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Jan 16 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Deborah Brooks Durden
Administrative Law Judge

Appellate Case No.: 2025-000379

South Carolina Coastal Conservation League.....Appellant,

v.

South Carolina Department of Environmental Services and
Pulte Homes, LLC.....Respondents.

RESPONDENT SCDES’S MOTION TO CONSOLIDATE

Respondent South Carolina Department of Environmental Services (“Department”) hereby moves for an order of this Court to consolidate the above referenced matter, Appellate Case No. 2025-000379, with Appellate Case No. 2025-001315 into a single hearing pursuant to Rule 214, SCACR.

The grounds for the motion are that these two appeals both involve the Department’s decision to not review permits for the construction and installation of individual septic tank systems with peak flow less than 1,500 gallons per day in the coastal zone for consistency with the policies of its Coastal Management program. Both challenges will involve substantially similar questions of law, arguments, geographic areas within the coastal zone, and relevant and material evidence. Consolidating these two matters serves the interest of judicial economy and necessary

in order to avoid the risk of inconsistent rulings. Counsel for Respondent SCDES has communicated with counsel for Appellant and counsel for Respondent Pulte Homes, LLC. Neither party provided consent to Respondent SCDES's request these two matters be consolidated.

Therefore, for the reasons stated herein, an order consolidating both matters into a single hearing is respectfully requested.

Respectfully submitted,

s/ Joseph A. Giordano

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Assistant General Counsel

Christopher P. Whitehead, S.C. Bar No. 100264

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Attorneys for Respondent SCDES

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South Carolina Coastal Conservation League,

Appellant,

vs.

South Carolina Department of Environmental
Services and Pulte Homes, LLC,

Respondents.

PROOF OF SERVICE

I hereby certify that on this date, January 16, 2026, I have served the Respondent South Carolina Department of Environmental Services' *Motion to Consolidate* by emailing a copy of same to the email addresses designated in the Court's Attorney Information System for counsel of record as designated below:

Leslie S. Lenhardt, Esq. (leslie@scelp.org)
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SCDES Office of General Counsel

January 16, 2026
Columbia, South Carolina



SC DEPARTMENT of
**ENVIRONMENTAL
SERVICES**

Joseph A. Giordano, Esq.
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Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Bo 11629
Columbia, South Carolina 29211

Re: Coastal Conservation League vs. South Carolina Department of Environmental Services & Pulte Homes, LLC
Appellate Case No. 2025-000379

Dear Ms. Kitchings:

Please find enclosed the South Carolina Department of Environmental Services' ***Motion to Consolidate*** for filing in connection with the above referenced matter.

Thank you for your assistance with this matter. Please contact our office should you have questions or need additional information.

Sincerely,

s/ Joseph A. Giordano

Joseph A. Giordano
Assistant General Counsel

Enclosures

cc: Leslie S. Lenhardt, Esquire
Ellis R. Leemann, Esquire
Grace Heaton Benko, Esquire