

**THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

IN RE: CHANDLER LLOYD; ABLE CONTRACTING, INC.; EARLBEE, LLC

JASPER COUNTY

NOTICE AND EMERGENCY ORDER

Chandler Lloyd, Able Contracting, Inc., and EARLBEE, LLC., (collectively, “Able”) are responsible for a registered Construction and Demolition (“C&D”) Processing Facility known as the Able Contracting Facility (“Able Facility”) located at 472 Schinger Ave., Ridgeland, SC 29936 in Jasper County. A fire at the Able Facility has created an imminent and substantial danger to human health and the environment requiring the issuance of this Emergency Order.

TAKE NOTICE:

1. On or about June 3, 2019, the Department received complaints concerning outbreaks of flame and smoke at the Able Facility; and
2. The Able Facility is located in close proximity to numerous commercial and residential structures housing a number of residents and employees, including members of vulnerable populations such as pregnant women and children; and
3. Between June 3, 2019 and July 3, 2019, the Department conducted an investigation and received numerous complaints from nearby residents and employees of businesses located near the Able Facility regarding smoke and odors, and observed that the Able Facility was actively pumping water onto the material pile; and
4. On July 3, 2019, the Department issued a letter requiring Able to cease accepting new material, and requiring a plan be submitted to the Department detailing efforts to extinguish the fire and procedures to ensure fire is extinguished both internally and externally (“Cease and Desist”); and
5. The Department deployed a portable air sensor near the Able Facility to detect fine particulate matter on July 3, 2019; and
6. Able filed a Request for Review of the Cease and Desist on July 8, 2019; which was denied by the South Carolina Board of Health and Environmental Control on July 30, 2019, and

7. A representative of Able informed the Department on July 24, 2019 that Able was unable to continue pumping water onto the material pile due to a lack of resources; and
8. On July 24th, 25th, 27th, and 29th, 2019, concentration data from air sensors indicated levels above EPA health-based standards for fine particulate matter (35 micrograms per cubic meter, for a 24- hour average); and
9. Since their installation, the Department air sensor has detected instantaneous levels as high as 565 micrograms per cubic meter; and
10. These elevated levels constitute an emergency requiring immediate action to protect the public health or property pursuant to S.C. Code Ann. Sections 48-1-290 and 44-1-140; and
11. Whereas, S.C. Code Ann. Section 48-1-290 provides that the Department may issue an order requiring immediate action be taken as the Department deems necessary to meet an emergency and protect public health; and
12. Whereas, S.C. Code Ann. Section 44-1-140 provides that the Department may make orders to meet any emergency not provided for by general rules and regulations, for purposes of suppressing nuisances dangerous to the public health.

NOW, THEREFORE, THE DEPARTMENT FINDS, that the continued operations and current conditions at the Able Facility, a solid waste facility located at 472 Schinger Road, Ridgeland, South Carolina, present an imminent and substantial danger to human health and the environment.

IT IS THEREFORE ORDERED that Able shall:

1. Upon the execution date of the Order, immediately cease all operations at the Able Facility not related to completely extinguishing the fire, including the acceptance of new material. Continued operation of the Able Facility, without express written consent of the Department, is considered a violation of this Order. Each day of continued violation will be considered a separate offense.
2. Monitor conditions at the Able Facility 24 hours per day until the fire is completely extinguished. If visibility is impaired on a public roadway or any open flame is visible, notify the County Fire Department.
3. Due to the imminent and substantial danger to human health and the environment from the smoke being produced by material on fire at the Able Facility, the Able Facility must secure the services of a contracting company with experience in extinguishing fires of this nature to develop a plan for smoke abatement and complete extinguishment of the fire at the Able Facility, and provide a copy of the plan to the Department within 48 hours of this Order.

4. Contract with the consulting company to implement the plan for smoke abatement and complete extinguishment of the fire. Due to the imminent nature of the health concerns associated with this event, the plan must be initiated within 72 hours of the Order, and fully-implemented as soon as reasonably possible.
5. Allow unrestricted access to Department personnel or contractors for oversight of these measures.
6. Submit a written certification to the Department when all work has been completed.
7. The Department's point of contact for all matters related to this Order will be:

Marty Lindler
2600 Bull Street
Columbia, SC 29201
803-898-0456
lindlema@dhec.sc.gov

IT IS FURTHER ORDERED that the Department reserves the right to take further enforcement action for the above-observed conditions and any violations of this Emergency Order, or the Solid Waste Policy and Management Act and associated Regulations, including but not limited to the assessment of civil penalties.

IT IS FURTHER ORDERED that the execution date of this Order is the date this Order is signed by the Director of Environmental Affairs.

Failure to comply with this Order **MAY SUBJECT YOU TO PENALTIES OR CRIMINAL PROSECUTION** pursuant to S.C. Code Ann. Sections 44-1-150, 48-1-320, and 48-1-330. The Department reserves the right to take any actions necessary to address this emergency and seek cost recovery as authorized by applicable law.

AND IT IS SO ORDERED.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

By: 
Myra Reece, Director of Environmental Affairs

DATE: 7/31/19

TIME: 5:12 pm