in the amount of three hundred sixty dollars (**\$360.00**).

3) Order Type and Number: Consent Order 15-0333-UST  
Order Date: November 3, 2016  
Individual/Entity: **Qalalah Company, LLC**  
Facility: Qalalah Company, LLC,  
Location: 1302 Old Lexington Road  
Lexington, SC  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit/ID Number: 14695  
Violations Cited: State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act) (Supp. 2014)

Summary: Qalalah Company, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) in Lexington County, South Carolina. A file review was conducted on August 8, 2016. The Individual/Entity has violated the SUPERB Act as follows: failed to pay annual underground storage tank fees for fiscal year 2017.

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

### **Solid Waste Enforcement**

4) Order Type and Number: Administrative Order 16-18-SW  
Order Date: September 8, 2016  
Individual/Entity: **Albert and Emanuel Powell**  
Facility: N/A  
Location: 106 McQueen St.  
Johnston, SC  
Mailing Address: 1221 Batesburg Hwy.  
Saluda, SC 29138  
County: Edgefield

Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: The South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. 44-96-10 et seq. (2002 & Supp. 2014), 8 S.C. Code Ann. Regs., R. 61-107.3 (2015) (Waste Tires), Part III A.1.

Summary: Albert and Emanuel Powell (Individuals/Entities) own property in Johnston, South Carolina. On April 27, 2016, a complaint was received in regards to the unauthorized collection of waste tires on the property and inspections were conducted on April 27, 2016, and May 17, 2016. The Individuals/Entities have violated the Solid Waste Management: Waste Tire Regulation as follows: operated a waste tire collection facility without a permit from the Department.

Action: The Individuals/Entities are required to: provide the Department with disposal receipts for the waste tires and pay a civil penalty in the amount of five thousand, seven hundred and seventy-five dollars (**\$5,775.00**).

5) Order Type and Number: Consent Order 16-23-SW  
Order Date: November 30, 2016  
Individual/Entity: **378 Recycle Center, LLC**  
Facility: 378 Recycle Center Wood Processing  
Location: 50440 Sunset Boulevard  
Lexington, SC  
Mailing Address: 5009 Sunset Boulevard  
Lexington, SC 29072  
County: Lexington  
Previous Orders: None  
Permit/ID Number: 322456-3002  
Violations Cited: South Carolina Solid Waste Policy and Management Act (2002), and, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals Regulation 61-107.4 (2015).

Summary: 378 Recycle Center, LLC (Individual/Entity) operates a wood processing facility located in Lexington, South Carolina. Between March 10, 2016, and June 28, 2016, the Department conducted routine inspections and observed and recorded the following: fire lanes were insufficient and the amount of unprocessed material exceeded the permitted allowance. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act and the Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals Regulation as follows: no material, including feedstocks or in-process material, may be stored at the permitted facility in excess of the maximum capacity allowed by permit; no facility shall accept deliveries of feedstocks or other materials that will result in materials being stored in excess of the maximum capacity allowed by permit; and, all materials shall be maintained in such a way as to have sufficient space around piles of material to allow access of emergency fire-fighting equipment and procedures as described and approved in the facility operational plan.

Action: The Individual/Entity is required to: cease accepting deliveries of any feedstocks or other materials for processing until storage of unprocessed feedstocks or other materials is less than 1,425 cubic yards and adequate space between piles is obtained



## **BUREAU OF WATER**

### **Recreational Water Enforcement**

- 7)     Order Type and Number:                     Consent Order 16-150-RW  
       Order Date:                                 November 1, 2016  
       Individual/Entity:                         **Forest Villas Horizontal Property Regime,  
  Individually and d.b.a. Forest Villas**  
  
       Facility:                                     Forest Villas  
       Location:                                    1824 Ebenezer Road  
  Rock Hill, SC 29715  
  
       Mailing Address:                         Same  
       County:                                     York  
       Previous Orders:                         None  
       Permit/ID Number:                     46-045-1  
       Violations Cited:                        S.C. Code Ann. Regs. 61-51(J)

Summary: Forest Villas Horizontal Property Regime, Individually and d.b.a. Forest Villas (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 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 required transition line was not present; a handrail was not tight and secure; the pool furniture was not at least four feet from the pool edge; the water level was too low; the gate did not self-close and latch; there was no drinking water fountain; there was no foot rinse shower; the pH level was not within the acceptable range of water quality standards; the main drain grates were not visible due to cloudy water; the shepherd's crook handle was attached to a telescoping pole; there were no "Shallow Water – No Diving Allowed" signs posted; 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 three hundred forty dollars (**\$340.00**).

- 8)     Order Type and Number:                     Consent Order 16-155-RW  
       Order Date:                                 November 2, 2016  
       Individual/Entity:                         **Fairview Pointe Homeowner's Association**  
       Facility:                                     Fairview Pointe  
       Location:                                    61 Ashington Drive  
  Simpsonville, SC 29680  
  
       Mailing Address:                         Same  
       County:                                     Greenville  
       Previous Orders:                         None  
       Permit/ID Number:                     23-1103B  
       Violations Cited:                        S.C. Code Ann. Regs. 61-51(J)

Summary: Fairview Pointe Homeowner's Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 7, 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: a ladder was not tight and secure; the facility address was not posted at the emergency notification device; the pool rules sign was missing; the current pool operator of record information was not posted to the public; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**. The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

9)	<u>Order Type and Number:</u>	Consent Order 16-156-RW
	<u>Order Date:</u>	November 3, 2016
	<u>Individual/Entity:</u>	<b>Keowee Harbours Community Service Association</b>
	<u>Facility:</u>	Keowee Harbours
	<u>Location:</u>	102 Beacon Ridge Circle Salem, SC 29676
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Oconee
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	37-032-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Keowee Harbours Community Service Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 30, 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: the gate did not self-close and latch; there was no drinking water fountain or foot rinse shower; the shepherd's crook was not accessible; there were no "Shallow Water – No Diving Allowed" signs posted; there were no "No Lifeguard On Duty – Swim At Your Own Risk" signs posted; 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)**.

10)	<u>Order Type and Number:</u>	Consent Order 16-157-RW
	<u>Order Date:</u>	November 4, 2016
	<u>Individual/Entity:</u>	<b>Lakeside Apartments, LLC</b>
	<u>Facility:</u>	Lakeside Apartments
	<u>Location:</u>	503 Sewanee Street Bennettsville, SC 29512
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Marlboro
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	34-007-1



Violations Cited:

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

Summary: Lakeside Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 15, 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: the gate did not self-close and latch; there was no shepherd's crook; the emergency notification device was not operational; the "Shallow Water - No Diving Allowed" signs did not have the correct sized lettering; the "No Lifeguard On Duty - Swim At Your Own Risk" signs did not have the correct sized lettering; 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; and, the bound and numbered log book was not maintained on a daily basis or a minimum of three times per week by the pool operator of record.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**. The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

11)	<u>Order Type and Number:</u>	Consent Order 16-158-RW
	<u>Order Date:</u>	November 4, 2016
	<u>Individual/Entity:</u>	<b>Clemson Swimming Pool Club, Inc.</b>
	<u>Facility:</u>	Clemson Swimming Club
	<u>Location:</u>	106 Helton Street Clemson, SC 29631
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Pickens
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	39-005-2
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Clemson Swimming Pool Club, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 16, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the gate did not self-close and latch; only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted; there was no drinking water fountain; and, the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**. The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

12)	<u>Order Type and Number:</u>	Consent Order 16-159-RW
	<u>Order Date:</u>	November 4, 2016
	<u>Individual/Entity:</u>	<b>Star Brookfield, LLC</b>
	<u>Facility:</u>	Arbors at Brookfield

Location: 782 East Butler Road  
Mauldin, SC 29662  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit/ID Number: 23-406-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Star Brookfield, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 6, 2016, and July 14, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; the bound and numbered log book was not maintained on a daily basis; a skimmer was missing a weir; the bathroom did not have soap; the drinking water fountain did not operate properly; the foot rinse shower did not operate properly; the pH level was not within the acceptable range of water quality standards; and, the shepherd's crook was not the approved length.

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.

13) Order Type and Number: Consent Order 16-160-RW  
Order Date: November 4, 2016  
Individual/Entity: **Waypoint Preserve Owner, LLC**  
Facility: The Preserve at Woods Lake  
Location: 412 Woods Lake Road  
Greenville, SC 29607  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit/ID Number: 23-468-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Waypoint Preserve Owner, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 1, 2016, and July 11, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the gate did not self-close and latch; the foot rinse shower was not operating properly; the life ring was not properly hung in its designated location; the shepherd's crook was not properly mounted in its designated location; the drinking water fountain was not operating properly; the chlorine level was not within the acceptable range of water quality standards; and, the automatic controller was not operable.

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.

14) Order Type and Number: Consent Order 16-161-RW  
Order Date: November 7, 2016  
Individual/Entity: **Mid-America Apartment Communities, Inc.**  
Facility: Highland Ridge Apartments  
Location: 3549 Rutherford Road  
Taylors, SC 29687  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit/ID Number: 23-266-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Mid-America Apartment Communities, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 5, 2016, and August 10, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; the lifeline floats were not properly spaced; algae was present on the pool wall; the chlorine and pH levels were not within the acceptable range of water quality standards; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**. The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

15) Order Type and Number: Consent Order 16-162-RW  
Order Date: November 8, 2016  
Individual/Entity: **The Gatherings Homeowners' Association, Inc.**  
Facility: The Gatherings  
Location: Highway 278  
Hilton Head Island, SC 29921  
Mailing Address: 55 New Orleans Road, Suite 211  
Hilton Head Island, SC 29928  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: 07-299-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Gatherings Homeowners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 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 floats were not properly spaced; a lifeline float was cracked; a ladder was missing bumpers; a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; only one "No Lifeguard On Duty – Swim At your Own Risk" sign was posted, and it did not have the correct wording or appropriate sized letters; the facility could not produce current valid

documentation of pool operator certification; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**). The civil penalty has been paid.

16) Order Type and Number: Consent Order 16-163-RW  
Order Date: November 8, 2016  
Individual/Entity: **Woodfin Partners, LLC**  
Facility: Woodfin Ridge  
Location: 215 South Woodfin Ridge Road  
Inman, SC 29349  
Mailing Address: Same  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: 42-1002B & 42-1003C  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Woodfin Partners, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and kiddie pool. On June 27, 2016, and August 2, 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 chlorine and pH levels were not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; the pool rules sign was not completely filled out; the current pool operator of record information was not posted to the public; the bound and numbered log book was not maintained on a daily basis; a handrail was not tight and secure; and, the gate did not self-close and latch.

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**).

17) Order Type and Number: Consent Order 16-164-RW  
Order Date: November 9, 2016  
Individual/Entity: **Burton Properties Management, LLC**  
Facility: Heritage Hills  
Location: 150 Whispering Wind Trail  
Long Creek, SC 29658  
Mailing Address: Same  
County: Oconee  
Previous Orders: None  
Permit/ID Number: 37-041-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Burton Properties Management, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 5, 2016, and August 2, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as

follows: a ladder was missing bumpers; a skimmer lid was cracked; the foot rinse shower was not operating properly; there was no drinking water fountain; the pH level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the life ring did not have a permanently attached rope; the bound and numbered log book was not available for review; 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.

18) <u>Order Type and Number:</u>	Consent Order 16-165-RW
<u>Order Date:</u>	November 9, 2016
<u>Individual/Entity:</u>	<b>Laurel Creek, LLC</b>
<u>Facility:</u>	Laurel Creek Swim & Racquet
<u>Location:</u>	200 Laurel Creek Drive Rock Hill, SC 29732
<u>Mailing Address:</u>	Same
<u>County:</u>	York
<u>Previous Orders:</u>	14-192-DW (\$2,040.00)
<u>Permit/ID Number:</u>	46-147-1 & 46-149-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Laurel Creek, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and kiddie pool. On June 15, 2016, and July 27, 2016, the pool was inspected and violations were issued for failure to properly operate and maintain; and, on June 14, 2016, and July 27, 2016, the kiddie pool was 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 floor was dirty; a skimmer was missing a weir; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not maintained on a daily basis; a handrail was not tight and secure; the skimmers had chemical residue at the bottom; the flow meter was not operating; the life ring did not have a permanently attached rope; the disinfection equipment was not operating properly; the recirculation and filtration system was not operating properly; and, the automatic controller was not operating.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of two thousand, seven hundred twenty dollars (**\$2,720.00**). The civil penalty has been paid.

19) <u>Order Type and Number:</u>	Consent Order 16-166-RW
<u>Order Date:</u>	November 11, 2016
<u>Individual/Entity:</u>	<b>St. Andrews Apartments Limited Partnership</b>
<u>Facility:</u>	Petan Apartments of St. Andrews
<u>Location:</u>	800 Beatty Road Columbia, SC 29210
<u>Mailing Address:</u>	1122 Lady Street, Suite 830

<u>County:</u>	Columbia, SC 29201
<u>Previous Orders:</u>	Richland
<u>Permit/ID Number:</u>	None
<u>Violations Cited:</u>	40-060-1
	S.C. Code Ann. Regs. 61-51(J)

Summary: St. Andrews Apartments Limited Partnership (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 29, 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: the pH level was not within the acceptable range of water quality standards; the emergency notification device was not accessible; the pool rules sign was not completely filled out; the bound and numbered log book was not available for review; the pump room was not accessible; and, the gate did not self-close and latch.

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**).

20)	<u>Order Type and Number:</u>	Consent Order 16-167-RW
	<u>Order Date:</u>	November 10, 2016
	<u>Individual/Entity:</u>	<b>Scion Columbia Apartments, LLC</b>
	<u>Facility:</u>	The Village at Columbia
	<u>Location:</u>	1050 Southern Drive Columbia, SC 29201
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	40-1107B
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Scion Columbia Apartments, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 26, 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 pool floor and pool walls were not clean; the pool furniture was not at least four feet from the pool edge; the water level was too low; the skimmers did not have weirs; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the log book was not properly bound; the water level was too high; and, the "Shallow Water - No Diving Allowed" signs did not have the appropriate wording.

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 16-168-RW
	<u>Order Date:</u>	November 14, 2016

<u>Individual/Entity:</u>	<b>Oakledge on Calhoun Homeowners Association, Inc.</b>
<u>Facility:</u>	Oakledge on Calhoun
<u>Location:</u>	209 Calhoun Street Clemson, SC 29631
<u>Mailing Address:</u>	Same
<u>County:</u>	Pickens
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	39-1032B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Oakledge on Calhoun Homeowners Association, Inc. (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 gate did not self-close and latch; the bathrooms did not have soap; the chlorine and pH levels were not within the acceptable range of water quality standards; 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 six hundred eighty dollars (**\$680.00**). The civil penalty has been paid.

22) <u>Order Type and Number:</u>	Consent Order 16-169-RW
<u>Order Date:</u>	November 14, 2016
<u>Individual/Entity:</u>	<b>DBC Westgate Limited Partnership</b>
<u>Facility:</u>	Westgate Apartments
<u>Location:</u>	430 East Blackstock Road Spartanburg, SC 29301
<u>Mailing Address:</u>	Same
<u>County:</u>	Spartanburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	42-078-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: DBC Westgate Limited Partnership (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 30, 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; the chlorine level was not within the acceptable range of water quality standards; the life ring did not have a permanently attached rope; the emergency notification device was not operational; and, only one "No Lifeguard On Duty - Swim At Your Own Risk" sign was posted.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

23) Order Type and Number: Consent Order 16-170-RW  
Order Date: November 14, 2016  
Individual/Entity: **A.S.P. Hospitality Enterprise, Inc.**  
Facility: Econo Lodge  
Location: 529 Highway 601 South  
Lugoff, SC 29078  
Mailing Address: Same  
County: Kershaw  
Previous Orders: None  
Permit/ID Number: 28-020-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: A.S.P. Hospitality Enterprise, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 14, 2016, and August 2, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; the foot rinse shower was not operating properly; there was no drinking water fountain; the chlorine and pH levels were not within the acceptable range of water quality standards; and, the 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**).

24) Order Type and Number: Consent Order 16-171-RW  
Order Date: November 14, 2016  
Individual/Entity: **Creekwood Homeowners' Association, Inc.**  
Facility: Creekwood  
Location: 2 Creek Shoals Drive  
Greenville, SC 29607  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit/ID Number: 23-1116B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Creekwood Homeowners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 23, 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 handrail was not tight and secure; 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 completely filled out; one of the "Shallow Water - No Diving Allowed" signs was obstructed; one of the "No Lifeguard On Duty - Swim at Your Own Risk" signs was obstructed; the pump room was not accessible; the bound and numbered log book was not available for review; a handrail was missing a bolt cover; the water level was too low; the skimmer lids were cracked; and, the bound and numbered log book was not maintained on a daily basis. On August 2, 2016, an inspection was conducted and it was determined that all of the deficiencies had been addressed.



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

25) Order Type and Number: Consent Order 16-172-RW  
Order Date: November 22, 2016  
Individual/Entity: **Twelve Oaks at Fenwick Plantation Property Owners Association, Inc.**  
Facility: Twelve Oaks at Fenwick Plantation  
Location: 60 Fenwick Hall Allee  
Charleston, SC 29455  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-1035D  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Twelve Oaks at Fenwick Plantation Property Owners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a spa. On May 24, 2016, and July 7, 2016, the spa was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the gate did not self-close and latch; the bathrooms were not accessible; 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.

26) Order Type and Number: Consent Order 16-173-RW  
Order Date: November 9, 2016  
Individual/Entity: **Hampton Hills Horizontal Property Regime, Inc.**  
Facility: Hampton Hills Condominiums  
Location: 4600 Jackson Boulevard  
Columbia, SC 29209  
Mailing Address: P.O. Box 5114  
West Columbia, SC 29169  
County: Richland  
Previous Orders: None  
Permit/ID Number: 40-152-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Hampton Hills Horizontal Property Regime, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 24, 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 and the floats were damaged; a ladder was missing the bolt covers; a ladder was not tight and secure; a handrail

was not tight and secure; a handrail was missing a bolt cover; the pool wall was not clean; the waterline tiles were dirty; the deck was cracked and uneven with sharp edges; there was standing water on the pool deck; the water level was too high; the gate did not self-close and latch; the bathrooms were not accessible; the drinking water fountain was not operating properly; the coping around the deck was raised; the chlorine and pH levels were not within the acceptable range of water quality standards; the shepherd's crook handle was not the approved length; the "Shallow Water – No Diving Allowed" signs did not have the appropriate size lettering; and, the " No Lifeguard On Duty – Swim At Your Own Risk" signs did not have the appropriate size lettering.

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

27)	<u>Order Type and Number:</u>	Consent Order 16-174-RW
	<u>Order Date:</u>	November 15, 2016
	<u>Individual/Entity:</u>	<b>Baynard Park and Parkside Recreation Association, Inc.</b>
	<u>Facility:</u>	Baynard Park
	<u>Location:</u>	81 Bainbridge Way Bluffton, SC 29910
	<u>Mailing Address:</u>	121 Stroble Way Moncks Corner, SC 29461
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-1120C
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Baynard Park and Parkside Recreation Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 9, 2016, and July 13, 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 drinking water fountain was not operating properly; and, the chlorine and pH levels were not within the acceptable range of water quality standards.

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

28)	<u>Order Type and Number:</u>	Consent Order 16-175-RW
	<u>Order Date:</u>	November 18, 2016
	<u>Individual/Entity:</u>	<b>Camden Country Club</b>
	<u>Facility:</u>	Camden Country Club
	<u>Location:</u>	111 Knights Hill Road Camden, SC 29020
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Kershaw
	<u>Previous Orders:</u>	None

Permit/ID Number: 28-021-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Camden Country Club (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 13, 2016, and July 14, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were not properly spaced; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; there was no emergency notification device; there were no "Shallow Water - No Diving Allowed" signs posted; there were no "No Lifeguard On Duty - Swim At Your Own Risk" signs posted; and, the bound and numbered log book was not maintained on a daily basis.

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

29) Order Type and Number: Consent Order 16-176-RW  
Order Date: November 18, 2016  
Individual/Entity: **Vaishu-Kinu Hardeeville, LLC**  
Facility: Best Western Plus  
Location: Highway 17  
Hardeeville, SC 29927  
Mailing Address: 18102 White Hardee Boulevard  
Hardeeville, SC 29927  
County: Jasper  
Previous Orders: None  
Permit/ID Number: 27-020-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Vaishu-Kinu Hardeeville, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 12, 2016, and August 25, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; 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 life ring was deteriorated and there were no grab lines; the pool rules sign was not completely filled out; the current pool operator of record information was not posted; the facility could not produce current valid documentation of pool operator certification; there were chlorine sticks in the skimmer baskets; and, the bound and numbered log book was not available for review on the first inspection, and was not maintained on a daily basis on the second inspection.

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

30) Order Type and Number: Consent Order 16-177-RW  
Order Date: November 18, 2016  
Individual/Entity: **Ambelal Hotels Group, Inc.**  
Facility: Spring Hill Suites  
Location: 2645 Broad Street  
Sumter, SC 29150  
Mailing Address: Same  
County: Sumter  
Previous Orders: None  
Permit/ID Number: 43-1014B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Ambelal Hotels Group, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 7, 2016, and July 12, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring was missing; and, the bound and numbered log book was not maintained on a daily basis.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**). The civil penalty has been paid.

31) Order Type and Number: Consent Order 16-178-RW  
Order Date: November 21, 2016  
Individual/Entity: **The Palms at Rocky Point, LLC and The Palms at Rocky Point II, LLC**  
Facility: The Palms at Rocky Point  
Location: 109 Palm Point Drive  
Columbia, SC 29212  
Mailing Address: 326 Steeplecrest North  
Irmo, SC 29063  
County: Lexington  
Previous Orders: None  
Permit/ID Number: 40-1085B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The Palms at Rocky Point, LLC and The Palms at Rocky Point II, LLC (Individual/Entity) own and are responsible for the proper operation and maintenance of a pool. On June 23, 2016, and August 2, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the pool walls were not clean; the pH level was not within the acceptable range of water quality standards; the life ring was moldy and the beackets were frayed; only one "No Lifeguard on Duty – Swim at Your Own Risk" sign was posted; the bound and numbered log book was not maintained on a daily basis; a handrail was not tight and secure; the pool rules sign was not completely filled out; and, the pool operator of record information was not posted to the public.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the

amount of six hundred eighty dollars (**\$680.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

32) <u>Order Type and Number:</u>	Consent Order 16-179-RW
<u>Order Date:</u>	November 21, 2016
<u>Individual/Entity:</u>	<b>Homes of Polo Homeowners Association, Inc.</b>
<u>Facility:</u>	Homes of Polo
<u>Location:</u>	101 Hounds Court South Columbia, SC 29223
<u>Mailing Address:</u>	Same
<u>County:</u>	Richland
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	40-210-1 & 40-211-1
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Homes of Polo Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool and spa. On June 22, 2016, and August 2, 2016, the pool and spa were inspected and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the drinking water fountain was not operating properly; the chlorine and pH levels were not within the acceptable range of water quality standards; the bound and numbered log book was not available for review; and, the emergency notification device was not operating properly.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**). The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

33) <u>Order Type and Number:</u>	Consent Order 16-180-RW
<u>Order Date:</u>	November 22, 2016
<u>Individual/Entity:</u>	<b>Autumn Cove Homeowners Association</b>
<u>Facility:</u>	Autumn Cove
<u>Location:</u>	1030 Pepperwood Place Lake Wylie, SC 29701
<u>Mailing Address:</u>	Same
<u>County:</u>	York
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	46-1010B
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Autumn Cove Homeowners Association (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 17, 2016, July 13, 2016, and July 26, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the ladders were missing bumpers; the gate did not self-close and latch; the chlorine and pH levels were not within the acceptable range of water quality standards; the life ring was not properly hung; the bound and numbered log book was not

maintained on a daily basis; the water was cloudy; the life ring rope was deteriorated; the recirculation and filtration system was not operating properly; and, a ladder 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 two thousand, forty dollars **(\$2,040.00)**. The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

34) Order Type and Number: Consent Order 16-181-RW  
Order Date: November 23, 2016  
Individual/Entity: **The City of Orangeburg**  
Facility: Edisto Memorial Gardens Spray Park  
Location: 709 Riverside Drive  
Orangeburg, SC 29115  
Mailing Address: Same  
County: Orangeburg  
Previous Orders: None  
Permit/ID Number: 38-1003C  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: The City of Orangeburg (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 7, 2016, and July 25, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; and, the facility address was not posted at the emergency notification device.

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

35) Order Type and Number: Consent Order 16-182-RW  
Order Date: November 22, 2016  
Individual/Entity: **Emerald Pointe Owners' Association, Inc.**  
Facility: Emerald Pointe  
Location: 103 Emerald Pointe Drive  
Seneca, SC 29672  
Mailing Address: Same  
County: Oconee  
Previous Orders: None  
Permit/ID Number: 37-038-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Emerald Pointe Owners' Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 1, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the chlorine and pH levels were not within the

acceptable range of water quality standards; there were no "Shallow Water – No Diving Allowed" signs posted; there were no "No Lifeguard On Duty – Swim At Your Own Risk" signs posted; the bound and numbered log book was not maintained on a daily basis; and, the recirculation and filtration system was leaking.

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.

36) Order Type and Number: Consent Order 16-183-RW  
Order Date: November 22, 2016  
Individual/Entity: **Herman-Coventry Green, L.P.**  
Facility: Coventry Green Apartments  
Location: 104 Gainsborough Drive  
Goose Creek, SC 29445  
Mailing Address: Same  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: 08-082-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Herman-Coventry Green, L.P. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 9, 2016, and July 8, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a skimmer was missing a weir; the pH level was not within the acceptable range of water quality standards; only one "Shallow Water – No Diving Allowed" sign was posted; and, there were no "No Lifeguard On Duty – Swim At Your Own Risk" signs posted.

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

37) Order Type and Number: Consent Order 16-184-RW  
Order Date: November 28, 2016  
Individual/Entity: **Zeal, LLC**  
Facility: City Studios  
Location: 220 Whitty Drive  
Myrtle Beach, SC 29579  
Mailing Address: Same  
County: Horry  
Previous Orders: 14-075-DW (\$800.00)  
Permit/ID Number: 26-R24-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Zeal, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 20, 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 pool floor was not clean; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the main drain grates were not in place; there was no emergency notification device; the pool rules sign was not completely filled out; the facility could not produce current valid documentation of pool operator certification; and, the log book was not properly bound and numbered. On July 21, 2016, a follow-up inspection was conducted and it was determined that all of the deficiencies had been addressed.

Action: The Individual/Entity is required to: pay a civil penalty in the amount of one thousand, three hundred sixty dollars (**\$1,360.00**). The civil penalty has been paid.

38) Order Type and Number: Consent Order 16-185-RW  
Order Date: November 23, 2016  
Individual/Entity: **ACDC Holdings Group, LLC**  
Facility: Lions Gate Apartments  
Location: 288 Old Mill Road  
Mauldin, SC 29662  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit/ID Number: 23-267-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: ACDC Holdings Group, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 6, 2016, and July 15, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the lifeline floats were damaged; a handrail was missing a bolt cover; the skimmers were missing weirs; the bathrooms were not clean; the drinking water fountain was not operating properly; the facility address was not posted at the emergency notification device; one of the "No Lifeguard On Duty - Swim At Your Own Risk" signs did not have the correct wording; a handrail was missing a bolt cover; a ladder was not tight and secure; 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 and corrected the deficiencies.

39) Order Type and Number: Consent Order 16-186-RW  
Order Date: November 28, 2016  
Individual/Entity: **Shri AP, LLC**  
Facility: Comfort Suites  
Location: 2500 Broad Street Extension  
Sumter, SC 29150  
Mailing Address: Same  
County: Sumter  
Previous Orders: None



Permit/ID Number: 43-045-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Shri AP, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On July 5, 2016, and July 25, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was not tight and secure; the pool floor was dirty; the drinking water fountain was not operating properly; the pH 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**). The civil penalty has been paid.

40) Order Type and Number: Consent Order 16-187-RW  
Order Date: November 23, 2016  
Individual/Entity: **Plantations at Haywood O, LLC**  
Facility: Plantations at Haywood  
Location: 135 Haywood Crossing Drive  
Greenville, SC 29607  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit/ID Number: 23-386-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Plantations at Haywood O, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On May 24, 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: there was no foot rinse shower; 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 bound and numbered log book was not maintained on a daily basis; a handrail was missing a bolt cover; the plaster on the pool floor was delaminated; there was debris in the skimmer baskets; and, the foot rinse shower was not operating properly.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

41) Order Type and Number: Consent Order 16-188-RW  
Order Date: November 23, 2016  
Individual/Entity: **Jai Shiv Shakti, LLC**  
Facility: Holiday Inn Express  
Location: 275 Frontage Road  
Duncan, SC 29334  
Mailing Address: Same

County: Spartanburg  
Previous Orders: None  
Permit/ID Number: 42-212-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Jai Shiv Shakti, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On January 8, 2016, June 3, 2016, August 3, 2016, and October 13, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the chlorine and pH levels were not within the acceptable range of water quality standards; and, a skimmer was missing a weir.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of two thousand, forty dollars (**\$2,040.00**). The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

42) Order Type and Number: Consent Order 16-189-RW  
Order Date: November 29, 2016  
Individual/Entity: **Electric City Hotel Group, LLC**  
Facility: Microtel Inn & Suites  
Location: 102 Electric City Boulevard  
Anderson, SC 29621  
Mailing Address: Same  
County: Anderson  
Previous Orders: None  
Permit/ID Number: 04-1045B  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Electric City Hotel Group, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 1, 2016, and July 12, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a handrail was not tight and secure; the gate did not self-close and latch; the chlorine level was not within the acceptable range of water quality standards; the cyanuric acid level was above the water quality standards acceptable limit; the pool rules sign was not completely filled out; the emergency notification device was not operating; the current pool operator of record information was not posted to the public; the facility could not produce current valid documentation of pool operator certification; and, the bound and numbered log book was not properly bound or numbered, 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 civil penalty in the amount of six hundred eighty dollars (**\$680.00**).

43) Order Type and Number: Consent Order 16-190-RW  
Order Date: November 29, 2016  
Individual/Entity: **Brackenbrook-North Charleston Limited Partnership**

Facility: Brackenbrook Apartments  
Location: 4775 Apartment Boulevard  
Charleston, SC 29418  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit/ID Number: 10-162-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Brackenbrook-North Charleston Limited Partnership (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 27, 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 gate did not self-close and latch; there was no drinking water fountain; the chlorine and pH levels were not within the acceptable range of water quality standards; there was no foot rinse shower; and, the bound and numbered log book was not maintained on a daily basis on the first inspection, and was not maintained a minimum of three times per week by the pool operator of record on the second inspection.

Action: The Individual/Entity is required to: submit a corrective action plan and schedule of implementation to address the deficiencies; and, pay a civil penalty in the amount of six hundred eighty dollars **(\$680.00)**. The civil penalty has been paid. The Individual/Entity submitted a corrective action plan and corrected the deficiencies.

44) Order Type and Number: Consent Order 16-191-RW  
Order Date: November 29, 2016  
Individual/Entity: **Arim Lakewood, LLC**  
Facility: Lakewood Lodge  
Location: 2 Mabeline Drive  
Hanahan, SC 29418  
Mailing Address: Same  
County: Berkeley  
Previous Orders: None  
Permit/ID Number: 08-027-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Arim Lakewood, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 30, 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: a ladder was not tight and secure; a handrail was missing a bolt cover; a skimmer was missing a weir; the gate did not self-close and latch; and, the cyanuric acid 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 and corrected the deficiencies.

45) <u>Order Type and Number:</u>	Consent Order 16-192-RW
<u>Order Date:</u>	November 29, 2016
<u>Individual/Entity:</u>	<b>Etiwan Pointe Townhomes Homeowners Association, Inc.</b>
<u>Facility:</u>	Etiwan Pointe
<u>Location:</u>	102 Etiwan Pointe Drive Mount Pleasant, SC 29464
<u>Mailing Address:</u>	Same
<u>County:</u>	Charleston
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	10-1108D
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Etiwan Pointe Townhomes Homeowners Association, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool. On June 22, 2016, and August 1, 2016, the pool was inspected and a violation was issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: the water was green and cloudy; the chlorine and pH levels were not within the acceptable range of water quality standards; and, the gate did not self-close and latch.

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.

### **Drinking Water Enforcement**

46) <u>Order Type and Number:</u>	Consent Order 16-055-DW
<u>Order Date:</u>	November 21, 2016
<u>Individual/Entity:</u>	<b>Saluda County Water and Sewer Authority</b>
<u>Facility:</u>	Saluda County Water and Sewer Authority
<u>Location:</u>	106 North Jennings Street Saluda, South Carolina 29138
<u>Mailing Address:</u>	Same
<u>County:</u>	Saluda
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	4120001
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.10.D(2)(c)

Summary: Saluda County Water and Sewer Authority (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS). On September 29, 2016, a violation was issued as a result of review of monitoring records. The Individual/Entity has violated the State Primary Drinking Water Regulations as follows: the PWS had undetectable levels of residual disinfectant concentrations in more than five percent of the samples collected for at least two consecutive months.

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

### **Water Pollution Enforcement**

47) Order Type and Number: Consent Order 16-037-W  
Order Date: November 30, 2016  
Individual/Entity: **Pharr Yarns, Inc.**  
Facility: Clover Division Plant  
Location: Highway 557 and Kingsbury Drive  
Clover, SC  
Mailing Address: P.O. Box 1939  
McAdenville, NC 28101  
County: York  
Previous Orders: 14-018-W (\$2,700.00)  
Permit/ID Number: NPDES permit SC0028321  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (Supp. 2015); Water Pollution Control Permits, S.C. Code Ann. Regs. 61-9.122.41 (a) (2011).

Summary: Pharr Yarns, Inc. (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in York County, South Carolina. On July 20, 2016, a Notice of Violation was issued as a result of discharge monitoring reports received by the Department. The Individual/Entity has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: failed to comply with the effluent limit of its National Pollutant Discharge Elimination System (NPDES) permit for Escherichia 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 two thousand, eight hundred dollars (**\$2,800.00**).

### **BUREAU OF AIR QUALITY**

48) Order Type and Number: Consent Order 16-034-A  
Order Date: November 15, 2016  
Individual/Entity: **NOCS South Atlantic Cold Storage & Warehouse, Inc.**  
Facility: NOCS South Atlantic Cold Storage & Warehouse, Inc.  
Location: 1091 Remount Road  
N. Charleston, SC 29406  
Mailing Address: 3411 Jourdan Road

New Orleans, LA 70126  
County: Charleston  
Previous Orders: None  
Permit/ID Number: N/A  
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: NOCS South Atlantic Cold Storage & Warehouse, Inc, (Individual/Entity) maintains greater than 10,000 pounds of anhydrous ammonia at its facility. On November 30, 2015, the Department conducted an inspection at the facility. The Individual/Entity violated U.S. EPA Regulations at 40 CFR and South Carolina Air Pollution Control Regulations as follows: failed to assign a qualified person to have overall responsibility for the Risk Management Program, and document the names or positions of people responsible for implementing portions of the program elements and define the lines of authority; failed to use the most recent Census data to estimate the population in its worst-case and alternative release scenarios; failed to document all of the required information in its process safety information; failed to address stationary source siting in its process hazard analysis; failed to retain its 2007 process hazard analysis; failed to address required safety and health considerations in its operating procedures; failed to perform a pre-startup safety review for a modified source; and failed to include in its compliance audits an evaluation of compliance with all provisions in the 112(r) Regulations and owner certification.

Action: The Individual/Entity is required to: immediately implement and henceforth maintain its Risk Management Program in accordance with the requirements of the 112(r) Regulations and pay a civil penalty in the amount of fourteen thousand dollars (**\$14,000.00**).

### **BUREAU OF ENVIRONMENTAL HEALTH SERVICES**

49) Order Type and Number: Consent Order 2015-206-06-058  
Order Date: November 1, 2016  
Individual/Entity: **Big Mike's Grill**  
Facility: Big Mike's Grill  
Location: 504 16<sup>th</sup> Avenue North  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-11959  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Big Mike's Grill (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on July 28, 2015, and March 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 eight hundred dollars **(\$800.00)**.

50) Order Type and Number: Consent Order 2016-206-01-024  
Order Date: November 1, 2016  
Individual/Entity: **Country Inn & Suites**  
Facility: Country Inn & Suites  
Location: 116 Interstate Boulevard  
Anderson, SC 29621  
Mailing Address: Same  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-03839  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Country Inn & Suites (Individual/Entity) operates a breakfast buffet located in Anderson, South Carolina. The Department conducted inspections on May 28, 2015, and April 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

51) Order Type and Number: Consent Order 2016-206-07-041  
Order Date: November 1, 2016  
Individual/Entity: **Zia Taqueria**  
Facility: Zia Taqueria  
Location: 1956-A Maybank Highway  
Charleston, SC 29412  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-06763  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Zia Taqueria (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on July 28, 2015, and July 5, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

52) Order Type and Number: Consent Order 2016-206-03-043  
Order Date: November 3, 2016  
Individual/Entity: **Jimmy Johns #559**  
Facility: Jimmy Johns #559  
Location: 2015 Devine Street  
Columbia, SC 29205  
Mailing Address: 5410 Page Road, Suite 5  
Durham, NC 27703  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-05722  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jimmy Johns #559 (Individual/Entity) is a restaurant located in Columbia, South Carolina. The Department conducted inspections on June 23, 2015, and May 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 five hundred fifty-three dollars (**\$553.00**).

53) Order Type and Number: Consent Order 2016-206-06-084  
Order Date: November 7, 2016  
Individual/Entity: **Texas Roadhouse**  
Facility: Texas Roadhouse  
Location: 760 Coastal Grand Circle  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10814  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Texas Roadhouse (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on January 8, 2016, and May 3, 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 eight hundred dollars (**\$800.00**).

54) Order Type and Number: Consent Order 2016-206-06-049  
Order Date: November 7, 2016  
Individual/Entity: **Captain Crab Seafood**  
Facility: Captain Crab Seafood



Location: 1109 South Kings Highway  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12652  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Captain Crab Seafood (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on June 15, 2016, and June 30, 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 properly cool cooked time/temperature control for safety foods.

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

55) Order Type and Number: Consent Order 2016-206-06-057  
Order Date: November 7, 2016  
Individual/Entity: **China Dragon**  
Facility: China Dragon  
Location: 2909 N. Kings Highway  
North Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12032  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: China Dragon (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on March 17, 2016, March 28, 2016, and July 21, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store foods in a manner to prevent cross contamination; failed to 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 one thousand, two hundred dollars (**\$1,200.00**).

56) Order Type and Number: Consent Order 2016-206-07-036  
Order Date: November 7, 2016  
Individual/Entity: **5Church Charleston**  
Facility: 5Church Charleston  
Location: 32-B North Market Street  
Charleston, SC 29401

Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-09959  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: 5Church Charleston (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on January 21, 2016, and June 30, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper sanitization concentration for the warewashing (dish) machine.

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

57) Order Type and Number: Consent Order 2015-206-06-083  
Order Date: November 7, 2016  
Individual/Entity: **New York Style Pizza**  
Facility: New York Style Pizza  
Location: 910 North Ocean Boulevard  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10039  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: New York Style Pizza (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on December 15, 2015, and April 28, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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**).

58) Order Type and Number: Consent Order 2016-206-03-033  
Order Date: November 7, 2016  
Individual/Entity: **Pizzeria Uno**  
Facility: Pizzeria Uno  
Location: 5304 Sunset Boulevard  
Lexington, SC 29072  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-04008  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pizzeria Uno (Individual/Entity) is a restaurant located in Lexington, South Carolina. The Department conducted inspections on April 20, 2015, March 14, 2016, and March 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 ensure employees wash hands after engaging in activities that contaminate their hands.

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)**.

59) Order Type and Number: Consent Order 2016-206-06-069  
Order Date: November 7, 2016  
Individual/Entity: **McDonald's #31323**  
Facility: McDonald's #31323  
Location: 9527 Highway 707  
Myrtle Beach, SC 29588  
Mailing Address: 171 McDonald Court  
Myrtle Beach, SC 29588  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-09888  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: McDonald's #31323 (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on September 22, 2015, and April 15, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded.

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)**.

60) Order Type and Number: Consent Order 2016-206-06-076  
Order Date: November 7, 2016  
Individual/Entity: **Bully's Pub & Grill**  
Facility: Bully's Pub & Grill  
Location: 4868 South Kings Highway  
North Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10106  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bully's Pub & Grill (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on May 28, 2015, and April 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to 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**).

61)	<u>Order Type and Number:</u>	Consent Order 2016-206-03-042
	<u>Order Date:</u>	November 10, 2016
	<u>Individual/Entity:</u>	<b>C-Mart</b>
	<u>Facility:</u>	C-Mart
	<u>Location:</u>	658 Two Notch Road Lexington, SC 29073
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	32-206-06383
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: C-Mart (Individual/Entity) is a convenience store located in Lexington, South Carolina. The Department conducted inspections on May 15, 2015, April 25, 2016, and May 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 one thousand, two hundred dollars (**\$1,200.00**).

62)	<u>Order Type and Number:</u>	Consent Order 2016-206-02-014
	<u>Order Date:</u>	November 10, 2016
	<u>Individual/Entity:</u>	<b>Whitmire Food Mart</b>
	<u>Facility:</u>	Whitmire Food Mart
	<u>Location:</u>	6506 Whitmire Highway Whitmire, SC 29178
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Union
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	44-206-00771
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Whitmire Food Mart (Individual/Entity) is a convenience store located in Whitmire, South Carolina. The Department conducted inspections on July 10, 2015, and April 26, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to ensure employees wash hands after engaging in activities that contaminate their hands.

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)**.

63) Order Type and Number: Consent Order 2016-206-06-104  
Order Date: November 10, 2016  
Individual/Entity: **Dick's Last Resort**  
Facility: Dick's Last Resort  
Location: 4700 South Kings Highway  
North Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-04011  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Dick's Last Resort (Individual/Entity) operates a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on September 17, 2015, and June 3, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

64) Order Type and Number: Consent Order 2016-206-06-087  
Order Date: November 10, 2016  
Individual/Entity: **Wicked Tuna**  
Facility: Wicked Tuna  
Location: 4123 Highway 17 South  
Murrells Inlet, SC 29582  
Mailing Address: Same  
County: Georgetown  
Previous Orders: None  
Permit Number: 22-206-06214  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Wicked Tuna (Individual/Entity) is a restaurant located in Murrells Inlet, South Carolina. The Department conducted inspections on June 1, 2015, and April 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)**.

65) Order Type and Number: Consent Order 2016-206-06-095  
Order Date: November 14, 2016  
Individual/Entity: **Drafts Sports Bar & Grill**  
Facility: Drafts Sports Bar & Grill  
Location: 415 South Ocean Boulevard  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-13051  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Drafts Sports Bar & Grill (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on May 26, 2015, and May 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 eight hundred dollars (**\$800.00**).

66) Order Type and Number: Consent Order 2016-206-06-086  
Order Date: November 14, 2016  
Individual/Entity: **Get Carried Away**  
Facility: Get Carried Away  
Location: 10126 Ocean Highway #5B  
Pawleys Island, SC 29585  
Mailing Address: 55 ACL Trail  
Pawleys Island, SC 29585  
County: Georgetown  
Previous Orders: None  
Permit Number: 22-206-06139  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Get Carried Away (Individual/Entity) is a restaurant located in Pawleys Island, South Carolina. The Department conducted inspections on August 5, 2015 and May 4, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store foods in a manner to prevent cross contamination; failed to 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**).

67) Order Type and Number: Consent Order 2016-206-06-047  
Order Date: November 14, 2016

Individual/Entity: **Habanero's**  
Facility: Habanero's  
Location: 10799 Highway 707, Suite 7  
Murrells Inlet, SC 29576  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12316  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Habanero's (Individual/Entity) is a restaurant located in Murrells Inlet, South Carolina. The Department conducted inspections on July 9, 2015, and June 8, 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**).

68) Order Type and Number: Consent Order 2015-206-06-056  
Order Date: November 14, 2016  
Individual/Entity: **National House of Pancakes**  
Facility: National House of Pancakes  
Location: 211 North Kings Highway  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12602  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: National House of Pancakes (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on July 22, 2015, July 31, 2015, and April 27, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

69) Order Type and Number: Consent Order 2016-206-06-048  
Order Date: November 14, 2016  
Individual/Entity: **Little River Deli**  
Facility: Little River Deli  
Location: 2352 Highway 9 East  
Longs, SC 29568  
Mailing Address: Same  
County: Horry

Previous Orders: None  
Permit Number: 26-206-11905  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Little River Deli (Individual/Entity) is a restaurant located in Longs, South Carolina. The Department conducted inspections on June 23, 2016, 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 eight hundred dollars (**\$800.00**).

70) Order Type and Number: Consent Order 2016-206-06-102  
Order Date: November 14, 2016  
Individual/Entity: **El Cerro Mexican Bar & Grill**  
Facility: El Cerro Mexican Bar & Grill  
Location: 2738 Beaver Run Boulevard  
Surfside Beach, SC 29575  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12221  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Cerro Mexican Bar & Grill (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on June 23, 2016, and June 29, 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 eight hundred dollars (**\$800.00**).

71) Order Type and Number: Consent Order 2016-206-06-013  
Order Date: November 14, 2016  
Individual/Entity: **Lincoln Park Bar& Grill**  
Facility: Lincoln Park Bar& Grill  
Location: 8739 Highway 17 Bypass South  
Myrtle Beach, SC 29575  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12660  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Lincoln Park Bar & Grill (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on September 14, 2015, and



January 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 five hundred fifty dollars **(\$550.00)**.

72) Order Type and Number: Consent Order 2016-206-03-0391  
Order Date: November 14, 2016  
Individual/Entity: **IGA Deli/Bakery**  
Facility: IGA Deli/Bakery  
Location: 4760 Augusta Highway  
Gilbert, SC 29054  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-03034  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: IGA Deli/Bakery (Individual/Entity) is a deli and bakery located in Gilbert, South Carolina. The Department conducted inspections on May 6, 2015, and April 25, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

73) Order Type and Number: Consent Order 2016-206-01-028  
Order Date: November 14, 2016  
Individual/Entity: **Burger King #10693**  
Facility: Burger King #10693  
Location: 7604 Highway 25 North  
Ware Shoals, SC 29692  
Mailing Address: PO Box 49459  
Greenwood, SC 29649  
County: Greenwood  
Previous Orders: None  
Permit Number: 24-206-01340  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Burger King #10693 (Individual/Entity) is a restaurant located in Ware Shoals, South Carolina. The Department conducted inspections on March 3, 2016, and May 4, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that when time without temperature control was used as a public health control, the food in unmarked containers or containers where time had exceeded the maximum four (4) hour time limit were discarded.

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

74) Order Type and Number: Consent Order 2016-206-06-042  
Order Date: November 14, 2016  
Individual/Entity: **Waffle House #1892**  
Facility: Waffle House #1892  
Location: 2811 South Kings Highway  
Myrtle Beach, SC 29577  
Mailing Address: P.O. Box 6450  
Norcross, GA 30091  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-11613  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Waffle House #1892 (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on April 22, 2016, and May 2, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

75) Order Type and Number: Consent Order 2016-206-03-023  
Order Date: November 16, 2016  
Individual/Entity: **Pizza Joint**  
Facility: Pizza Joint  
Location: 3246 Forest Drive  
Columbia, SC 29204  
Mailing Address: Same  
County: Richland  
Previous Orders: None  
Permit Number: 40-206-06321  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pizza Joint (Individual/Entity) is a restaurant located in Columbia, South Carolina. The Department conducted an inspection on March 10, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

76) Order Type and Number: Consent Order 2016-206-04-026  
Order Date: November 16, 2016  
Individual/Entity: **Jin Jin Chinese Restaurant**  
Facility: Jin Jin Chinese Restaurant  
Location: 39 North Main Street  
Sumter, SC 29150  
Mailing Address: Same  
County: Sumter  
Previous Orders: 2015-206-04-017 (\$950.00)  
Permit Number: 43-206-00408  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Jin Jin Chinese Restaurant (Individual/Entity) is a restaurant located in Sumter, South Carolina. The Department conducted an inspection on April 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**).

77) Order Type and Number: Consent Order 2016-206-04-019  
Order Date: November 16, 2016  
Individual/Entity: **Tanners**  
Facility: Tanners  
Location: 2605 Warehouse Boulevard  
Sumter, SC 29102  
Mailing Address: 1365 Loblolly Drive  
Manning, SC 29102  
County: Sumter  
Previous Orders: None  
Permit Number: 43-206-01009  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Tanners (Individual/Entity) is a restaurant located in Sumter, South Carolina. The Department conducted inspections on April 8, 2016, and August 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

78) Order Type and Number: Consent Order 2016-206-04-025  
Order Date: November 16, 2016

Individual/Entity: **Five Guys Burgers and Fries**  
Facility: Five Guys Burgers and Fries  
Location: 1261 Broad Street  
Sumter, SC 29150  
Mailing Address: 18427 S. Roaring River Court  
Humble, TX 77346  
County: Sumter  
Previous Orders: None  
Permit Number: 43-206-00959  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Five Guys Burgers and Fries (Individual/Entity) is a restaurant located in Sumter, South Carolina. The Department conducted inspections on April 4, 2016, and April 13, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands.

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 2016-206-03-041  
Order Date: November 16, 2016  
Individual/Entity: **Beef O'Brady's**  
Facility: Beef O'Brady's  
Location: 2742 North Lake Drive, Suite 104  
Columbia, SC 29212  
Mailing Address: Same  
County: Lexington  
Previous Orders: None  
Permit Number: 32-206-04093  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Beef O'Brady's (Individual/Entity) is a restaurant located in Columbia, South Carolina. The Department conducted inspections on March 8, 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**).

80) Order Type and Number: Consent Order 2016-206-01-026  
Order Date: November 16, 2016  
Individual/Entity: **7-Eleven #36837H**  
Facility: 7-Eleven #36837H  
Location: 2012 Highway 29 North  
Anderson, SC 29621

Mailing Address: P.O. Box 219088  
Dallas, TX75221  
County: Anderson  
Previous Orders: None  
Permit Number: 04-206-04083  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: 7-Eleven #36837H (Individual/Entity) is a convenience store located in Anderson, South Carolina. The Department conducted inspections on April 11, 2016, and April 21, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store toxic chemicals away from food and food contact surfaces.

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

81) Order Type and Number: Consent Order 2016-206-06-099  
Order Date: November 18, 2016  
Individual/Entity: **K&W Cafeteria #42**  
Facility: K&W Cafeteria #42  
Location: 1621 Highway 17North  
North Myrtle Beach, SC 29582  
Mailing Address: P.O. Box 25048  
Winston Salem, NC 27114  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-07815  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: K &W Cafeteria #42 (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on April 8, 2016, and August 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

82) Order Type and Number: Consent Order 2016-206-06-046  
Order Date: November 18, 2016  
Individual/Entity: **Surfside Jenny's**  
Facility: Surfside Jenny's  
Location: 1013 Glens Bay Road  
Surfside Beach, SC 29575  
Mailing Address: None  
County: Horry  
Previous Orders: 2013-206-06-015 (\$500.00)

Permit Number: 26-206-08782  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Surfside Jenny's (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on July 30, 2015, and February 11, 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 the proper sanitizer concentration level at the mechanical dish (warewashing) 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)**.

83) Order Type and Number: Consent Order 2016-206-06-050  
Order Date: November 18, 2016  
Individual/Entity: **Surfside Jenny's**  
Facility: Surfside Jenny's  
Location: 1013 Glens Bay Road  
Surfside Beach, SC 29575  
Mailing Address: None  
County: Horry  
Previous Orders: 2013-206-06-015 (\$500.00)  
Permit Number: 26-206-08782  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Surfside Jenny's (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on September 21, 2016, and September 23, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded 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)**.

84) Order Type and Number: Consent Order 2016-206-06-089  
Order Date: November 18, 2016  
Individual/Entity: **New China Buffet DBA Lucky Cho**  
Facility: New China Buffet DBA Lucky Cho  
Location: 1700 Highway 17 North  
Surfside Beach, SC 29575  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-13065  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: New China Buffet DBA Lucky Cho (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on January 7, 2016, and May 18, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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)	<u>Order Type and Number:</u>	Consent Order 2016-206-06-053
	<u>Order Date:</u>	November 18, 2016
	<u>Individual/Entity:</u>	<b>Wendy's #213</b>
	<u>Facility:</u>	Wendy's #213
	<u>Location:</u>	2625 Dick Pond Road Myrtle Beach, SC 29575
	<u>Mailing Address:</u>	8040 Arrowridge Blvd. Charlotte, NC 28273
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	26-206-07460
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Wendy's #213 (Individual/Entity) is a restaurant located in Surfside Beach, South Carolina. The Department conducted inspections on January 7, 2016, and May 18, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to ensure employees wash hands after engaging in activities that contaminate their hands.

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)**.

86)	<u>Order Type and Number:</u>	Consent Order 2016-206-04-020
	<u>Order Date:</u>	November 18, 2016
	<u>Individual/Entity:</u>	<b>Holiday Inn Express</b>
	<u>Facility:</u>	Holiday Inn Express
	<u>Location:</u>	2490 Broad Street Sumter, SC 29150
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Sumter
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	43-206-01168
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Holiday Inn Express (Individual/Entity) operates a breakfast buffet located in Sumter, South Carolina. The Department conducted inspections on March 15, 2016, March 25, 2016, and April 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 and failed to ensure hand sinks were supplied and accessible for employees to wash hands.

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 2016-206-06-066  
Order Date: November 18, 2016  
Individual/Entity: **Tanner's Money Saver**  
Facility: Tanner's Money Saver  
Location: 209 Thurgood Marshall Highway  
Kingstree, SC 29556  
Mailing Address: Same  
County: Williamsburg  
Previous Orders: None  
Permit Number: 45-206-00373  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Tanner's Money Saver (Individual/Entity) is a convenience store located in Kingstree, South Carolina. The Department conducted inspections on January 26, 2016, February 5, 2016, February 11, 2016, and March 24, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods and failed to properly cool cooked time/temperature control for safety foods.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of one thousand, six hundred dollars **(\$1,600.00)**.

88) Order Type and Number: Consent Order 2016-206-06-096  
Order Date: November 18, 2016  
Individual/Entity: **El Cerro Grande Conway**  
Facility: El Cerro Grande Conway  
Location: 101 Rivertown Boulevard  
Conway, SC 29526  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-10609  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Cerro Grande Conway (Individual/Entity) is a restaurant located in Conway, South Carolina. The Department conducted inspections on June 2, 2015, and May 26, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.



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

89) Order Type and Number: Consent Order 2016-206-06-063  
Order Date: November 18, 2016  
Individual/Entity: **McDonald's #26233**  
Facility: McDonald's #26233  
Location: 596 Highway 701 North  
Loris, SC 29588  
Mailing Address: 171 McDonald Court  
Myrtle Beach, SC 29588  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-08301  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: McDonald's #26233(Individual/Entity) is a restaurant located in Loris, South Carolina. The Department conducted inspections on April 4, 2016, September 23, 2016, and October 17, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that when time without temperature control is used as a public health control, the food in unmarked containers or packages shall be discarded and failed to store toxic chemicals away from food and food contact surfaces.

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

90) Order Type and Number: Consent Order 2016-206-04-021  
Order Date: November 18, 2016  
Individual/Entity: **Western Sizzlin**  
Facility: Western Sizzlin  
Location: 2688 David H McLeod Boulevard  
Florence, SC 29501  
Mailing Address: Same  
County: Florence  
Previous Orders: 2014-206-04-025 (\$750.00)  
Permit Number: 21-206-00658  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Western Sizzlin(Individual/Entity) is a restaurant located in Florence, South Carolina. The Department conducted inspections on March 21, 2016, and June 21, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

91) Order Type and Number: Consent Order 2016-206-06-052  
Order Date: November 18, 2016  
Individual/Entity: **Applebee's #710**  
Facility: Applebee's #710  
Location: 3256 Highway 17 South  
Murrells Inlet, SC 29576  
Mailing Address: 170 Wind Chime Court  
Raleigh, NC 27615  
County: Horry  
Previous Orders: 2014-206-06-050 (\$500.00);  
2016-206-06-038 (\$1,200.00)  
Permit Number: 26-206-11799  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Applebee's #710 (Individual/Entity) is a restaurant located in Murrells Inlet, South Carolina. The Department conducted an inspection on September 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 2016-206-06-051  
Order Date: November 18, 2016  
Individual/Entity: **Applebee's #706**  
Facility: Applebee's #706  
Location: 7915 North Kings Highway  
Myrtle Beach, SC 29572  
Mailing Address: 170 Wind Chime Court  
Raleigh, NC 27615  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-11806  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Applebee's #706(Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on June 8, 2016, July 7, 2016, and September 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 one thousand, two hundred dollars (**\$1,200.00**).

93) Order Type and Number: Consent Order 2016-206-06-056  
Order Date: November 18, 2016  
Individual/Entity: **Greg Norman's Australian Grill**  
Facility: Greg Norman's Australian Grill  
Location: 4930 South Kings Highway  
North Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-08055  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Greg Norman's Australian Grill (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on May 20, 2015, and March 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**).

94) Order Type and Number: Consent Order 2016-206-06-081  
Order Date: November 18, 2016  
Individual/Entity: **Ultimate California Pizza Fun**  
Facility: Ultimate California Pizza Fun  
Location: 959 Lake Arrowhead Road  
Myrtle Beach, SC 29572  
Mailing Address: 2504 South Kings Highway  
Myrtle Beach, SC 29577  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-11402  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ultimate California Pizza Fun (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on May 20, 2015, and March 25, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure there was no bare hand contact with ready-to-eat foods.

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

95) Order Type and Number: Consent Order 2016-206-04-018  
Order Date: November 18, 2016  
Individual/Entity: **Sambino's Bistro**  
Facility: Sambino's Bistro

Location: 1104 Alice Drive  
Sumter, SC 29150  
Mailing Address: Same  
County: Sumter  
Previous Orders: None  
Permit Number: 43-206-00683  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Sambino's Bistro (Individual/Entity) is a restaurant located in Sumter, South Carolina. The Department conducted inspections on March 8, 2016, and March 17, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

96) Order Type and Number: Consent Order 2016-206-07-034  
Order Date: November 18, 2016  
Individual/Entity: **D'Allesandro's Pizza**  
Facility: D'Allesandro's Pizza  
Location: 229 St. Phillip Street  
Charleston, SC 29403  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-05780  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: D'Allesandro's Pizza (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on June 24, 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 eight hundred dollars (**\$800.00**).

97) Order Type and Number: Consent Order 2016-206-06-110  
Order Date: November 18, 2016  
Individual/Entity: **The Breakfast House**  
Facility: The Breakfast House  
Location: 5023 Dick Pond Road, Unit 4  
Myrtle Beach, SC 29588  
Mailing Address: Same  
County: Horry  
Previous Orders: None

Permit Number: 26-206-13133  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: The Breakfast House (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on January 22, 2016, and June 2, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

98) Order Type and Number: Consent Order 2016-206-04-028  
Order Date: November 18, 2016  
Individual/Entity: **Brittons Neck Grocery**  
Facility: Brittons Neck Grocery  
Location: 7403 Highway 908  
Brittons Neck, SC 29546  
Mailing Address: Same  
County: Marion  
Previous Orders: None  
Permit Number: 33-206-00970  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Brittons Neck Grocery (Individual/Entity) is a grocery store located in Brittons Neck, South Carolina. The Department conducted inspections on June 12, 2015, and April 12, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store foods in a manner to prevent cross contamination.

Action: The Individual/Entity is required to: operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25 and pay a civil penalty in the amount of five hundred dollars **(\$500.00)**.

99) Order Type and Number: Consent Order 2015-206-02-028  
Order Date: November 21, 2016  
Individual/Entity: **El Rachito Restaurante**  
Facility: El Rachito Restaurante  
Location: 6300 White Horse Road, Suite 116A  
Greenville, SC 29611  
Mailing Address: Same  
County: Greenville  
Previous Orders: None  
Permit Number: 23-206-09053  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Rachito Restaurante (Individual/Entity) is a restaurant located in Greenville, South Carolina. The Department conducted inspections on June 8, 2015, June 26,

2015, and February 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to store foods in a manner to prevent cross contamination.

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 2016-206-04-027  
Order Date: November 21, 2016  
Individual/Entity: **Pizza Lane**  
Facility: Pizza Lane  
Location: 460 Broad Street  
Sumter, SC 29150  
Mailing Address: Same  
County: Sumter  
Previous Orders: None  
Permit Number: 43-206-00993  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Pizza Lane (Individual/Entity) is a restaurant located in Sumter, South Carolina. The Department conducted inspections on June 3, 2015, and April 19, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

101) Order Type and Number: Consent Order 2016-206-06-065  
Order Date: November 21, 2016  
Individual/Entity: **Huddle House**  
Facility: Huddle House  
Location: 1611 North Longstreet  
Kingstree, SC 29556  
Mailing Address: 2265 Armstrong Court  
Conyers, GA 30094  
County: Williamsburg  
Previous Orders: None  
Permit Number: 45-206-00372  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Huddle House (Individual/Entity) is a restaurant located in Kingstree, South Carolina. The Department conducted inspections on March 21, 2016, April 6, 2016, July 19, 2016, July 29, 2016, and August 11, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods; failed to ensure employees properly wash hands and exposed portions of arms after points on contamination; failed to

store foods in a manner to prevent cross contamination; and, failed to ensure time/temperature control for safety foods were cooled within 2 hours from 135°F to 70°F.

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

102)	<u>Order Type and Number:</u>	Consent Order 2016-206-04-029
	<u>Order Date:</u>	November 21, 2016
	<u>Individual/Entity:</u>	<b>Jack's Grill</b>
	<u>Facility:</u>	Jack's Grill
	<u>Location:</u>	1520 American Drive Florence, SC 29505
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Florence
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	21-206-01872
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Jack's Grill (Individual/Entity) is a restaurant located in Florence, South Carolina. The Department conducted inspections on June 17, 2015, and April 14, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees properly wash hands and exposed portions of arms after points on contamination 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**).

103)	<u>Order Type and Number:</u>	Consent Order 2016-206-01-002
	<u>Order Date:</u>	November 21, 2016
	<u>Individual/Entity:</u>	<b>T M Dynasty</b>
	<u>Facility:</u>	T M Dynasty
	<u>Location:</u>	531 Bypass 72 NW, Suite C Greenwood, SC 29649
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Greenwood
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	24-206-01961
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: T M Dynasty (Individual/Entity) is a restaurant located in Greenwood, South Carolina. The Department conducted inspections on January 9, 2015, and January 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)**.

104) Order Type and Number: Consent Order 2016-206-06-059  
Order Date: November 21, 2016  
Individual/Entity: **International Cafe**  
Facility: International Cafe  
Location: 221 Main Street  
North Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-12306  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: International Cafe (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on March 21, 2016, and September 20, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure there was no bare hand contact with ready-to-eat foods.

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

105) Order Type and Number: Consent Order 2016-206-06-054  
Order Date: November 21, 2016  
Individual/Entity: **El Cerro Grande**  
Facility: El Cerro Grande  
Location: 516 North Kings Highway  
North Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-09244  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: El Cerro Grande (Individual/Entity) is a restaurant located in North Myrtle Beach, South Carolina. The Department conducted inspections on March 1, 2016, and July 14, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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) Order Type and Number: Consent Order 2016-206-04-029  
Order Date: November 21, 2016  
Individual/Entity: **New Ming Wah**  
Facility: New Ming Wah  
Location: 1930 East Highway 76  
Marion, SC 29582  
Mailing Address: Same  
County: Marion  
Previous Orders: None  
Permit Number: 33-206-01219  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: New Ming Wah (Individual/Entity) is a restaurant located in Marion, South Carolina. The Department conducted inspections on May 21, 2015, and May 6, 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**).

107) Order Type and Number: Consent Order 2016-206-06-067  
Order Date: November 21, 2016  
Individual/Entity: **Bohemian Bull**  
Facility: Bohemian Bull  
Location: 1531 Folly Road  
Charleston, SC 29412  
Mailing Address: Same  
County: Charleston  
Previous Orders: None  
Permit Number: 10-206-07509  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Bohemian Bull (Individual/Entity) is a restaurant located in Charleston, South Carolina. The Department conducted inspections on December 3, 2015, and July 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**).

108) Order Type and Number: Consent Order 2016-206-06-097  
Order Date: November 21, 2016  
Individual/Entity: **Woodhaven Pancake House**  
Facility: Woodhaven Pancake House  
Location: 2600 South Kings Highway  
Myrtle Beach, SC 29577

Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit Number: 26-206-06962  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Woodhaven Pancake House (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted inspections on September 29, 2015, April 19, 2016, and October 18, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

109) Order Type and Number: Consent Order 2016-206-06-058  
Order Date: November 23, 2016  
Individual/Entity: **River Room Restaurant**  
Facility: River Room Restaurant  
Location: 801 Front Street  
Georgetown, SC 29440  
Mailing Address: Same  
County: Georgetown  
Previous Orders: None  
Permit Number: 22-206-05126  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: River Room Restaurant (Individual/Entity) is a restaurant located in Georgetown, South Carolina. The Department conducted inspections on June 2, 2015, and March 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 eight hundred dollars **(\$800.00)**.

110) Order Type and Number: Consent Order 2016-206-06-062  
Order Date: November 23, 2016  
Individual/Entity: **Super Chic**  
Facility: Super Chic  
Location: 15 West Main Street  
Andrews, SC 29510  
Mailing Address: Same  
County: Georgetown  
Previous Orders: None  
Permit Number: 26-206-06962  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Super Chic (Individual/Entity) is a restaurant located in Andrews, South Carolina. The Department conducted inspections on April 20, 2015, and March 10, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

111)	<u>Order Type and Number:</u>	Consent Order 2016-206-06-105
	<u>Order Date:</u>	November 23, 2016
	<u>Individual/Entity:</u>	<b>Sea Captain's House</b>
	<u>Facility:</u>	Sea Captain's House
	<u>Location:</u>	3002 North Ocean Boulevard Myrtle Beach, SC 29510
	<u>Mailing Address:</u>	P.O. Box 1948 Myrtle Beach, SC 29578
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	2015-206-06-040 (\$800.00)
	<u>Permit Number:</u>	26-206-01334
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Sea Captain's House (Individual/Entity) is a restaurant located in Myrtle Beach, South Carolina. The Department conducted an inspection on June 2, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper holding temperatures of time/temperature control for safety foods.

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

112)	<u>Order Type and Number:</u>	Consent Order 2016-206-03-022
	<u>Order Date:</u>	November 23, 2016
	<u>Individual/Entity:</u>	<b>Atlanta Bread Company</b>
	<u>Facility:</u>	Atlanta Bread Company
	<u>Location:</u>	1307 Main Street Columbia, SC 29201
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	40-206-04631
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Atlanta Bread Company (Individual/Entity) is a restaurant located in Columbia, South Carolina. The Department conducted inspections on February 27, 2015, and February 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.

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) <u>Order Type and Number:</u>	Consent Order 2016-206-01-030
<u>Order Date:</u>	November 23, 2016
<u>Individual/Entity:</u>	<b>Fuji Express</b>
<u>Facility:</u>	Fuji Express
<u>Location:</u>	302 Pearman Dairy Road Anderson, SC 29510
<u>Mailing Address:</u>	360 Dillon Place Spartanburg, SC 29307
<u>County:</u>	Anderson
<u>Previous Orders:</u>	2014-206-01-028 (\$500.00); 2015-206-01-006 (\$800.00)
<u>Permit Number:</u>	04-206-03893
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Fuji Express (Individual/Entity) is a restaurant located in Anderson, South Carolina. The Department conducted inspections on March 10, 2016, and August 25, 2016. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain proper sanitizer concentration at the warewashing (dish) machine; failed to cool time/temperature control for safety foods correctly; and, failed to obtain prior approval from the Department to use non-continuous cooking for raw animal 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**).

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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

January 5, 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 November 1, 2016, through November 30, 2016.

**III. FACTS:** For the period of November 1, 2016, through November 30, 2016, Health Regulation reports one (1) Emergency Suspension Order, two (2) Administrative Orders, and five (5) Consent Orders with a total of five thousand dollars (\$5,000) 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	Unlicensed Home Health Agency	0	1	0	\$5,000
EMS & Trauma	Paramedics	1	3	0	\$0
	EMTs	1	1	1	\$0
<b>TOTAL</b>		<b>2</b>	<b>5</b>	<b>1</b>	<b>\$5,000</b>

Approved By:

  
Shelly Bezanson Kelly  
Director of Health Regulation

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

January 5, 2017

**Bureau of Health Facilities Licensing**

Facility Type	Total # of Beds or Participants	Total # of Licensed Facilities in South Carolina
Unlicensed Home Health Agency	N/A	82

**1. Open Hands Nursing Agency, LLC (Unlicensed Home Health Agency) – Florence, SC**

Investigation: Department representatives visited Open Hands Nursing Agency, LLC (“Open Hands”) on July 12, 2016, to conduct a complaint investigation.

Violations: Based upon the investigation, the Department found Open Hands in violation of Regulation 61-77, Standards for Licensing Home Health Agencies, and the South Carolina Code of Laws. Specifically, Open Hands was cited for violating Section 102.A of R.61-77 and S.C. Code Sections 44-7-260(A)(10) and 44-69-30 for providing home health services in the state and representing itself as a provider of home health services in the state without first obtaining a license from the Department

Enforcement Action: By Consent Order executed November 30, 2016, the Department imposed a five thousand dollar (\$5,000) monetary penalty against Open Hands for violating the Certificate of Need and Licensing Act, the Home Health Agencies Act, and Regulation 61-77. Open Hands is required to make payment of the assessed monetary penalty in five (5) consecutive monthly installments of one thousand dollars (\$1,000) each.

Prior Sanctions: None.

**Bureau of EMS & Trauma**

EMS Provider Type	Total # of Providers in South Carolina
EMT	5,164
EMT – Intermediate	442
Advanced EMT	305
Paramedic	3,641
Athletic Trainers	875
Ambulance Services Provider	256
First Responder Services Provider	2

## **2. Clayton L. Coker (Paramedic)**

Investigation: On May 23, 2016, the Department received notification regarding an incident alleging inappropriate actions by a Richland County EMS crew. On May 6, 2016, Mr. Coker and his partner responded to a call concerning a patient who suffered a seizure and a fall at the Richland County Alvin S. Glenn Detention Facility. Mr. Coker and his partner's assessment of the patient was incomplete and led to inappropriate patient care by the crew. Mr. Coker also witnessed his partner providing the abovementioned substandard care and failed to document such care and report it to a supervisor. Mr. Coker also completed and signed the patient care report for this call. Due to the abovementioned observations, Mr. Coker falsified the patient care report for this call by stating that the patient had normal findings during the crew's assessment when in fact the patient did not have normal findings.

Violations: As a result of its investigation, the Department found Mr. Coker committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(6) and Section 1100(B)(6) of Regulation 61-7, by disregarding an appropriate order by a physician concerning emergency treatment. Specifically, Mr. Coker failed to follow the RCEMS Spinal Immobilization Clearance Protocol. First, Mr. Coker failed to perform a full and thorough assessment of the patient. Secondly, Mr. Coker did not place the patient, who exhibited focal deficits, in full spinal immobilization. Mr. Coker further committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(13) and Section 1100(B)(14) of Regulation 61-7, by observing another EMT fail to conduct a full assessment and fail to place a patient in full spinal immobilization despite the patient exhibiting focal deficits. Mr. Coker did not document the substandard care in the patient care report that he completed and submitted. Mr. Coker also committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(14) and Section 1100(B)(15) of Regulation 61-7, by failing to place a patient exhibiting focal deficits in full spinal immobilization. By failing to immobilize, the patient was exposed to unnecessary and unsafe movement, thereby creating a substantial possibility of severe damage to the patient's spine. Finally, Mr. Coker committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(16) and Section 1100(B)(17) of Regulation 61-7, by falsifying documentation required by the Department. Specifically, Mr. Coker falsely reported on the patient care report that the patient had normal findings in regards to the patient assessment when, in fact, the patient did not have normal findings.

Enforcement Action: The parties met and were able to resolve this matter pursuant to a Consent Order executed October 24, 2016. Pursuant to the terms of the Consent Order, Mr. Coker agreed to a one (1) year restriction of his Paramedic certificate. The Department agreed to issue Mr. Coker an EMT certification card valid for six (6) months from the execution of the Consent Order. During these six (6) months, if Mr. Coker complies with the EMS Act and Regulation 61-7, the remaining six (6) months of the restriction will be held in abeyance and the Department will reissue Mr. Coker's Paramedic card. Should Mr. Coker fail to comply with the abovementioned requirements, the Department may call in all or a portion of the remaining six (6) months of the agreed upon restriction and/or take other enforcement action in accordance with the EMS Act and Regulation 61-7. Mr. Coker further agreed to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within six (6) months of execution of the Consent Order and provide proof of completion to the Department. Finally, Mr. Coker agreed to successfully complete a recognized continuing education class on trauma within six (6) months of execution of the Consent Order, consisting of a minimum of sixteen (16) hours and be appropriate for his certification level and contain both didactic and skills assessments. Mr. Coker is required to submit proof of completion to the Department.

Prior Sanctions: None.

## **3. Michael Todd Adams (EMT)**

Investigation: On May 23, 2016, the Department received notification regarding an incident alleging inappropriate actions by a Richland County EMS crew. On May 6, 2016, Mr. Adams and his partner responded to a call concerning a patient who suffered a seizure and a fall at the Richland County Alvin S. Glenn Detention Facility. Mr. Adams and his partner's assessment of the patient was incomplete and led to inappropriate patient care by the crew. Mr. Adams also witnessed his partner providing the abovementioned substandard care and failed to document such care and report it to a supervisor.

Violations: As a result of its investigation, the Department found Mr. Adams committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(6) and Section 1100(B)(6) of Regulation 61-7, by disregarding an appropriate order by a physician concerning emergency treatment. Specifically, Mr. Adams failed to follow the RCEMS Spinal Immobilization Clearance Protocol. First, Mr. Adams failed to perform a full and thorough assessment of the patient. Secondly, Mr. Adams did not place the patient, who exhibited focal deficits, in full spinal immobilization. Mr. Adams further committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(13) and Section 1100(B)(14) of Regulation 61-7, by observing another EMT fail to conduct a full assessment and fail to place a patient in full spinal immobilization despite the patient exhibiting focal deficits. Mr. Adams also committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(14) and Section 1100(B)(15) of Regulation 61-7, by failing to place a patient exhibiting focal deficits in full spinal immobilization. By failing to immobilize, the patient was exposed to unnecessary and unsafe movement, thereby creating a substantial possibility of severe damage to the patient's spine.

Enforcement Action: By Consent Order executed November 2, 2016, Mr. Adams agreed to: successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within six (6) months of execution of the Consent Order and provide proof of completion to the Department; successfully complete a recognized continuing education class on trauma within six (6) months of execution of the Consent Order, consisting of a minimum of sixteen (16) hours and be appropriate for his certification level and contain both didactic and skills assessments, and submit proof of completion to the Department; and successfully complete a state-approved EMT refresher class within six (6) months of execution of the Consent Order and submit proof of completion to the Department. Pursuant to the terms of the Consent Order, Mr. Adams agreed that should he fail to comply with the EMS Act, Regulation 61-7, or the terms of the Consent Order during the six (6) months following execution of the Consent Order, the Department may suspend his EMT certificate for one (1) year. In addition to the agreed upon suspension, the Department may impose additional sanctions, including revocation of Mr. Adams's EMT certificate, in accordance with the EMS Act, Regulation 61-7, and any other applicable law.

Prior Sanctions: None.

#### **4. Tory J. Maszk (Paramedic)**

Investigation: On March 21, 2016, the Department received notification of alleged regulatory violations by Tory Maszk, a Paramedic with Vital Care EMS ("VCEMS"). The Department initiated an investigation into the allegations and found that Ms. Maszk was involved in a motor vehicle accident while driving a VCEMS ambulance. In accordance with VCEMS protocol, Ms. Maszk submitted to a post-accident drug screening and tested positive for multiple drugs. Following the results of the drug screening, Ms. Maszk's employment with VCEMS was terminated. Ms. Maszk's drug use rendered her unable to perform as an EMT, as evidenced by her motor vehicle accident while driving a VCEMS ambulance.

Violations: Ms. Maszk admitted to having a history of drug addiction and therefore committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(3) and Section 1100(B)(3) of Regulation 61-



7, by being addicted to drugs to such a degree as to render her unfit to perform as an EMT. Ms. Maszk committed further “misconduct,” as defined by S.C. Code Section 44-61-80(F)(11) and Section 1100(B)(11) of Regulation 61-7, by being irresponsible in the operation of an emergency vehicle.

Enforcement Action: By Consent Order executed November 1, 2016, Ms. Maszk agreed to a suspension of her EMT-Paramedic certificate until March 29, 2018. The suspension is effective upon execution of the Consent Order and includes all levels of certification. On or after March 29 2017, Ms. Maszk may apply to the Department to lift the suspension and reinstate her EMT-Paramedic certificate. In order for the Department to list the suspension and reinstate her certificate, Ms. Maszk must provide the Department with proof of successful completion of an outpatient treatment program for drug addiction.

Prior Sanctions: None.

### **5. Phillip Thomas Gregory (Paramedic)**

Investigation: On March 11, 2016, the Department received notification regarding alleged actions of Mr. Gregory that occurred on February 20, 2016. Mr. Gregory and his EMT partner received a call from dispatch requesting an interfacility transfer of a stroke patient from Springs Memorial Hospital to Carolina Medical Center. The patient was being transferred due to having received tissue plasminogen activator (TPA) for their stroke. Therefore, the patient was being transferred to a facility that could provide a higher level of care than the initial facility. Mr. Gregory made multiple attempts to avoid having to provide the transfer. By delaying the transfer, Mr. Gregory increased the time that the patient was not in the care of a facility that was most appropriate to treat the patient’s conditions and increased the possibility that the patient could have had a serious bleeding issue as a result of the TPA.

Violations: As a result of its investigation, the Department found Mr. Gregory committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(14) and Section 1100(B)(15) of Regulation 61-7, by creating a substantial possibility that death or serious physical harm could result from his actions. The delayed transfer created a substantial possibility that the patient could suffer a brain bleed which could result in permanent disability or death. Mr. Gregory committed further “misconduct,” as defined by S.C. Code Section 44-61-80(F)(16) and Section 1100(B)(17) of Regulation 61-7, by failing to complete and submit a patient care report, as required by the Department, for the patient transfer from Springs Memorial Hospital to the American Transmed base.

Enforcement Action: The parties met and were able to resolve this matter pursuant to a Consent Order executed November 8, 2016. Pursuant to the terms of the Consent Order, Mr. Gregory agrees to a one (1) year restriction of his Paramedic certificate. The Department agrees to issue Mr. Gregory an EMT certification card valid for six (6) months from the execution of the Consent Order. During these six (6) months, if Mr. Gregory complies with the EMS Act and Regulation 61-7, the remaining six (6) months of the restriction will be held in abeyance and the Department will reissue Mr. Gregory’s Paramedic card. Should Mr. Gregory fail to comply with the abovementioned requirements during the six (6) months following reissuance of his Paramedic card, the Department may call in all or a portion of the remaining six (6) months of the agreed upon restriction and/or take other enforcement action in accordance with the EMS Act and Regulation 61-7. Mr. Gregory further agreed to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within six (6) months of execution of the Consent Order and provide proof of completion to the Department.

Prior Sanctions: None.

### **6. Benjamin Blake Pope (EMT)**

Investigation: On October 26, 2016, the Department was notified of Mr. Pope's arrest in Spartanburg County. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Pope was arrested on October 26, 2016, and charged with two (2) counts of indecent exposure.

Violations: The charges against Mr. Pope, specifically two (2) counts of indecent exposure, are crimes involving moral turpitude and gross immorality. The Department found that Mr. Pope's arrest demonstrated a capacity for inappropriate and criminal behavior towards individuals placed within his trust. The Department determined that a clear and present danger would exist to the public health, safety, and welfare if Mr. Pope's EMT certificate was not immediately suspended pending further investigation.

Enforcement Action: Mr. Pope's EMT certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed November 3, 2016. The Department will continue to monitor Mr. Pope's criminal matters.

Prior Sanctions: None.

### **7. Jake H. Walker (EMT)**

Investigation: On July 25, 2016, the Department was notified of alleged misconduct by Mr. Walker involving his failure to complete electronic patient care reports ("ePCRs"). The Department initiated an investigation into the matter and found that while employed as an EMT by American Transmed, from June 24, 2016, to July 27, 2016, Mr. Walker performed an additional fifty-one (51) runs as the primary care attendant where he failed to complete ePCRs. The Department contacted Mr. Walker and requested an interview. After scheduling the interview, Mr. Walker requested another date. The Department was amenable to rescheduling and requested Mr. Walker's availability. Mr. Walker has since not responded to the Department.

Violations: Mr. Walker committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(17) and Section 1100(B)(17) of Regulation 61-7, by violating Section 1301(B) of Regulation 61-7. Section 1301(B) requires the primary care attendant to document all patient contact, care, and transport decisions within the ePCR and to complete such documentation within twenty-four (24) hours of the conclusion of the call.

Enforcement Action: Pursuant to the Administrative Order executed November 3, 2016, Mr. Walker's EMT certificate is suspended for one (1) year. The suspension of Mr. Walker's EMT certificate includes all levels of certification. Mr. Walker shall return his certification card to the Department.

Prior Sanctions: None.

### **8. James W. Davenport (Paramedic)**

Investigation: On April 13, 2016, the Department received a complaint involving alleged conduct by Mr. Davenport. The Department initiated an investigation into the allegations of the complaint. As a result of the investigation, the Department found that on March 19, 2016, while working for the Iva Rescue Squad, Mr. Davenport and his EMT partner responded to a patient with a stab wound and an approximately seven (7) inch knife embedded in the upper left quadrant of his abdomen. Upon arrival to the scene, Mr. Davenport was unprofessional and verbally abusive to the patient. Additionally, Mr. Davenport provided a deficient and incomplete initial assessment of the patient by not obtaining the patient's blood pressure, pulse, or Glasgow Coma Scale. Throughout the treatment of the patient, Mr. Davenport violated multiple

Anderson County EMS protocols, including, but not limited to, failing to evaluate the patient's weakness, mechanism of injury, DCAPBTLS (deformities, contusions, abrasions, punctures, bruises, tenderness, laceration, and swelling), and rigid guarded abdomen; and failing to initiate the airway management protocol, a cardiac monitor-lead II, and intravenous access protocol. Moreover, after providing incomplete and deficient assessment and treatment, Mr. Davenport stood up the patient, who still had a knife embedded in his abdomen, and walked him out of his residence to the stretcher at the rear of the ambulance. Additionally, while Mr. Davenport bandaged the patient's wound and stabilized the knife, the additional and unnecessary movements facilitated by Mr. Davenport created a substantial possibility of death or serious physical injury. Finally, after ambulating the patient to the ambulance, Mr. Davenport discontinued care and transferred care to a lower level of provider, his EMT partner, for care during the transport to the emergency room.

Violations: As a result of its investigation, the Department found Mr. Davenport committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(6) and Section 1100(B)(6) of Regulation 61-7, by disregarding appropriate patient assessment and treatment protocols that were signed and approved by Iva Rescue Squad's medical control physician. Additionally, Mr. Davenport committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(8) and Section 1100(B)(8) of Regulation 61-7, by discontinuing care of a patient without providing for the further administration of care by an equal or higher medical authority. Finally, Mr. Davenport committed "misconduct," as defined by S.C. Code Section 44-61-80(F)(14) and Section 1100(B)(15) of Regulation 61-7, by creating a substantial possibility that death or serious physical harm could result from his actions or inactions.

Enforcement Action: On June 23, 2016, the Department convened the Investigative Review Committee ("IRC") to review the investigation of Mr. Davenport. Mr. Davenport and his counsel attended the IRC meeting. Department representatives and Mr. Davenport attempted to resolve this matter by way of a consent order, but were unsuccessful. Therefore, pursuant to the Administrative Order executed October 21, 2016, Mr. Davenport's Paramedic certification is revoked. The Department will not reissue the certificate for a period of four (4) years. Following expiration of the four (4) year period, Mr. Davenport may petition for reinstatement. Mr. Davenport shall return his certification card to the Department.

Prior Sanctions: None.

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

**January 5, 2017**

- (X) ACTION/DECISION  
( ) INFORMATION

**I. TITLE:** Public Hearing before the Board and Consideration for Final Approval  
Proposed Amendment of Regulation 61-47, *Shellfish*  
Document Number 4736  
Legislative Review is Required.

**II. SUBJECT:** Request for Finding of Need and Reasonableness pursuant to  
S.C. Code Section 1-23-111

**III. FACTS:**

1. Pursuant to S.C. Code Section 44-1-140, the Department of Health and Environmental Control (“Department”) is authorized to promulgate and enforce rules and regulations for public health for the classification of waters and for the safety and sanitation in the harvesting, storing, processing, handling and transportation of mollusks, fin fish and crustaceans. Regulation 61-47, Shellfish prescribes requirements for producers, processors, harvesters, and transporters of molluscan shellfish and is intended to protect the health of consumers of molluscan shellfish.

2. The Department is proposing to amend R.61-47, Shellfish, to provide specific technical requirements regarding the harvesting and handling of clams and maricultured oysters during the summer months (*i.e.*, months that require additional temperature controls) in a manner that is consistent with the national shellfish sanitation program and protects the health of the consumers of shellfish. The time period for additional temperature controls for the summer harvesting and handling of shellfish is May 16th through September 30th, unless otherwise specified. The amendment will include a requirement for certified shippers to only accept shellfish from harvesters that have received annual training for the safe and sanitary harvesting and handling of shellfish. The amendment also will update several documents referenced in the regulation to the latest versions of the documents and add a definition for “mariculture.” The amendment will include stylistic changes to correct for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

3. A Statement of Need and Reasonableness is submitted as Attachment A. A Table of Proposed Revisions and Text are submitted as Attachments B and C.

4 Pursuant to S.C. Code Ann. Section 1-23-110(A)(1), the Department initiated the statutory process for amendment of R.61-47 by publication of a Notice of Drafting in the State Register on May 27, 2016. In addition, two stakeholder meetings were held to gather input on the proposed amendments to the regulation. One public/shellfish industry stakeholder meeting was held in Charleston on July 14, 2016 and a second public/shellfish industry stakeholder meeting was held in Beaufort on July 20, 2016. Written public comments were received on the Notice of Drafting and verbal comments via the stakeholder meetings. The public comments were considered during the drafting of the Notice of Proposed Regulation.

5. The proposed regulation completed Department internal review as required by agency policy.

6. On September 8, 2016, the DHEC Board granted Department staff initial approval to publish a Notice of Proposed Regulation in the *State Register* to provide notice of opportunity for public comments.

7. Pursuant to S.C. Code Ann. Section 1-23-110(A)(3), a Notice of Proposed Regulation was published in the *State Register* on September 27, 2016, as Document No. 4668. The Department republished the Notice in the *State Register* on November 25, 2016 as Document No. 4736, superseding Document 4668 (excerpt in Attachment D) and providing a new extended public comment period and public hearing date. The Notice of Proposed Regulation provided opportunity for interested parties to offer input on the proposed regulation by submitting written comments during a public comment period and/or by commenting at the public hearing before the Board scheduled for January 5, 2017. Notice was published on the Department's Regulatory Information website in its Regulation Development Update.

8. Public comments received pursuant to both notices of proposed regulation *State Register* documents are summarized in Attachment F along with the Department's responses to the comments including the responses to comments by the South Carolina Small Business Regulatory Review Commission.

9. Department staff request the Board conduct a public hearing pursuant to S.C. Code Section 1-23-111 and find for the need and reasonableness of the proposed amendment of R. 61-47.

#### **IV. ANALYSIS:**

1. The regulation was last updated in 2015.

2. The proposed amendment adds requirements to address the harvesting and handling of clams and maricultured oysters during the summer months (*i.e.*, months that require additional temperature controls). The time period for additional temperature controls for the summer harvesting and handling of shellfish is May 16th through September 30th, unless otherwise specified. The current regulation does contain limited requirements for the harvesting and handling of shellfish during the summer months (referred to as "summer harvest"). However, these requirements are only adequate to address the harvesting and handling of clams during the summer months, not other shellfish such as oysters. For biological reasons, clams require less stringent controls during the summer months than other shellfish, such as oysters. The regulation will be amended to provide the specific requirements for harvesting different types of shellfish during the summer months to protect the health of the shellfish consumer.

3. Amending the regulation to allow the summer harvest of maricultured oysters will provide the SC shellfish industry the opportunity to harvest and sell maricultured oysters during months of the year when, historically, SC oysters have not been available for sale and consumption. Oysters currently are available for purchase during the summer months in SC but these oysters are obtained from other states that allow the summer harvest of oysters. Most other states that produce oysters allow the summer harvest of oysters for sale and consumption. Oysters harvested during summer months in other states are harvested and handled under more restrictive conditions than oysters harvested during cooler months to protect the public that consume summer-harvested oysters.

4. Naturally occurring harmful bacteria, such as *Vibrio* bacteria, occur at higher levels in shellfish during the summer months due to the higher water and air temperatures. *Vibrio* bacteria can cause severe illness or death if consumed by an individual with a compromised immune system. For this reason, it is important to reduce the amount of time shellfish are exposed to the higher temperatures and to rapidly reduce the internal temperature of shellfish post-harvest via refrigeration or icing. Although there have been isolated *Vibrio* bacteria related illnesses from South Carolina shellfish, to date there have been no *Vibrio* bacteria illness outbreaks.

5. For oysters harvested during summer months, it is proposed that only maricultured oysters that have been continuously submerged more than 14 days be harvested for sale and consumption. Oysters that are submerged are not exposed to the higher temperatures experienced by naturally occurring oysters that are exposed to the warm air and sunlight during daily tidal cycles. Two options for the harvesting and handling oysters during the summer months are proposed as follows: 1) oysters must be delivered to the certified shippers facility by no later than ten (10) a.m. the day of harvest and the internal temperature of the oysters reduced to 50 degrees Fahrenheit or lower within two (2) hour of receipt by the certified shipper; or 2) oysters delivered after ten (10) a.m. the day of harvest must be cooled immediately after harvest with ice or by mechanical refrigeration and remain continuously cooled with ice or refrigeration until being delivered to the certified shipper within four (4) hours from the start of harvest. The aforementioned harvesting and handling methods proposed for oysters are based on the following: the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish that is administered by the U.S. Food and Drug Administration (FDA), the Vibrio bacteria risk calculator provided by FDA, requirements used by other states for months that require additional temperature controls, and consultation with FDA Shellfish Specialists.

6. South Carolina Department of Natural Resources (DNR) provided several comments including concern about how to ensure that only maricultured oysters are placed into the market for sale and consumption during the summer months. DNR recommended that the summer harvest of oysters be limited to only maricultured genetic triploid oysters to facilitate compliance. However, maricultured diploid oysters currently are being grown and harvested in South Carolina during the normal harvest season. Comments were received specifically requesting the ability to mariculture diploid oysters during the summer months. Department and FDA shellfish staff agree that there is no health risk difference between diploid and triploid oysters that are maricultured and harvested and handled as proposed in this amendment. Also, FDA has indicated that of the states that allow summer harvest, none limit harvest to only triploid oysters. To address concerns about ensuring only maricultured oysters enter the market, the Department will make the following changes to the proposed amendment: 1) the definition of “mariculture” in the Marine Resources Act and used by DNR will be added, and 2) new text will be added as subsection 61-47.C.2.(e)(2)(d) to clarify that certified shippers that choose to receive and distribute oysters harvested from South Carolina waters are responsible for ensuring that the oysters have been maricultured and harvested and handled in compliance with the requirements proposed for the summer harvest of oysters included in subsection 61-47.C.2.(e)(2). To address the other DNR comments, subsection 61-47.O.6 has proposed changes to require operation plans and record keeping to demonstrate compliance with the requirements for the summer harvest of oysters proposed in subsection 61-47.C.2.(e)(2). Furthermore, to facilitate the successful implementation of the harvesting and handling requirements in the regulation, especially for the summer months, certified shippers may only accept shellfish from harvesters that can demonstrate that they have completed annual training on key regulatory requirements and safe and sanitary practices related to the harvesting and handling of shellfish in South Carolina. The Department will coordinate the annual training with DNR. DNR issues shellfish harvesting licenses to harvesters on an annual basis. It is anticipated that the required training and documentation of the training will be provided each year when harvesters obtain their harvesting license from DNR. The training will be provided at no cost to the harvester.

7. The amendment indicates that the months requiring additional temperature controls will be defined in the document entitled, “South Carolina Vibrio Control Plan.” This document is published annually and uses average monthly air and water temperatures from prior years to determine which months of the year should have additional temperature controls. The state must have a Vibrio control plan to be in compliance with the requirements of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

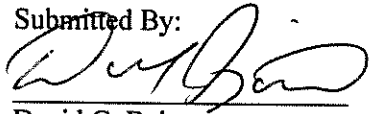
8. The regulation will be amended to update the reference date for the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish from the 2013 version to the 2015 version. In response to a comment from FDA, the regulation will be amended to update the reference date for the United States Food and Drug Administration 2005 Food Code to the 2013 version.

9. A Statement of Need and Reasonableness and Rationale for the proposed amendment is submitted as Attachment A.

**V. RECOMMENDATION:**

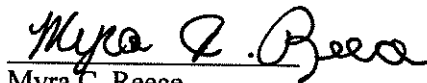
Department staff recommend the Board find for the need and reasonableness of the proposed regulation and approve it for submission to the legislature for review.

Submitted By:



David G. Baize  
Chief, Bureau of Water  
Environmental Affairs

Approved By



Myra C. Reece  
Director of Environmental Affairs

**Attachments:**

- A. Statement of Need and Reasonableness
- B. Table of Revisions
- C. Text of Proposed Revision
- D. Excerpt from State Register Notice of Proposed Regulation published November 25, 2016
- E. State Register Notice of Drafting published May 27, 2016
- F. Public Comment Summary
- G. South Carolina Small Business Regulatory Review Committee Documentation Regarding Committee Comments Dated November 16, 2016

**ATTACHMENT A**  
**STATEMENT OF NEED AND REASONABLENESS**  
**PROPOSED AMENDMENT OF R.61-47, SHELLFISH**  
**January 5, 2017**

**Statement of Need and Reasonableness:**

The following is based on an analysis of the factors listed in 1976 Code Section 1-23-115(C)(1)-(3) and (9) - (11):

**DESCRIPTION OF REGULATION**

Purpose: The Department amends R. 61-47 to provide specific technical requirements regarding the harvesting and handling of clams and maricultured oysters during the summer months (*i.e.*, months that require additional temperature controls) in a manner that is consistent with the national shellfish sanitation program and protects the health of the consumers of shellfish. The time period for additional temperature controls for the summer harvesting and handling of shellfish is May 16th through September 30th, unless otherwise specified. The amendment includes a requirement for certified shippers to only accept shellfish from harvesters that have received annual training on key regulatory requirements and the safe and sanitary practices related to the harvesting and handling of shellfish in South Carolina. The amendment updates several documents referenced in the regulation to the latest versions of the documents and adds a definition for “mariculture.” The amendment also includes stylistic changes to correct for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

Legal Authority: 1976 Code Section 44-1-140

**Plan for Implementation:**

Upon approval by the General Assembly and publication in the State Register as final regulations, a copy of R.61-47, to include these amendments, will be available electronically on the Department’s internet site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Water/> under the Water category and subsequently in the Code of Regulations of the S.C. Code of Regulations. Printed copies will be available for a fee from the Department’s Freedom of Information Office.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION AND EXPECTED BENEFITS:**

The amendment is needed and reasonable because it clarifies the harvest and handling requirements for clams during summer months and allows the harvest of maricultured oysters during summer months. The amendment allows the South Carolina shellfish industry to expand their markets through the sale of maricultured oysters harvested during the summer months in a manner that is consistent with the national shellfish sanitation program and protects the health of the consumers of shellfish. Historically, South Carolina oysters have not been available for sale during the summer months. Oysters currently are available for purchase during the summer in South Carolina and other states. These oysters are obtained from other states that allow the summer harvest of oysters. Most other states that produce oysters allow the summer harvest of oysters for sale and consumption. Oysters harvested during summer months in other states are harvested and handled under more restrictive conditions than oysters harvested during cooler months to protect the public that consumes summer-harvested oysters. The amendment includes more restrictive harvesting and handling requirements for the summer months to protect public health.



#### DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of these amendments may require additional resources to support the increased number of field and facility compliance inspections needed to monitor the increased shellfish harvesting and sales during the summer months. For example, inspections will be needed to ensure maricultured shellfish are brought under temperature control in accordance with the regulation to protect public health. The resource demands on the Department and State government will depend on how much the shellfish industry grows and harvesting activities increase during the summer months in response to the additional business opportunities created by this amendment.

External Costs: There will be external costs for implementing the amendment to this regulation. The external costs will be incurred by shellfish harvesters and certified shippers that decide to expand their operations to participate in the harvesting, handling or sale of maricultured oysters during the summer months. However, those who incur these costs may now realize the below External Benefits.

External Benefits: The amendments will provide the South Carolina shellfish industry the opportunity to sell South Carolina maricultured oysters during months of the year when, historically, South Carolina oysters have not been available for sale.

#### UNCERTAINTIES OF ESTIMATES:

None.

#### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There is no anticipated detrimental effect on the environment.

The amendment can affect public health by allowing the public to consume South Carolina maricultured oysters that have been harvested during the summer months. Naturally occurring harmful bacteria, such as Vibrio bacteria, occur at higher levels in shellfish during the summer months due to the higher water and air temperatures. Vibrio bacteria can cause severe illness or death if consumed by individuals with compromised immune systems. The amendments include more restrictive harvesting and handling requirements for shellfish during the summer months to mitigate the increased risk posed by harmful bacteria, especially Vibrio bacteria, during those months.

#### DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment.

If the amendment is not implemented, there will be no detrimental effect on public health because molluscan shellfish harvesting and sales during the summer months would remain limited to only clams as is currently the case in South Carolina.

#### STATEMENT OF RATIONALE

The Department is amending R.61-47, Shellfish to provide specific technical requirements regarding the harvesting and handling of clams and maricultured oysters during the summer months (i.e., months that need additional temperature controls). The time period for additional temperature controls for the summer harvesting and handling of shellfish is May 16th through September 30th, unless otherwise specified. The amendment allows the South Carolina shellfish industry to expand their markets through

the sale of maricultured oysters harvested during these summer months in a manner that is consistent with national shellfish sanitation program and protects the health of the consumers of shellfish.

**ATTACHMENT B**  
**TABLE OF REVISIONS**  
**PROPOSED AMENDMENT OF R.61-47, SHELLFISH**  
**January 5, 2017**

Section-by-Section Discussion of Proposed Regulations

61-47.A.2.(jj)

Add definition of mariculture for clarity and consistency. This definition is from the Marine Resources Act, Section 50-5-15(33). The Marine Resources Act is implemented by the South Carolina Department of Natural Resources. Because the Department and the South Carolina Department of Natural Resources both regulate shellfish mariculture activities in the state, it is appropriate to use a consistent definition for mariculture.

61-47.A.2.(jj) and (kk)

Subsections renumbered.

61-47.A.2.(ll)

Subsection renumbered. The amendment is to change the reference date of the document to the latest version of the document.

61-47.A.2.(mm) through (nnn)

Subsections renumbered.

61-47.C.1.(f)

This amendment is added to require harvesters to have Department approved annual training and certified shippers to only receive shellfish from harvesters that have completed Department approved annual training. The annual training for harvesters will include a discussion of state regulations and overview of best practices for the safe and sanitary harvesting and handling of shellfish. The training is needed given the more stringent harvesting and handling requirements on the harvester during the summer months. The training will be provided at no cost to the harvesters.

61-47.C.2.(b)

Two subsections (61-71.C.2.(b) and (c)) are combined to create this new subsection. This amendment is to improve readability and to more clearly explain the meaning of shellstock temperature control and how and when shellstock temperature control is to be applied by certified shippers.

61-47.C.2.(c)

This subsection includes the same text found in the first sentence in the current subsection 61-47.C.2.(c)(1).

61-47.C.2.(d)

This subsection is added to indicate that the months that require additional temperature controls will be determined annually and presented in the South Carolina Vibrio Control Plan. This plan uses existing data, such as air and water temperatures, to develop the procedures that South Carolina will follow to reduce the health risk posed by Vibrio bacteria to the consumers of shellfish harvested in the state. The plan is a requirement for South Carolina to remain in compliance with the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

61-47.C.2.(e)

This text is new and clarifies that only maricultured shellfish and clams of the species *Mercenaria mercenaria*, unless other clam species are approved by Department, can be harvested in the state during months that require additional temperature controls.

61-47.C.2.(e)(1)

This subsection includes similar text to the text found in the second and third sentences of the current item 61-47.C.2.(c)(1) and describes the temperature control requirements for clams during months that require additional temperature controls. Text is added to clarify that clams in this subsection means clams of the species *Mercenaria mercenaria*. This is the only clam species commercially harvested in the state and is specifically required to have controls for *Vibrio* bacteria by the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. The text does allow the Department to consider other clam species under this subsection.

61-47.C.2.(e)(2)

This subsection is new text and includes technical requirements for the harvesting and handling of maricultured oysters during months that require additional temperature controls. These harvesting and handling requirements are based on the following: the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish that is administered by the U.S. Food and Drug Administration (FDA), the *Vibrio* bacteria risk calculator provided by FDA, requirements used by other states for months that require additional temperature controls, and consultation with FDA Shellfish Specialists.

61-47.C.2.(e)(3)

This subsection is new text and allows other maricultured shellfish to be harvested during months that require additional temperature controls in the same manner as maricultured oysters as described in item 61-47.C.2.(e)(2). The subsection does allow other requirements to be used if approved by the Department.

61-47.C.2.(f)

This is a new subsection with a new heading to clarify the contents of this subsection.

61-47.C.2.(f)(1) and (2)

These subsections include text found in the current regulation under items 61-47.C.2.(c)(2) and (3). These items are moved to this subsection to provide clarity about the purpose of the items and to accommodate new subsections that have been added.

61-47.C.2.(g)

Subsection renumbered and subsection cross reference renumbered to match amended text.

61-47.C.2.(g)(10)

The amendment is to change the reference date of the document to the latest version of the document.

61-47.C.2.(h)

Subsection renumbered.

61-47.C.2.(i)

Subsection renumbered.

61-47.C.3.(b)(4)

Subsection cross reference added to include newly added text.

61-47.I.4

Wording change to be consistent with wording of amended text in C.2.(b).

61-47.I.5

Subsection cross reference added to include newly added text and renumbered subsection.

61-47.I.6

Subsection cross reference renumbered to match amended text.

61-47.I.7

Subsection cross reference renumbered to match amended text.

61-47.O.6.(a)

Text is added to clarify that the required operation plan should include the operational requirements found in 61-47.C.2.(e)(2).

61-47.O.6.(e)

Change punctuation.

61-47.O.6.(f)

This subsection is added to require the operational plan to include the record keeping procedures that will be used to document compliance with the requirements found in item C.2.(e)(2).

**ATTACHMENT C**  
**TEXT OF PROPOSED REVISION**  
**PROPOSED AMENDMENT OF R.61-47, SHELLFISH**  
**January 5, 2017**

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

**Add new subitem 61-47.A.2.(jj)**

(jj) Mariculture means controlled cultivation in confinement of marine and estuarine organisms in salt waters.

**Revise 61-47.A.2.(jj) and (kk) to read:**

(jjl) Marina means any of the following:

- (1) locked harbor facility;
- (2) any facility which provides fueling, pump-out, maintenance or repair services (regardless of length);
- (3) any facility which has effective docking space of greater than 250 linear feet or provides moorage for more than 10 boats;
- (4) any water area with a structure which is used for docking or otherwise mooring vessels and constructed to provide temporary or permanent docking space for more than ten boats, such as a mooring field; or
- (5) a dry stack facility.

~~(kk)~~ National Shellfish Sanitation Program means the program cooperatively developed by state, United States Food and Drug Administration, and shellfish industry representatives resulting in sanitary control guidelines that ensure that the shellfish produced in accordance with guidelines will be safe and sanitary.

**Revise 61-47.A.2.(ll) to read:**

~~(H)~~ National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish means the ~~2013~~2015 version of the United States Food and Drug Administration document with that title that consists of a Model Ordinance, supporting guidance documents, recommended forms, and other related materials associated with the National Shellfish Sanitation Program. Portions of the document are incorporated by reference herein and such referenced sections shall have effect as if fully recited within the text of this regulation. Copies can be obtained through the U.S. Food and Drug Administration or the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201.

**Revise 61-47.A.2.(mm) through (nnn) to read:**

~~(mmn)~~ Person means any individual, partnership, company, corporation, trustee,

association, agency, or any public or private entity.

~~(nnoo)~~ Poisonous or Deleterious Substance means a toxic compound occurring naturally or added to the environment that may be found in shellfish or shellfish growing waters for which a regulatory tolerance limit or action level has been established or may be considered harmful to public health. Examples of naturally occurring substances would include paralytic shellfish toxins and trace elements geologically leached from the environment, such as mercury; examples of added substances would include agricultural pesticides and polynuclear aromatics.

~~(oopp)~~ Post Harvest Processing means processing of shellfish for the purpose of added safety or quality that involve hazards not addressed by controls in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish Model Ordinance for shucker-packers, repackers, shellstock shippers, or reshippers.

~~(ppqq)~~ Process means those actions related to the operation of the Certified Shipper facilities of Depuration Processors(DP), Shucker-Packers(SP), Repackers(RP), Shellstock Shippers(SS), and Reshippers(RS).

~~(qqrr)~~ Processor means a certified shipper.

~~(rsss)~~ Prohibited means an administrative classification that disallows shellfish harvest for human consumption.

~~(sstt)~~ Prohibited Area means a growing area that has been closed by the Department for the harvesting of shellfish for any purpose related to direct human consumption.

~~(ttuu)~~ Raw means shellfish that have not been thermally processed:

(1) to an internal temperature of one hundred and forty-five (145) degrees Fahrenheit or greater for fifteen (15) seconds (or equivalent); or

(2) to alter the organoleptic characteristics.

~~(uuvv)~~ Relaying means the transfer of shellstock from restricted areas or conditionally restricted areas to approved or conditionally approved areas for natural biological cleansing using the ambient environment as a treatment system.

~~(vwww)~~ Repacker (RP) means a certified shipper who packs shucked shellfish into containers other than those in which they were originally packaged. A repacker may act as a shellstock shipper.

~~(wwxx)~~ Repacking means the transfer of shucked shellfish into containers other than those in which they were originally packaged.

~~(xyyy)~~ Reshipper (RS) means certified shippers who purchase shellfish from other certified shippers and sell or distribute the shellfish without repackaging.

(yyzz) Restricted means a shellfish water quality classification that does not meet approved water quality criteria, disallows direct marketing of shellfish, and allows shellfish harvest only by special permit.

~~(zzaaa)~~ Restricted Area means a growing area that has been classified by the Department as not meeting water quality criteria that would allow harvesting shellfish for direct marketing for human consumption. In a restricted area, shellfish may be harvested only by special permit and direct marketing of harvested shellfish is not allowed.

~~(aaabb)~~ Sanitary Survey Report means a written evaluation of all actual and potential pollution sources and environmental factors that affect shellfish growing area water quality.

~~(bbccc)~~ Sanitize means adequate treatment of food contact surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance and in substantially reducing the number of other microorganisms. Such treatment shall be safe and not adversely affect shellfish.

~~(eeedd)~~ Scheduled Depuration Process means the process that places shellfish harvested from conditionally restricted, restricted, or approved waters into a controlled aquatic environment selected by the processor and that has been demonstrated to the Department to effectively reduce the level of fecal coliform bacteria in live shellfish.

~~(deeee)~~ Seed means juvenile shellstock intended for growth to market size.

~~(eeeff)~~ Shellfish means all edible species of oysters, clams, mussels, and scallops; either shucked or in the shell; fresh or fresh frozen; whole or in part, except that scallops shall be excluded when the final product is the adductor muscle only.

~~(ffggg)~~ Shellstock means live molluscan shellfish in the shell.

~~(ggghh)~~ Shellstock Shipper (SS) means a certified shipper who grows, harvests, buys, or sells shellstock. A shellstock shipper is not certified to shuck shellfish or repack shucked shellfish. A shellstock shipper may repackage shellstock or act as a reshipper.

~~(hhiii)~~ Shucked Shellfish means shellfish that have been removed from their shells.

~~(#ijjj)~~ Shucker-Packer (SP) means a certified shipper who shucks and packs shellfish. A shucker-packer may act as a repacker, shellstock shipper, or reshipper.

~~(jjkkk)~~ State Shellfish Control Authority or Authority means the South Carolina Department of Health and Environmental Control or, if in reference to another state, the state agency having the primary authority to implement public health-related shellfish regulations.

~~(kklll)~~ Systematic Random Sampling is a field sampling and data analysis design that employs a preestablished sampling schedule and assumes that a statistically representative cross section of all meteorological, hydrographic, and/or other pollution events will be included in the data set.

~~(Hllmm)~~ Vehicle means any truck, car, bus, trailer, railcar, aircraft, boat, ship, barge, dredge, or other means of conveyance by which shellfish is transported from one location to another.

~~(mmnnn)~~ Vessel means any boat, ship, barge, dredge, or other type of watercraft used for the commercial harvest or transport of shellfish for human consumption.



~~(nnn000)~~ Wet Storage means storage of marketable shellfish in water after initial harvest.

**Add new subitem 61-47.C.1.(f) to read:**

(f) Harvesters shall complete Department approved training annually. The certified shippers shall only receive shellstock from harvesters who have completed Department approved training annually.

**Revise 61-47.C.2.(b) and (c) and add new subitems 61-47.C.2.(d), (e) and (f) to read:**

~~(b) Shellstock Temperature Management Control. Within two (2) hours of receiving shellstock from a harvester, certified shippers shall implement procedures to manage shellstock temperature. For purposes of this item, shellstock shall be considered received when the shellstock are located in any portion of a certified shipper facility. Nothing in this item shall be construed to reduce the maximum allowable time period for shellstock temperature control. Acceptable methods of temperature management for the period from two hours after receipt of shellstock to the maximum allowable time period for temperature control are:~~

~~——(1) Mechanical refrigeration;~~

~~——(2) Icing;~~

~~——(3) Mechanical air conditioning, at conditioned temperatures no greater than sixty eight (68) degrees Fahrenheit;~~

~~——(4) Evaporative cooling, including, but not limited to equipment such as fans, blowers, and/or potable water sprays;~~

~~——(5) Shading, however, the use of shading alone is only acceptable when ambient (surrounding) air temperatures are no greater than sixty eight (68) degrees Fahrenheit.~~

~~——(c) Shellstock Temperature Control. For purposes of initial processing, shellstock temperature control shall be defined as the management of the internal temperature of shellstock by means of ice, mechanical refrigeration or other approved means which is capable of lowering the temperature of the shellstock and will maintain it at fifty (50) degrees Fahrenheit [ten (10) degrees Centigrade] or less. Shellstock shall:~~

(1) Shellstock Temperature Control is the management of the internal temperature of shellstock by means of ice, mechanical refrigeration or other approved means which is capable of lowering the temperature of the shellstock and will maintain shellstock at fifty (50) degrees Fahrenheit (ten (10) degrees Centigrade) or less. Ice must be from a Department approved source.

(2) Within two (2) hours of receiving shellstock from a harvester, certified shippers shall implement procedures to control shellstock temperature as described in item C.2.(b)(1). For purposes of this item, shellstock shall be considered received when the shellstock are located in any portion of a certified shipper facility. Nothing in this item shall be construed to increase the maximum allowable time period for shellstock temperature control.

~~(1) Be placed under temperature control by the receiving certified shipper within eighteen (18) hours from the time of harvest during months when additional controls are not required. Shellfish harvested during months that do require additional controls must be placed under temperature controls~~

~~within twelve (12) hours from the time of harvest. Clams harvested during these control months may be tempered using a Department approved tempering plan.~~

(c) Shellstock harvested during months that do not require additional temperature controls shall be placed under temperature control by the receiving certified shipper within eighteen (18) hours from the time of harvest.

(d) Months that do require additional temperature controls will be designated in the latest version of the South Carolina Vibrio Control Plan, which is updated annually in accordance with the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

(e) Shellstock harvested during months that do require additional temperature controls shall be limited to clams as described in item C.2.(e)(1) and maricultured shellfish and shall be managed as follows:

(1) Clams shall be under temperature control by the receiving certified shipper within twelve (12) hours from the time of harvest or may be tempered for a longer period of time using a Department approved tempering plan. For the purpose of this item, clams means the species *Mercenaria mercenaria*, unless otherwise approved by the Department.

(2) Harvesters shall only harvest maricultured oysters submerged for a minimum of 14 days prior to harvest. The certified shipper shall place the oysters under temperature controls sufficient to reach an internal temperature of fifty (50) degrees Fahrenheit (ten (10) degrees Centigrade) or less within two (2) hours from the time the oysters are received by the certified shipper. For purposes of this item, oysters shall be considered received by the certified shipper when the oysters are located in any portion of a certified shipper facility. The time from harvest to receipt by a certified shipper shall be managed as follows:

(a) The certified shipper shall only receive oysters harvested on the same calendar day. The certified shipper shall not receive oysters after 10:00 A.M. unless the oysters are iced or mechanically refrigerated as described in item C.2.(e)(2)(c).

(b) For oysters received by the certified shipper after 10:00 AM, the certified shipper shall only receive oysters that are:

(i) within 4 hours from the start of harvest; and

(ii) completely covered by ice or mechanically refrigerated at an ambient air temperature of forty-five (45) degrees Fahrenheit (seven (7) degrees Centigrade) or less.

(c) The harvester shall only deliver oysters harvested on the same calendar day to a certified shipper. For oysters received by the certified shipper after 10:00 AM, the harvester shall place oysters into cooling immediately after harvesting by completely covering the oysters with ice or by mechanical refrigeration maintained at an ambient air temperature of forty-five (45) degrees Fahrenheit (seven (7) degrees Centigrade) or less. After being placed into cooling, the harvester shall keep the oysters in cooling continuously until received by the certified shipper. The harvester shall follow the procedures for cooling and maintaining continuous cooling for the oysters that are included in the operational plan required in item O.6. The harvester shall use ice from a Department approved source.

(d) It shall be unlawful for a certified shipper to receive at their facility oysters harvested from South Carolina waters during the months that require additional controls that have not been maricultured and harvested and handled in compliance with the requirements of item C.2.(e)(2)(a)(b) and (c). Certified

shippers that choose to receive and distribute oysters harvested from South Carolina waters during the months that require additional controls must incorporate into their HACCP plan additional receiving controls to ensure the oysters being received and distributed have been maricultured and harvested and handled in compliance with the requirements of item C.2.(e)(2)(a)(b) and (c).

(3) Unless otherwise approved by the Department, the requirements for maricultured oysters described in item C.2.(e)(2) also apply for other maricultured shellfish with the exception of clams which have requirements specified in C.2.(e)(1).

(f) Temperature control requirements for confirmed illnesses.

(21) In the event a growing area or portion of a growing area is confirmed as the original source of product associated with two (2) or more *Vibrio vulnificus* illnesses within the past (10) years, the maximum hours to temperature control for shellfish shall, upon notice provided by the Department, be in accordance with the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish Model Ordinance, VIII. Control of Shellfish Harvesting. Shellfish not meeting times and temperature controls may, with Department approval, be diverted to post-harvest processing as defined in this regulation or be deemed adulterated.

(32) In the event a growing area or portion of a growing area is confirmed as the original source of product associated with two (2) or more *Vibrio parahaemolyticus* illnesses within the past five (5) years, the maximum hours to temperature control for shellfish shall, upon notice provided by the Department, be in accordance with the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish Model Ordinance, VIII. Control of Shellfish Harvesting. Shellfish not meeting times and temperature controls may, with Department approval, be diverted to post-harvest processing as defined in this regulation or be deemed adulterated.

**Revise 61-47.C.2.(d) to read:**

(dg) Identification of Shellstock in the Marketplace.

(1) When at the facilities of a certified shipper, unless certified as a reshipper (RS), shellstock shall be tagged in accordance with the provisions of item C.1.(c) or item C.2.(dg)(2) at all times.

**Revise 61-47.C.2.(d)(10) to read:**

(10) All shellstock intended for raw consumption shall include a consumer advisory. The following statement, based upon guidance provided in Section 3-603.11 of the United States Food and Drug Administration ~~2005~~ 2013 Food Code (Copies can be obtained through the U.S. Food and Drug Administration or the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201.), or an equivalent statement, shall be included on all shellstock: "RETAILERS, INFORM YOUR CUSTOMERS: Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.";

**Revise 61-47.C.2.(e) to read:**

(eh) Shucked Shellfish Temperature Control. Shucked shellfish shall be stored and maintained in accordance with the following:

**Revise 61-47.C.2.(f) to read:**

(fi) Shucked Shellfish Labeling. Prior to sale or distribution, each individual container of shucked shellfish shall be labeled as follows:

**Revise 61-47.C.3.(b)(4) to read:**

(4) Nothing in item C.3.(c)(3) shall be construed to make unlawful the intrastate shipment of shellstock harvested from within the State provided such shellstock have not exceeded any maximum allowable time period for temperature control as established by item C.2.(c)-and C.2.(e).

**Revise 61-47.I.4 to read:**

4. Shellstock Temperature ~~Management~~ Control. Certified shippers shall manage shellstock temperature in accordance with the provisions of item C.2(b).

**Revise 61-47.I.5 to read:**

5. Temperature Control. Certified shippers shall control shellfish temperatures in accordance with the provisions of items C.2.(c), ~~and C.2.(e)-and C.2(h).~~

**Revise 61-47.I.6 to read:**

6. Shellstock Identification. Certified shippers shall identify shellstock in accordance with item C.2.(dg)(1) of this Regulation.

**Revise 61-47.I.7 to read:**

7. Shucked Shellfish Labeling. Certified shippers shall label shucked shellfish in accordance with item C.2.(fi)(1) of this Regulation.

**Revise 61-47.O.6 to read:**

6. Mariculture Permit Areas. Operators of shellfish mariculture permit areas permitted by the South Carolina Department of Natural Resources shall provide the Department with a written operational plan that shall include:

(a) A description of activities associated with the operation including, but not limited to, the operational requirements in C.2.(e)(2);

(b) The specific site and boundaries in which shellfish culture activities will be conducted;

(c) The types and locations of any structures, including rafts, pens, cages, nets, tanks, ponds, or floats utilized in the aquaculture operation;

(d) The type and source of shellfish, including seed, to be cultured and harvested;

(e) Documentation of the source of seed shellstock;

(f) Record keeping to document compliance with the requirements described in item C.2.(e)(2) for maricultured shellfish harvested during months that do require additional temperature controls.

**ATTACHMENT D**  
**EXCERPT FROM STATE REGISTER NOTICE OF PROPOSED REGULATION**  
**PUBLISHED NOVEMBER 25, 2016**

**20 PROPOSED REGULATIONS**

Document No. 4736  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
CHAPTER 61  
Statutory Authority: 1976 Code Section 44-1-140

61-47. Shellfish

**Preamble:**

Regulation R.61-47 was last substantively amended on June 26, 2015. The regulation contains requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish (oysters and clams) to protect the health of consumers of shellfish. For South Carolina shellfish to be acceptable for interstate and international commerce, the regulation must be consistent with the requirements of the National Shellfish Sanitation Program (NSSP), as determined by the US Food and Drug Administration (FDA).

The Department proposes to amend R.61-47 to provide further clarification and specific technical requirements regarding the harvesting and handling of molluscan shellfish during the warmer months of the year (*i.e.*, months that require additional temperature controls). The amendments will allow for the harvest of molluscan shellfish during months that require additional temperature controls in a manner that is consistent with national shellfish sanitation program and protects the health of the consumers of molluscan shellfish. The amendment will include a requirement for certified shippers to only accept shellfish from harvesters that have received annual training on key regulatory requirements and safe and sanitary practices related to the harvesting and handling of shellfish in South Carolina. The amendment will update the reference date for the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish from 2013 to 2015 (the latest version of the document). The amendment will include stylistic changes to correct for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

A Notice of Drafting for this proposed regulation was published in the *State Register* on May 27, 2016.

This Notice of Proposed Regulation for R.61-47 supersedes the Notice of Proposed Regulation for R.61-47 published in the State Register on September 23, 2016 (Document No. 4668). This Notice of Proposed Regulation includes a new 30-day public comment period and provides a date change for the public hearing before the Board of Health and Environmental Control. Public comments received on the Notice of Proposed Regulation published in the State Register on September 23, 2016 (Document No. 4668) will be retained and considered as comments on this Notice of Proposed Regulation.

Section-by-Section Discussion of Proposed Regulations:

61-47.A.2(II).

The amendment is to change the reference date of the document to the latest version of the document.

61-47.C.1(f)

This amendment is added to require harvesters to have Department approved annual training and certified shippers to only receive shellfish from harvesters that have completed Department approved annual training. The annual training for harvesters will include a discussion of state regulations and overview of best practices for the safe and sanitary harvesting and handling of shellfish. The training is needed given the more stringent harvesting and handling requirements on the harvester during the warmer months of the year. The training will be provided at no cost to the harvesters.

61-47.C.2.(b)

Two subsections (61-71.C.2.(b) and (c)) are combined to create this new subsection. This amendment is to improve readability and to more clearly explain the meaning of shellstock temperature control and how and when shellstock temperature control is to be applied by certified shippers.

*South Carolina State Register Vol. 40, Issue 11*  
November 25, 2016

**ATTACHMENT E**  
**STATE REGISTER NOTICE OF DRAFTING**  
**PROPOSED AMENDMENT OF R.61-47, SHELLFISH**  
**May 27, 2016**

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

Statutory Authority: 1976 Code Section 44-1-140 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-47, *Shellfish*. Interested persons are invited to submit their views and recommendations in writing to Charles Gorman, P.G., Division of Water Monitoring, Assessment and Protection, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201, or by email at [gormancm@dhec.sc.gov](mailto:gormancm@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on June 27, 2016, the close of the drafting comment period.

**Synopsis:**

Regulation R.61-47, *Shellfish*, contains requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish to protect the health of consumers of shellfish. For South Carolina shellfish to be acceptable for interstate and international commerce, the regulation must be consistent with the requirements of the National Shellfish Sanitation Program (NSSP), as determined by the US Food and Drug Administration (FDA).

The proposed amendments will provide specific criteria for the harvesting and handling of molluscan shellfish during months that require additional controls (*i.e.*, the warmer months of the year). The reason for adding these specific criteria to the regulation are to protect the health of consumers of shellfish. Molluscan shellfish harvested during times of the year with warmer water and air temperatures have been shown to have a higher risk of vibrio bacteria related illnesses. Consequently, the harvesting and handling criteria for molluscan shellfish harvested during months that require additional controls will be more restrictive than the harvesting and handling criteria for molluscan shellfish harvested during months that do not require additional controls (*i.e.*, the cooler months of the year). The proposed additional controls are likely to include, but are not limited to, the harvest time of day and the time allowed from harvest to refrigeration.

The Department also may include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review will be required.

**ATTACHMENT FSUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES**

**State Register Document Nos. 4668 and 4736  
Proposed Amendments of R.61-47, Shellfish  
January 5, 2017**

**\*The Department received thirteen (13) sets of comments from eleven (11) different commenters during the public comment period after publication of the Notice of Proposed Regulation in the State Register on September 27, 2016 (Document No. 4668) and November 25, 2016 (Document No. 4736).**

<b>COMMENTOR</b>	<b>SECTION CITATION</b>	<b>COMMENT</b>	<b>DEPARTMENT RESPONSE</b>
<b>Aaron Wozniak, Southeast Regional Shellfish Specialist, FDA (email dated 10-25-16)</b>	<b>61-47.C.2(d)(10) current regulation. 61-47.C.2(g)(10) amended regulation.</b>	FDA recommends that the R61-47 reference to the Food Code be amended to reference the 2013 Food Code publication. The reference to the 2005 food code appears to be in error in the proposed Shellfish Regulation Changes.	The Department agrees with the comment and will update the United States Food and Drug Administration 2005 Food Code reference in currently in the regulation to the 2013 version of the Food Code.
<b>South Carolina Department of Natural Resources (letter dated 10-20-16)</b>	<b>61-47.C.2(e)(2)</b>	<b>1) Ploidy:</b> The DNR agrees wholeheartedly with the premise that harvest of shellstock during summer months, when additional temperature controls are required, be limited to hard clams and maricultured oysters only. <i>The DNR also strongly urges that harvested oysters during summer months be restricted to genetic triploids only.</i> Reliance upon industry-proven triploid oysters only during allowable summer harvest periods would provide protection to naturally occurring diploid oyster stocks ; significantly enhance the efficiency, effectiveness and reliability of compliance and enforcement measures necessary to implement new harvest restrictions ; provide a high quality, desirable oyster product (particularly for the raw consumption market) bearing the South Carolina industry label; protect the existing commercial shellfish industry from the disruptive consequences of new	Maricultured diploid oysters currently are being grown and harvested in South Carolina during the normal harvest season. There is no health risk difference between diploid and triploid oysters that are maricultured and harvested and handled as proposed in this amendment. Also, FDA has indicated that of the states that allow summer harvest, none limit harvest to only triploid oysters. To address the concern about ensuring only maricultured oysters enter the market, the Department will make the following changes to the proposed amendment: 1) the definition of “mariculture” in the Marine Resources Act and used by DNR will be added, and 2) new text will be added as subsection 61-47.C.2.(e)(2)(d) to clarify that certified shippers that

		summer time <i>Vibrio</i> outbreaks; and provide an added degree of verifiable health safety to the public. Genetic ploidy testing (currently used by DNR in the verification of sterile imported grass carp) would be a relatively simple, inexpensive and reliable means of confirming the origin of oysters harvested during summer months. Limiting summertime harvest of oysters to triploid-only will serve to ensure that only maricultured oysters are marketed in the summer, since triploids do not occur naturally.	choose to receive and distribute oysters harvested from South Carolina waters are responsible for ensuring that the oysters have been maricultured and harvested and handled in compliance with the requirements proposed for the summer harvest of oysters included in subsection 61-47.C.2.(e)(2). Also, please note that subsection 61-47.O.6 already contains proposed changes to require operation plans and record keeping to demonstrate compliance with the requirements for the summer harvest of maricultured oysters proposed in subsection 61-47.C.2.(e)(2).
<b>South Carolina Department of Natural Resources (letter dated 10-20-16)</b>	<b>61-47.C.2(f)</b>	<b>2) Potential ramifications for shellfish industry for confirmed illnesses [61-47.C.2(f)]:</b> DNR would like to point out that the repercussions from a shellfish consumption illness or <i>Vibrio</i> outbreak associated with higher risk oysters harvested in summer months will potentially affect <u>entire</u> growing areas, not just the permitted area from which the harvested product resulting in illness occurred. Thus the entire South Carolina shellfish industry could potentially be negatively impacted through the assumption of greater risks from summer harvest, even if only derived from mariculture operations. For this reason DNR strongly supports DHEC's adoption of the most thorough, comprehensive, practical, safest and enforceable regulatory approach possible in allowing for the summer time harvest of shellfish in South Carolina.	The Department agrees with the comment and the need for the regulation to be protective.
<b>South Carolina Department of Natural</b>	<b>61-47.C.2(e)(2)</b>	<b>3) 14-day submergence [61-47C.2 .(e) (2)]:</b> In South Carolina only maricultured oysters could	See the response to SCDNR Comment 1. above regarding oyster ploidy.



<p><b>Resources</b> <b>(letter dated 10-20-16)</b></p>		<p>potentially have been submerged for 14 days, since harvestable wild oysters are found only in the intertidal zone. Reliance upon triploids-only will help protect the state's naturally occurring oyster resources by providing an accurate means of differentiating between maricultured oysters and wild stock. DNR has no problem with diploid oysters being harvested from mariculture operations during the normal open shellfish harvesting months. DNR also recommends that the Department require that harvesters identify the specific grow-out cages to be harvested during summer months at the beginning of the out-of-season harvest period, and that each cage be outfitted with a recording thermometer to verify continued submergence for 14 days prior to harvest.</p>	<p>Section 61-47.O.6 requires a mariculture operations plan that must be approved by the Department. Sections 61-47.O.6(a) and (f) include amendments that require the plan to include the operational procedures and records that need to be maintained to demonstrate compliance with 61-47.C.2(e). The method described in this comment is one way to demonstrate compliance with 61-47.C.2(e) and satisfy the record keeping requirement of 61-47.O.6(f). Because various methods may be used to satisfy 61-47.O.6(f), the Department will not include a specific method that must be used in the amended regulation.</p>
<p><b>South Carolina Department of Natural Resources</b> <b>(letter dated 10-20-16)</b></p>	<p><b>61-47.C.2(e)(2)(b)</b></p>	<p><b>4) Temperature control in harvested product [61-47.C.2.(e)(2)(b)]:</b> DNR has concerns about the enforceability and practicality of relying on the 10:00 AM harvested product delivery time requirement unless it is made the mandatory standard. If the 10:00 AM dockside requirement were mandatory for normal operations an allowance for later dockside arrivals with icing/refrigeration could be managed through a special permit for this purpose acquired in advance.</p>	<p>Section 61-47.O.6 requires a mariculture operations plan that must be approved by the Department. Consequently, procedures for shellfish harvesting and handling for a delivery time after 10:00 am must be included in the plan and approved in advance of the initiation of harvest operations. The requirement for an approved operations plan negates the need for a special permit.</p>
<p><b>South Carolina Department of Natural Resources</b> <b>(letter dated 10-20-16)</b></p>	<p><b>61-47.C.1(f)</b></p>	<p><b>5) Training requirements [61-47.C.1.f]:</b> DNR believes that those harvesters permitted to harvest in warmer months should have additional specific summer harvest training beyond that required for harvesting during the regular season. DNR would like to see this explicitly stated in the regulations.</p>	<p>The Department will include specific summer harvest training as part of the training specified in amendment 61-47.C.1(f) and plans to work closely with DNR in the preparation of the training information and when and how the training is offered to the harvesters that</p>

			DNR licenses.
South Carolina Department of Natural Resources (letter dated 10-20-16)	61-47.O.6	<p><b>6) Record-keeping requirements [61-47.0.6.]:</b> DHEC currently relies on mariculture operations plans provided to DNR by mariculture operators annually in June. This current timeline will be too late for advanced annual certification for summer harvesting. DNR recommends that DHEC plan to establish a separate summer harvest management planning schedule to be determined by DHEC, but well in advance of the close of the normal shellfish harvest season. DNR also recommends for industry consistency, ease of understanding and monitoring, and practical enforceability that compliance-related record keeping and documentation required from mariculture operators harvesting in summer months be standardized (at least key requirements) as much as possible.</p>	The Department concurs with the comment and will work with DNR to have mariculture operations permitted in a timely manner prior to the start of the summer harvest season. In addition, the Department will work with DNR to standardize the procedures and documentation mentioned in the comment.
South Carolina Department of Natural Resources (letter dated 10-20-16)	61-47.C.2(d)	<p><b>7) Vibrio Control Plan schedule [61-47.C.2.(d)]:</b> The update schedule for the <i>Vibrio</i> control plan should be clear and readily available to the public and shellfish industry. Ideally, the plan needs to be updated in time for DNR to know which months will require extra temperature management measures during an upcoming year. The plan should be provided to DNR each year when updated and should be made available to the public and industry for better planning of harvesting and management for a given year.</p>	The Department will update the Vibrio Control Plan annually and the latest version of the plan will be used to determine the months that require additional temperature controls.
South Carolina Department of Natural Resources (email dated 12-13-16)	61-47.A.2	SCDNR recommends that the definition of “mariculture” be added to the regulation, and for consistency, the definition be should the same as the Marine Resources Act, Section 50-5-15(34).	For consistency and clarification, the definition of “mariculture” is added to this amendment. The definition will be same as in Marine Resources Act, Section 50-5-15(34).
Frank Roberts,		The commenter recommends that	See response above to

<p><b>Lady’s Island Oyster, Inc.</b> (email dated 10-19-16)</p>		<p>summer harvest of oysters be limited to maricultured triploid oysters grown from seed for the following reasons: 1) demonstrated to pose minimal health risks to the public, 2) ensure that “wild oysters” are not introduced into the market, and 3) the superiority of the product because of consistent meat quality.</p>	<p>SCDNR Comment No. 1 (letter dated October 20, 2016) regarding oyster ploidy including triploid oysters.</p>
<p><b>Small Business Regulation Review Committee</b> (letter date November 16, 2016 – Breivik to Heigel)</p>	<p><b>61-47.C.1(f)</b></p>	<p>1) The concern is the real need for annual training of these harvesters, both in time taken and in appreciable changes in the safety of harvesting. Is there a need for annual training for harvesters working the job on a regular basis?</p>	<p>Annual training is appropriate and reasonable for shellfish harvesters because safe and sanitary harvesting practices are critical to protect the health of shellfish consumers. Harvester training was included in this proposed amendment because harvester training is now a requirement of the National Shellfish Sanitation program and it is very important for harvesters to understand the difference between the harvest requirements for the normal season (October 1 through May 15) versus the more stringent harvest requirements proposed by this amendment for the warmer (summer) months of the year.</p> <p>Harvesters receive commercial harvesting licenses from the Department of Natural Resources (DNR) on an annual basis. Currently, no training is required for harvesters to receive a license. Because no special training is needed to be a harvester, new harvesters or harvesters not familiar with South Carolina regulations can receive a license at any time.</p> <p>If this amendment is</p>

			<p>approved, the Department and DNR will work together to make the required training user friendly and available at the time that harvesters receive their annual license. Providing the training annually when harvesters receive their licenses will make tracking compliance with this requirement simpler for the harvesters and the Department. Annual training will emphasize the importance of safe and sanitary harvesting practices, review the best practices for harvesting and handling shellfish, review existing and new regulatory requirements that pertain to harvesting, and provide the latest information about approved harvesting areas.</p> <p>In an email dated December 13, 2016 (Bundy to Gorman), the Commission indicated that they are satisfied with the response and have no opposition to the amendment (see documentation in Attachment G).</p>
<p><b>Small Business Regulation Review Committee (letter date November 16, 2016 – Breivik to Heigel)</b></p>	<p><b>61-47.C.2(e)(2)(b)</b></p>	<p>2) If the oysters are being kept in refrigeration at an appropriate time after harvest, it is not clear why the four (4) hours rule exists. What is the reason for disallowing oysters received after 10:00 a.m., even if covered by ice or mechanically refrigerated throughout the period? What alternative regulations may have a similar impact without the 4 hour requirement, per se?</p>	<p>The Department initially proposed that oysters harvested during the warm weather (summer) months to be delivered to the certified shipper facility before 10:00 a.m. exclusively. Subsequent to two regulation amendment development stakeholder meetings held this past summer (July 14 and 20, 2016), the Department received a comment from a shellfish company representative requesting that an option for delivery to a certified</p>

			<p>shipper facility after 10:00 a.m. be included in the amendment. The company comment recommended that the oysters be cooled on the boat and delivered to the certified shipper facility within 4-hours from the start of harvest.</p> <p>The Department acted upon the aforementioned company comment and included an option in the proposed amendment to deliver oysters to the certified shipper facility after 10:00 a.m. during the summer months under certain conditions including delivery to the certified shipper facility within 4-hours from the start of harvest. The Department considered the company recommendation and typical industry practices in South Carolina when establishing the 4-hour delivery time for oysters harvested after 10:00 a.m. during the summer months. Please note that the small vessels that typically are used to harvest shellfish in the tidal creeks of South Carolina do not have the storage capacity to hold both a large amount of oysters and the ice needed to maintain the oysters under appropriate temperature control for an extended period of time during the hottest parts of the day in the summer. Similarly, these small vessels do not have the capacity to hold both a refrigeration unit capable of holding a large amount of oysters and a power source for the unit. Because many</p>
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			<p>of the summer harvested oysters likely will be consumed raw, it is especially important to maintain proper temperature control to minimize the growth of harmful bacteria in the oysters from harvest to consumption. The 4-hour duration from harvest to receipt by the certified shipper facility, which will have a Department-approved refrigeration unit, is appropriate to protect public health.</p> <p>In an email dated December 13, 2016 (Bundy to Gorman), the Commission indicated that they are satisfied with the response and have no opposition to the amendment (see documentation in Attachment G).</p>
<p><b>Five Commenters: Thomas Bierce, Jared Hulteen, Sean Oconnell, Brad Young, and Benjamin Young (all emails)</b></p>	<p><b>General Comment</b></p>	<p>These commenters support the summer harvest of maricultured shellfish if done in a safe manner. Brad Young mentioned that his company (May River Oyster Company) uses “triploid” spawn oyster seed from Lady’s Island Oyster in Seabrook, SC . Jared Hulteen indicated that he is satisfied with the guidelines as he understands them including limiting summer harvest to triploid oysters.</p>	<p>The Department acknowledges the comments supporting the summer harvest of maricultured shellfish and agrees that it should be done in a safe manner. See response above to SCDNR Comment No. 1 (letter dated October 20, 2016) regarding oyster ploidy including triploid oysters.</p>
<p><b>Catherine Templeton (email dated 12-19-16 and email dated July 24, 2016 that was resubmitted on 12-19-16).</b></p>	<p><b>61-47.C.2(e)(2)</b></p>	<p>The commenter stresses the economic benefits of having a regulation that will allow the summer harvest of shellfish in South Carolina. Currently, shellfish from other states with warmer water than South Carolina ship their summer harvested shellfish to South Carolina for consumption during the summer. The commenter discusses the differences between wild and maricultured shellfish and states that</p>	<p>The Department appreciates and has considered the comments. See response above to SCDNR Comment No. 1 (letter dated October 20, 2016) regarding oyster ploidy including triploid oysters. Also, the Department revised</p>

		<p>maricultured shellfish will not affect or interrupt wild oyster beds. The commenter points out that there are two kinds of oysters: diploids that can spawn and triploids that cannot spawn.</p> <p>The commenter has a question about whether "clams" and "mussels" are used interchangeably for purposes of these regs, and if so, where the authority for that is.</p> <p>The commenter discusses summer harvest of diploid and triploid oysters and mentions the DNR comment dated October 20, 2016 recommending that the summer harvest of oysters be limited to maricultured triploid oysters only and not allow the summer harvest of maricultured diploid oysters (see DNR Comment No. 1 above). The commenter states that, "Restricting the harvest of diploids versus triploids, however, is unacceptable and without legitimate reason or science. The commenter states the proposed regulation amendment published in the State Register on November 25, 2016 "... is sufficient and correct to protect public health" and advocates no changes to the proposed regulation amendment. The commenter makes the following points countering the need to limit summer harvest to triploid oysters and exclude diploid oysters. :</p> <ul style="list-style-type: none"> <li>- DHEC and FDA staff agreed at the Beaufort stakeholder meeting on July 20, 2016 (as do the other national experts) that there is no distinction between diploids and triploids as far as public health is concerned.</li> <li>- Maricultured diploids can be distinguished from wild diploids using visual inspection and/or flow cytometry. Therefore, enforcement efforts to distinguish maricultured oysters from wild oysters does not need to rely on genetic testing between triploids and diploids.</li> </ul> <p>-The argument that triploid oysters are</p>	<p>proposed amendment item 61-47.C.2.(e)(3) to clarify that the amendment applies to shellfish other than oysters and clams (e.g., mussels).</p>
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		<p>a more desirable product than summer harvested diploids is an issue that should be addressed in the market place and not a public health or population issue under DHEC's or DNR's purview.</p> <p>The commenter states that harvesting wild diploids is "ok" for the following reasons:</p> <ul style="list-style-type: none"> <li>- "There is no public health reason why wild diploids cannot be harvested in the summer if refrigerated after harvest per the proposed DHEC regulation; just like mariculture."</li> <li>- "There is no population issue. Even if wild oysters were harvested during the summer, the populations and spawning cycle would not be adversely affected as they spawn in the spring and are harvested throughout the year already." "Additionally, DNR has consistently and repeatedly confirmed that there are lots and lots of spat (to the point that the industry was advised that off-bottom culture couldn't work). So, no over harvesting possible."</li> </ul> <p>The commenter goes on to say, "The industry is not advocating for the harvest of wild oysters because the lionshare of its market comes from mariculture." The commenter reaffirms that the currently proposed regulation is acceptable.</p>	
<p><b>Bob Doran, OVA (email from Aubrey Sanders dated 12-28-16).</b></p>	<p><b>General Comment</b></p>	<p>The current proposed changes to regulation 61.47 <i>Shellfish</i> published in the November 2016 <i>SC State Register</i> are sufficient and correct to protect public health. The industry applauds DHEC for providing guidance to DNR on the national and scientific standards allowing summer shellfish harvesting.</p> <p>The commenter provides additional comments to supplement the above comment as summarized below.</p>	<p>The Department appreciates and has considered the comments. See response above to SCDNR Comment No. 1 (letter dated October 20, 2016) regarding oyster ploidy including triploid oysters.</p>



		<p>1. <b>Economic Development</b> – the economic opportunities for allowing the summer sales of South Carolina oysters are discussed as well as the harm to the South Carolina shellfish industry caused by not allowing summer sales of South Carolina oysters while oysters from other states are allowed to be sold in South Carolina during the summer.</p> <p>2. <b>Public Health</b> – the proposed regulation is adequate to address the public health concern caused by the fast growth of harmful bacteria in oysters during the summer. The point is made that, “The time and temperature controls for cooling put into place by the proposed DHEC regulation are more strict than all other states and are sufficient (one might even say overly burdensome) to ensure proper safety for the public.</p> <p>3. <b>Environment</b> – the oysters harvested during the summer months are safe under the currently proposed regulations and the oysters are good for the ecosystem because each oyster filters and purifies 50 gallons of water a day while eating. Also, there is no possibility of overharvesting the oysters affected by the proposed regulation as they are additional farm raised shellfish.</p> <p>4. <b>What are we regulating?</b> – the proposed regulations regulate mariculture oysters of any and all kinds. Mariculture basically means they are farm raised in cages floating in the water. There are two ways to grow shellfish: maricultured and wild. The distinction between maricultured and wild is not to be confused with “diploid” and “triploid.”</p> <p>The difference between maricultured diploid and triploid oysters is irrelevant as they are grown in cages</p>	
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		<p>together, marked for from infancy in bags, and “seeded” by the harvester. Wild oysters are only diploids. DNR is concerned about harvesting wild oysters in the summer after they have spawned however under current law wild oysters can be harvested while they are spawning. DNR is not concerned about overharvesting. DNR is concerned that the wild oysters are smaller in summer and less desirable to the consumer. DNR does not have the authority to regulate consumer desires.</p> <p>DHEC has correctly made the distinction between mariculture and wild oysters. Restricting the harvest of diploids versus triploids is unacceptable and without legitimate reason or science. The commenter supports the currently proposed regulatory guidance.</p> <p><b>5. What are we NOT regulating?</b>  - The currently drafted proposed regulation only allows summer harvesting of <i>mariculture</i> shellfish and does not affect or interrupt wild oyster beds that are subject to the tide and are not submerged in water for parts of the day.</p> <p><b>6. Enforcement-</b> In DNR’s comments of October 20, 2016, it seems to ultimately be concerned that allowing <i>mariculture</i> oysters to be harvested may somehow lead to the mistaken harvesting of <i>wild</i> oysters. This is akin to failing to pass a rule for fear it will be broken. There is no such thing as "mistakenly" harvesting wild oysters and any enforcement officer can readily identify, prohibit, and punish such an infraction. To say otherwise would be insulting to the professionals at DHEC and DNR.</p> <p>Mariculture and wild oysters are easily distinguished on sight by any lay person. In fact, the SC Sea Grant</p>	
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		<p>Consortium notes that restaurant customers can tell the difference in a dimly lit atmosphere.</p> <ul style="list-style-type: none"> <li>- Wild oysters are more shallow and linear as compared to the deep, cuppy, round profile of mariculture oysters.</li> <li>- Wild oysters grow in clusters and mariculture oysters are single oysters. (Presenting a wild oyster as a mariculture oyster would require purposeful effort in separating clumps of oysters leaving unmistakable markings where the separation occurred.)</li> <li>- All mariculture oysters are tagged while growing for ease of inspection at any point throughout the life cycle - and, in fact, are inspected regularly by DNR.</li> </ul> <p>To suggest that enforcement requires more than a cursory visual inspection is disingenuous, at best. If DNR is concerned about its ability to enforce this regulation, then it should train or hire its enforcement officers accordingly so that they understand the industry they are regulating.</p>	
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**ATTACHMENT G**

**SMALL BUSINESS REGULATORY REVIEW COMMITTEE  
DOCUMENTATION REGARDING COMMITTEE COMMENTS DATED NOVEMBER 16, 2016**

**State Register Document Nos. 4668 and 4736  
Proposed Amendment of R.61-47, Shellfish  
January 5, 2017**



Nikki Haley  
Governor

SOUTH CAROLINA  
Small Business Regulatory Review Committee

Kenneth Breivik  
Chairman

RECEIVED

November 16, 2016

NOV 21 2016

Ms. Catherine E. Heigel  
Director  
South Carolina Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

Catherine E. Heigel

Ref: Proposed Regulation, Document No. 4668 (relative to Shellfish)

Dear Ms. Heigel:

The SC Small Business Regulatory Review Committee looks at all proposed regulations for any adverse impact on small business. The Committee is interested in the ways in which regulations for public safety can be accomplished, whereby agency concerns are met, and the impact on small business can be minimized.

To that end, the Committee has reviewed Document no. 4668, and indeed has shared the document with others in the business who may be affected by its introduction. The Committee respectfully asks the SC Department of Health and Environmental Control (DHEC) to consider the following as it reviews this regulation, and to let the Committee know of its disposition, and any actions it plans to subsequently take with this additional information.

Walter Carr is one of the Committee members had contacted a Charleston area constituent company. The Charleston constituent had questions about two items in the proposed regulation in particular. One was the addition of new subitem 61-47.C.1(f), which reads, "Harvesters shall complete Department approved training annually. The certified shippers shall only receive shellstock from harvesters who have completed Department approved training annually." The concern is the real need for annual training of these harvesters, both in time taken and in appreciable changes in safety of harvesting.

The other relates to subitem 61-47.C.2.(e)(2)(b)(i), which reads, "For oysters received by the certified shipper after 10:00 AM, the certified shipper shall only receive oysters that are within 4 hours from the start of harvest; and..." If the oysters are being kept in refrigeration at an appropriate time after harvest, it is not clear why the four (4 ) hour rule exists.

While it is noted that some of these requirements may be related to the "National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish", the questions are still valid as to (1) the need for *annual* training for harvesters working the job on a regular basis; and (2) the reason for disallowing

Ms. C. E. Heigel  
November 16, 2016  
Page 2

oysters received after 10:00AM, even if covered by ice or mechanically refrigerated throughout the period.

The Committee requests comment from DHEC on the overriding reason for annual training of harvesters, and alternative regulations, which may have similar impact without the 4 hour requirement, per se. We look forward to hearing from you. Please do not hesitate to contact me if you have any questions, (803-237-7308, [ken@nehemiahcommunications.com](mailto:ken@nehemiahcommunications.com)).

Sincerely,

*Kenneth Breivik*

Kenneth Breivik

Copy:

Mr. Charles Gorman, P.G.  
Bureau of Water  
Department of Health and Environmental Control

## Proposed regs 4736 and 4668

Bundy, Chuck <CBUNDY@sccommerce.com>

Tue 12/13/2016 4:54 PM

To: Gorman, Chuck <GORMANCM@dhec.sc.gov>;

Cc: Baize, David <BAIZEDG@dhec.sc.gov>; walter@carr-properties.com <walter@carr-properties.com>;

📎 1 attachments (55 KB)

December 9, 2016 minutes.docx

Dear Mr. Gorman,

Thank you for your and Mr. David Baize's time on conference call December 6, 2016 with Walter Carr (Committee member), and me (Commerce staff support). We appreciate your response to the inquiry from the SC Small Business Regulatory Review Committee relative to any impact that proposed regulation 4668 may have on small business. The Committee's directive is to review all proposed regulations for potential impact on small business. To that end there was some concern about added annual training requirements, and time from water to dealer requirements. You have thoroughly addressed each of these issues, and the Committee voted to take "no action" on 4668 (and 4736), meaning there was no Committee opposition to 4668 (or 4736) as proposed.

The Committee wishes to thank DHEC staff for their time and professionalism. A copy of the minutes has been included with the action taken highlighted. If you need anything further, please do not hesitate to contact me or Mr. Carr.

Thank you,  
Chuck

Chuck Bundy  
Deputy Director – Special Projects Management  
South Carolina Department of Commerce  
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Columbia, South Carolina 29201  
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Nikki R. Haley  
Governor

SOUTH CAROLINA  
Small Business Regulatory Review Committee

Ken Breivik  
Chairman

**Meeting Minutes**  
**Friday, December 9, 2016, 12:00 PM**  
**Via Conference call**

**Committee Members Present:**

Suzanne Pucci, Stanley Steemer, Columbia, SC (Acting Chair)  
Kenneth A. Breivik (Chairman), Nehemiah Communications, Columbia, SC  
Walter Carr, Carr Properties, LLC, Hanahan, SC  
Jeff Cutliff, 1st Class Construction/Foothills Paint & Supply, Anderson, SC  
Charles Towne, All Seasons TruValue Hardware, Charleston, SC  
Mike Lavespere, Business Data Systems, Florence, SC  
Richie Wilhoit, Millwright Services of Florence, Florence SC

**Committee Members Not Present:**

Ralph "Nick" Odom, Jr., EHS Social Compliance & Real Estate, Rock Hill, SC  
Evelyn Reis Perry, Carolina Sound Communications, North Charleston, SC  
Grey Raines, Raines Hospitality, Florence, SC

**Staff Present:**

Chuck Bundy, SC Department of Commerce  
Robin Leitzsey, SC Department of Commerce

**Call to Order & Welcome**

Ken Breivik welcomed everyone and called the meeting to order at 12:00 PM.  
The November 18, 2016 Minutes were held over for approval as they had just been recently received by members. The December 9, 2016 Agenda, were approved.

**Proposed Regulation Review**

The following proposed regulations were reviewed by Committee, and are listed by Committee members who reviewed specific proposed regulations as assigned. Action items are noted for each.

**Kenneth Breivik**

**SC Department of Consumer Affairs**

**4732 – Method of Operations; Application of Federal Truth in Lending Act; Other Cases – Summary Procedure; Delinquent Notification Filing and Fee Payment; and Filing and Posting Maximum Rate Schedules.**

This is primarily a reorganization of what is assigned to whom. Added an education outreach program to consumers for identity theft unit. Some reassignment duties.

*No Action Recommended – Approved*

**4733 – Assignment of Wages**

Regulating the process for individuals when some of their money goes to a third party.

*No Action Recommended – Approved*





Nikki R. Haley  
Governor

SOUTH CAROLINA  
Small Business Regulatory Review Committee

Ken Breivik  
Chairman

**Charles Towne**

**SC Department of Health and Environmental Control**

**4736 – Shellfish**

4736 is essentially the same proposed regulation as proposed regulation 4668, with some amendments to hearing dates and times. Walter Carr had spoken with DHEC officials on December 6, 2016, and received satisfactory answers to his concerns about 4668, concluding there was no cause for small business concern. Annual training is required when licenses are renewed annually. When licenses are picked up annually, individuals will be required to view a 20 minute video for training purposes. It is a simple procedure and is designed to teach proper tagging and harvesting, etc., while the person is picking up their license.

*No Action Recommended on either 4736 or 4668- Approved*

**Grey Raines**

**Commission on Higher Education**

**4729 – Determination of Rates of Tuition and Fees** (Mr. Raines was not able to be on the call, but Ken Breivik had reviewed the regulation and recommended no action.)

*No Action Recommended - Approved*

**Jeff D. Cutliff**

**Commission on Higher Education**

**4728 – Free Tuition for Residents Sixty Years of Age**

Removing the requirement that individuals over 60 cannot be working fulltime to receive free tuition. No impact to small business.

*No Action Recommended - Approved*

**Mike Lavespere**

**Commission on Higher Education**

**4730 – SC National Guard College Assistance Program**

Administrative cleanup. Nothing changes that applies to small business.

*No Action Recommended - Approved*

**Nick Odom**

**Department of Labor, Licensing and Regulation**

**4734 – Minimum Specifications and Practice Standards Governing Pharmacies and Pharmacists Engaged in Nonsterile and Sterile Compounding**

Odom and Carr both spoke with Phar.D.'s. This is a response to some incidents where compounding pharmacies put out nonsterile contaminated substances which resulted in several deaths, one in SC. This is a nationwide issue increasing the standards for compounding pharmacies.

*No Action Recommended - Approved*

**Richie Wilhoit**

**SC Department of Natural Resources**

**4727 – Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources**

Close down two ponds after hurricane for repairs and restocking the fish and also to allow some firework shows at the ponds.



Nikki R. Haley  
Governor

SOUTH CAROLINA  
Small Business Regulatory Review Committee

Ken Breivik  
Chairman

*No Action Recommended - Approved*

**Suzanne Pucci**  
**Department of Revenue**

**4731 – Exemption Meals Sold to School Children**

Provides a sales tax exemption for sale of meals to children and food to schools as long as they are used within the schools and not for profit.

*No Action Recommended - Approved*

**Walter Carr**  
**Workers' Compensation Commission**

**4735 – Chapter Revisions**

Basic housekeeping.

*No Action Recommended – Approved*

Charles Towne made a motion and Suzanne Pucci made a 2<sup>nd</sup> that all of regulations on this month's agenda be approved and no action be taken. Motion passed unanimously.

**Old Business / Updates**

**4705** – No action recommended (amend minutes in November meeting to show this determination)

**4712** – No action recommendation – committee voted and approved.

**4706** – Underground storage tanks control regulations – recommended to hold over one month and to be placed under old business- on the January agenda will reach out to Mike Fields (Petroleum Marketers Association) to see if there is an update.

Ken Breivik is keeping track of the clean-up bill. He spoke with Rep. Mac Tool who will shepherd the bill in the State House. Expectation is that this bill will be on the calendar for action during the first two weeks of the session.

**Meeting schedule**

2017 schedule reviewed. Revisions to be made due to scheduling conflicts. Propose to move the March 10<sup>th</sup> meeting to March 17<sup>th</sup>; and the April 14<sup>th</sup> meeting to April 21<sup>st</sup>. (Ken will be out of the State on the originally proposed dates. Committee prefers to change schedule to accommodate Ken). Propose to move the November 10<sup>th</sup> meeting to November 17<sup>th</sup> as November 10<sup>th</sup> is a State holiday. See attached revised 2017 meeting schedule.

**Adjournment**

With no further actions brought to the Committee, the meeting was adjourned at approximately 12:45 PM.

The next meeting is scheduled for January 13, 2.017 as a conference call at 12:00 PM.