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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III
Chief Administrative Judge

Appeal Case No. 2025-000288
ALC Case No. 24-ALJ-07-0367-CC

Walter Buchanan, Appellant

v.

South Carolina Department of Environmental Services, and Silfab Solar, Inc., Respondents.

APPELLANT MOTION FOR COURT RECONSIDERATION OF
STRIKE OF ITEM (17) FROM APPELLANT DESIGNATIONS AND
MOTION FOR COURT ORDER FOR SUBPOENA
TO PRESERVE AND ACQUIRE PRODUCTION OF DIGITAL RECORDINGS
OF FULL AND COMPLETE OCTOBER 30, 2024 PUBLIC FORUM
HELD BY SCDHEC

Appellant here motions the court for Reconsideration of its order filed January 25, 2025 strictly as to strike of Item (17) of Appellant proposed Designation of matter on the basis new information discovered that the full proceeding of public forum was digitally recorded and posted to Facebook ® social media platforms.

Appellant further moves for an Order to obtain production of digital data audio and video recordings pertaining to full and complete public forum event held by respondent South Carolina Department of Environmental Services (“SCDES”) predecessor the South Carolina Department of Health & Environmental Control (SCDHEC), in order to obtain full and complete transcript copy

of all public forum presentations held on October 30, 2023 at Fort Mill School District Offices from 6:00 pm to 8:39 pm. The existing transcript only transcribes public commentary, and not Silfab Solar Inc. information conveyed to the public by SCDHEC from 6:00 pm to 7:18 pm.

The information sought is relevant to information conveyed by respondents to the public on the above date which was not but partly preserved by department's transcript. The appellant cites that digital information comprised of video and audio of the entire proceeding exists as taken by public in attendance, specifically a Danielle Graham, whose affidavit is provided in support, as uploaded to social media platform Facebook ® and/or META, Facebook digital archives.

Respectfully submitted,

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ATTORNEY FOR APPELLANT
WALTER BUCHANAN
June 23, 2025

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CERTIFICATE OF SERVICE

I hereby certify that I am the attorney for the Appellant in the above entitled case and that I did on July 1, 2025 serve a copy of the foregoing MOTION FOR RECONSIDERATION FOR ITEM (17) (Transcript) and MOTION FOR COURT ORDER for subpoena of preservation and production of all digital records of the public forum event hosted by respondent South Carolina Department of Health & Environmental Control (SCDHEC), predecessor regulatory agency to South Carolina Department of Environmental Services (SCDES) in this case, and respondent Silfab Solar, Inc. by distribution to the following :

**SOUTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL SERVICES**
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Bennett W. Smith, Esq.
South Carolina Dept. of Environmental Services
Office of General Counsel

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ATTORNEYS FOR RESPONDENT
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Respectfully submitted

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July 1, 2025

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v.

South Carolina Department of Environmental Services, and Silfab Solar, Inc., Respondents.

AFFIDAVIT OF DANIELLE GRAHAM

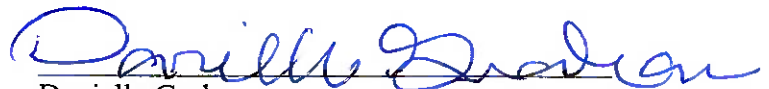
Personally appears before the undersigned notary public for South Carolina Danielle Graham, who first being duly sworn deposes and states:

1. I am Danielle Graham, I am over the age of eighteen and make this affidavit of my own personal knowledge and observations as it pertains to the public forum described below. I am a resident of the Fort Mill community and I live at 5005 Dowman Court, Fort Mill, S.C. 29715.
2. On October 30, 2023 I attended the public forum and presentation by the South Carolina Department of Health and Environmental Control (SCDHEC) with regard to draft permit presentations by Silfab Solar, Inc. for a proposed chemical manufacturing

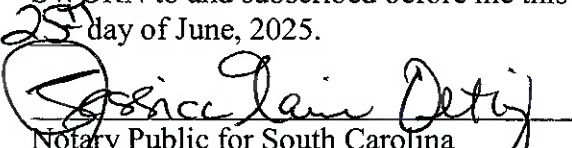
facility at 7149 Logistics Lane in Fort Mill, South Carolina 29715. I am aware the site is zoned light industrial use only.

3. I have reviewed the public transcript that is filed of record before this court. The transcript omits anything prior to 7:18 pm. I was present for the information conveyed from 6:00 pm (meeting start time) to 7:18 pm conclusion of the public meeting.
4. I personally recorded the proceedings from start to finish with my cell phone. I uploaded the presentation to the Facebook ® social media platform by way of my user name on Facebook “Danielle H-g”. This posting was removed by some person or entity. The recording will evidence questions asked by citizens at public forum related to pollution exhaust levels which the administrative agency has yet failed to properly address to those in attendance.
5. The recording of the public forum included Silfab Solar Inc. presentations to the public by SCDHEC regarding building stack height, chemical use, and exhaust levels of possible pollution and volatile organic compounds within the vicinity of residential neighborhoods and adjacent schools.

Further, affiant sayeth naught.


Danielle Graham

SWORN to and subscribed before me this
25th day of June, 2025.


Notary Public for South Carolina
My Commission Expires: 4.29.29

