



Catherine E. Helgel, Director

Promoting and protecting the health of the public and the environment

November 6, 2015

VIA CERTIFIED MAIL

Millvale Plantation, LLC
3229 Sunset Blvd., Suite A
West Columbia, S.C. 29169
ATTN: Mr. John P. Johnson

RE: Notice of Violation
Emergency Order
Ellerbees Mill Pond Dam
Dam # D-1460

On October 15, 2015, the Department issued an Emergency Order (Attachment A) to you concerning the above referenced dam. The Emergency Order was served upon you by certified mail on October 20, 2015. Order Requirement No. 2 (on page 3 of the Emergency Order) required you to, "Have a detailed inspection conducted, as defined in the Dams and Reservoirs Safety Act and the Dams and Reservoirs Safety Regulations, of the dam, reservoir, and all appurtenant works by a qualified registered professional engineer licensed to practice in South Carolina. The results of the detailed inspection, including a plan of action to be taken, shall be submitted by the engineer to the Department no later than 5:00 P.M. on October 30, 2015."

As of the date of this letter, Department records indicate that a letter dated October 27, 2015, was received stating an engineer had been contacted, but Millvale Plantation, LLC, has not complied with the Emergency Order.

Failure to comply with the Emergency Order is a violation of the SC Dams and Reservoir Safety Act, S.C. Code Ann. 49-11-110, et seq. (2008) and Regulation 72-1, et seq. (2012). Such violation subjects you to an enforcement action, which includes assessment of penalties as set forth in the SC Dams and Reservoir Safety Act, S.C. Code Ann. 49-11-260 (2008). In addition, failure to comply with the Emergency Order may result in the Department deploying response contractors to perform work necessary to safeguard life and property up to and including implementation of an engineered breach of the dam with no further notice. The Dams and Reservoirs Safety Act, Section 49-11-190(D) provides the Department the authority to recover from the owner in the name of the state, the expenses incurred when the owner fails to comply with the Emergency Order. These expenses may be substantial.

You must provide results of a detailed inspection as defined in the Dams and Reservoirs Safety Act and the Dams and Reservoirs Safety Regulations, including a plan of action, in accordance with Requirement No. 2 of the Emergency Order to the Department by **5:00 PM, Monday, November 16, 2015**. Submitting this response will not relieve Millvale Plantation, LLC, of the responsibility for fully complying with the remaining requirements of the Emergency Order, including Order Requirement No. 1 (on page 3 of the Emergency Order). Submit these documents to me at bill.krecker@dhec.sc.gov or 803-898-4215 (facsimile). Questions about this Notice may be directed to me at (803) 898-4247.

Sincerely,

William R. Krecker
Water Pollution Control Division
Bureau of Water

C: Adam Cannon, Manager, WPC Enforcement
David Graves, Manager, SCDHEC Dams & Reservoir Safety Program

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3432 • www.scdhec.gov