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Nov 02 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG	IN THE COURT OF COMMON PLEAS
Concerned Citizens of Spartanburg County, Plaintiff, v. Valara Holdings, LLC, Spartanburg County, and Spartanburg County Administrator, Defendants.	C.A. No. 2026-CP-42-03416 **AFFIDAVIT OF TRAVIS BROWN IN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

PERSONALLY APPEARED BEFORE ME, Travis Brown, who, being duly sworn, states as follows:

1. I am employed by Spartanburg County as the Director of the Spartanburg County Public Works Department.

2. I am familiar with Spartanburg County's administration of its stormwater management program, including the review, issuance, inspection, and enforcement of land disturbance permits.

3. South Carolina's Stormwater Management and Sediment Reduction Regulations, S.C. Code Regs. 72-300 *et seq.*, establish requirements for stormwater management and sediment control associated with land disturbing activities. Regulation 72-305 provides that, unless otherwise exempted, no person may engage in a land disturbing activity without first submitting a stormwater management and sediment control plan to the appropriate plan approval agency and obtaining approval of that plan.

4. Spartanburg County administers this process pursuant to its Storm Water Management Ordinance, Ordinance No. O-14-29 ("Storm Water Management Ordinance").

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5. Section 3.1 of the Storm Water Management Ordinance provides that the Engineering Division of the Spartanburg County Department of Public Works is responsible for the day-to-day coordination, implementation, and enforcement of the Ordinance.

6. Section 1.11 of the Spartanburg County Unified Land Management Ordinance ("ULMO") requires a grading / land disturbance permit approved by the Engineering Division of the Spartanburg County Public Works Department before any land-disturbing activity covered by the County's stormwater regulations may begin. Section 1.11 further provides that no grading / land disturbance permit shall be issued in the absence of an approved Storm Water Management Plan.

7. Section 3.4 of the Storm Water Management Ordinance provides that all construction activities that will result in land disturbing activities of greater than or equal to 5,000 square feet require submission of a Land Disturbance Permit Application to the Engineering Division.

8. Section 3.4 further provides that the applicant is responsible to provide a complete Land Disturbance Application Package that meets the requirements of the Storm Water Management Ordinance, the Spartanburg County Storm Water Management Design Manual, and other applicable State and Federal regulations.

9. Section 5.2 of the Storm Water Management Ordinance authorizes the County Engineer or his designee to enter and inspect properties for regular inspections, periodic investigations, monitoring, and other purposes necessary to determine compliance with the Ordinance and approved permits.

10. Spartanburg County has also adopted an Enforcement Response Plan ("ERP") that establishes procedures for responding to violations of the Storm Water Management Ordinance,

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approved Land Disturbance Permits, and approved stormwater management plans.

11. The ERP identifies "[f]ailure to comply with a requirement, condition, or term contained in a construction permit, site development, land disturbance, or grading permit" as a permit violation. For such violations, the ERP provides that Spartanburg County may issue a Notice of Violation upon initial discovery of the violation and will conduct follow-up inspections to ensure that corrective action is provided.

12. Under the ERP, a Notice of Violation serves as a written requirement to remove violations of the Storm Water Management Ordinance, an approved Land Disturbance Permit, or an approved stormwater management plan. The Notice of Violation identifies the nature of the violation, required corrective action, and the time period for correction, and may provide notice of additional enforcement measures in the event of continued noncompliance.

13. Once a permit is issued, the applicant can perform grading on the relevant property. The applicant is not required to obtain approval from Spartanburg County's Planning Department before performing grading authorized by the land disturbance permit. Approval of a land development permit by the Planning Department is a separate process.

14. On May 23, 2025, Valara Holdings, LLC submitted a Land Disturbance Only Permit Application to the Engineering Division in connection with the redevelopment of the property located at 4000 South Pine Street.

15. On August 25, 2025, the Engineering Division issued a Grading/Storm Water Permit (LANDISTPER-0525-0743) for the Valara project, which is attached hereto as **Exhibit A**.

16. This permit authorized land disturbing activities within 84 acres.

17. The related Storm Water Approval Letter (LANDISTPER-0525-0743) is attached as **Exhibit B** and the Department of Environmental Services NPDES coverage letter is attached as

Exhibit C.

18. The approved Grading/Storm Water Permit was subsequently modified on three separate occasions by Storm Water Approval Letters dated (November 7, 2025, February 3, 2026, and May 14, 2026), which are attached as **Exhibit D**, **Exhibit E** and **Exhibit F**, to ultimately increase the limits of disturbance to a total of 169.6 acres.

19. The land disturbing activities at issue in this action were located within the area authorized by Valara's approved Grading/Storm Water permit and subsequent approved modifications to the plans, with the exception of approximately two acres. The area was observed by county personnel during a site visit on July 22, 2026. Representatives from Jacobs were notified on-site and were requested to include the area within an existing permit modification submitted to the county on July 8, 2026. The noted modification is currently in review.

20. To date, no enforcement actions have been taken on the project.

21. To date, Spartanburg County has not received a citizen complaint pursuant to Section 8.1 of the Storm Water Management Ordinance and Regulations 72-313 and 72-314 of the South Carolina Code of Regulations concerning the grading or land-disturbing activities conducted on Valara Holding LLC's property.

Sworn to before me this 14th day
of September 2026.

LaSasha Bonner
Notary Public for South Carolina
My Commission Expires: 12/20/2032

TRAVIS W. BROWN, P.E.

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EXHIBIT A

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Spartanburg County Public Works

9039 Fairforest Rd

Spartanburg, SC 29301

Grading/Storm Water Permit (**LANDISTPER-0525-0743**)

Permit Information

Permit Type: Land Disturbance requiring NPDES Permit Coverage **Parcel Number:** 7-18-00-061.01

Work Classification: NPDES Permit

Description: These proposed improvements are for construction activities associated with the "Early Works" Phase of the project. This phase of the pr

Issue Date: 08/25/2025 **Expiration Date:** 08/25/2027

Project Name: **Permit Status:** Issued

Property Location: 4000 S PINE ST
SPARTANBURG, SC 29302

Contact Information

Engineer	Grading Contractor	Agent or Contact Person	Property Owner
Keilah Nettles	D.H. Griffin Infrastructure, LLC	Lisa Amador	Valara Holdings LLC
Home Phone: (864) 676-5226	Home Phone:	[redacted]	Home Phone: (929) 562-2958
Business Phone:	Business Phone:		Business Phone:
Mobile Phone:	Mobile Phone:		Mobile Phone:

General Information

Facility or Project Name: MOC-1

Surface Area of Land Disturbance: 84.00 **Project Type:**

CONTACT SPARTANBURG COUNTY ENGINEERING DEPARTMENT AT (864) 595-5320 TO SCHEDULE A PRE-CONSTRUCTION MEETING PRIOR TO ANY GRADING

Signature: _____ Phone Number: _____

(Grading Contractor)

Spartanburg County Engineering Inspector: _____

Inspector Phone Number: _____ **Pre-construction Meeting Date:** _____

Notes: _____

Cynthia Vega
Issued By

08/25/2025
Date

Spartanburg County Public Works

EXHIBIT B

9039 Fairforest Rd
Spartanburg, SC 29301

Storm Water Approval Letter (**LANDISTPER-0525-0743**)

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Valara Holdings LLC

08/07/2025
Re: MOC-1
Disturbed Area: 84.00 acres

Tax Map Number: 7-18-00-061.01
Storm Water Permit Fee: $11760.00

Dear Valara Holdings LLC,

Your application for a Storm Water Permit for the referenced project has been reviewed under Delegated Authority of the State of S.C. Storm Water Management and Sediment Reduction Regulations (R72-300). This letter is for notification puposes only. An invoice will be issued separately for the Storm Water/Grading permit.

Once invoiced, the Storm Water/Grading Permit Fee can be paid online with a credit card in the Citizen Self Service (CSS) Portal or the fee may be paid for with a check, made payable to Spartanburg County, at the Spartanburg County Community Services Building at 9039 Fairforest Road Spartanburg, SC 29301. Once the **Licensed Grading Contractor has been verified,** the Storm Water/Grading Permit and Plans will be made available online in the Citizen Self Service (CSS) Portal.

Issuance of a Storm Water Permit does not create a right to install other improvements not shown on this plan. The County should be notified of any modifications to the County Reviewed Plans.

A copy of the application form and NPDES CGP Fee Schedule A has been forwarded to SCDHEC for NPDES coverage. Land disturbing activity cannot begin until coverage under the CGP is issued by SCDHEC and the Storm Water/Grading Permit has been issued by Spartanburg County. This permit will allow storm water discharge associated with construction activity to waters of the State of S.C. in accordance with provisions of the S.C Pollution Control Act and the Federal Clean Water Act. Permits from other federal, state, and or local agencies may be required to comply with NPDES and other applicable laws. Please check with your consultant to ensure that you have all necessary permits for this project.

Notify the Spartanburg County Engineering Division at (864)595-5320 as to the start date of construction. This site will be periodically inspected by field staff of the Engineering Division to ensure that the approved erosion control measures are implemented.

Sincerely,

Philip Shoolbred
Engineering Coordinator

cc: Keilah Nettles, Jacobs
Ryan Twitty, SCDHEC
Planning Department

EXHIBIT C

SC DEPARTMENT of ENVIRONMENTAL SERVICES

Name of Contact
Bureau or Location
1234 Street Name Rd.
City, State, 56789

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August 21, 2025

Andrew Udin
Valara Holdings LLC
32 AVENUE OF THE AMERICAS
FL 26
NEW YORK, NY 10013-2473

RE: Valara Holdings High Performance Compute Center, Spartanburg County
NPDES Coverage Number: SCR10ZJ79

Dear Andrew Udin:

The South Carolina Department of Environmental Services (Department or SCDES) has received approval of and the Notice of Intent for the above-referenced project from **SPARTANBURG COUNTY**. Based on your submission of this documentation and in accordance with the NPDES General Permit for Stormwater Discharges from Construction Activities SCR100000 (CGP), this project has been granted coverage under the CGP on **8/21/2025 12:00:00 AM**. This project's general permit coverage number is **SCR10ZJ79**. The total disturbed area for this site is **84 acres**.

An as-built survey(s), signed and sealed by a S.C. Licensed Land Surveyor or Professional Engineer, should be submitted to **SPARTANBURG COUNTY** for all detention structure(s) on this site. The survey(s) should show grades, contours, and depths for all structure(s) and should include the elevations and dimensions of all outlet structures, including but not limited to pipes, orifices, risers, weirs, and emergency spillways. A statement signed by the project's S.C. Registered Engineer indicating that the structure(s) was installed and is operating as shown on approved plans and in approved calculations is required. If the elevations or dimensions of the structures listed above do not match those used in the approved plans, provide a certification statement signed by the project's S.C. Registered Engineer indicating that the structure, as built, will function as shown in approved calculations. A new analysis of the structure (routing) may be necessary. The as-built survey and/ or analysis must be accepted by **SPARTANBURG COUNTY** before a Notice of Termination (NOT) can be submitted to the Department.

The CGP can be downloaded at the following website:
https://des.sc.gov/sites/des/files/media/document/BOW_NPDESStormwaterDischargesGP_01292021_0.pdfor you may request a copy from us via email (stormwatercgp@des.sc.gov). You are responsible for ensuring your contractor(s) complies with the approved SWPPP and the minimum requirements of the CGP. Also, you are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991 (1991 Act), SC Pollution Control Act, and the Federal Clean Water Act (CWA). Failure to comply with the approved SWPPP or applicable statutes and regulations may result in enforcement actions.

You must notify this SCDES Regional Office prior to starting any land-disturbing activity. The address and telephone number of the office are as follows:

GSP EA
660 Mauldin Road Suite 100

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Greenville, SC 29607
(864) 372-3273

Inspections of this site must be performed by qualified personnel as described in Section 4.2.E of the CGP.

You should be aware that this approval is only applicable for the Stormwater Pollution Prevention Plan (SWPPP) that was submitted for this project. Any additional construction or land disturbing activity beyond the scope of the approved plans is not authorized. Any future work for this project not shown on the stamped, approved plans will require that you submit another site plan for review and approval. All major modifications require review and approval by **SPARTANBURG COUNTY**; the Department must be notified in writing by **SPARTANBURG COUNTY** of the approval of major modifications if the disturbed area changes. Minor modifications to the approved SWPPP may be made by the SWPPP preparer and do not require review and approval by the Department; these changes should be signed and dated by the SWPPP preparer. If you have a question about whether a modification is major or minor, contact the Stormwater Permitting Section at (843) 953-4300.

A copy of the stamped, approved SWPPP (including a copy the CGP, contractor certifications, inspection records, rainfall data, etc), NOI, and CGP coverage letter from SCDES must be retained and available at the construction site (or accessible within 30 minutes during normal business hours) from the date of commencement of construction activities to the date of final stabilization. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site.

All contractors who will conduct land-disturbing activities at the site must complete a Contractor Certification Form. You are also responsible for listing all contractors in the SWPPP and for holding a pre-construction conference with each contractor before they can conduct land-disturbing activity at the site.

The Department may conduct periodic inspections of your site. Any violations found during these inspections may result in enforcement action.

This NPDES coverage should be terminated by the permittee when one of the conditions listed in Section 5.1 of the CGP has been met. You must submit a Notice of Termination (NOT) to cancel your NPDES coverage under the CGP. Please see section 5.1 of the CGP for additional information required to be submitted with the NOT.

You are responsible for obtaining any other federal, state, or local permit that may be required for this project. In particular, any permits through the U.S. Army Corps of Engineers for the placement of fill material in Waters of the United States. Please note we have not sent a copy of this letter to any county or city building official. You must send a copy of this letter to these agencies, if necessary.

If material excavated during construction activities leaves the site, a mine operating permit may be needed. You are responsible for contacting the Mining and Reclamation Section to determine if a mining permit is required for the site. The Mining and Reclamation Section can be reached at (803)898-1362 or via e-mail at :AskMines@des.sc.gov.

S.C. Code Ann. § 48-6-30(D)(2) provides, "Within thirty calendar days after the mailing of a decision [pursuant to S.C. Code Ann.§ 48-6-30(D)(1)], an applicant, permittee, licensee, certificate holder, or affected person desiring to contest

the department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act."

NOTE: As of April 7, 2025, the ePermitting system will officially accept applications for construction stormwater. Paper copies of applications will no longer be accepted beginning May 5, 2025, moving forward.

If you have any questions or cannot access the referenced websites, please call me at (803) 898-0030.

Sincerely,

Whitney N. Davis
Stormwater Permitting Section

CC: Keilah Nettles
GSP EA

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EXHIBIT D

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Spartanburg County Public Works

9039 Fairforest Rd
Spartanburg, SC 29301

Storm Water Approval Letter (**LANDISTPER-0925-0821**)

Valara Holdings LLC

11/07/2025

Re: MOC-1 Major Modification
Disturbed Area: 0.00 acres

Tax Map Number: 7-18-00-061.00
Storm Water Permit Fee: $1000.00

Dear Valara Holdings LLC,

Your application for a Storm Water Permit for the referenced project has been reviewed under Delegated Authority of the State of S.C. Storm Water Management and Sediment Reduction Regulations (R72-300). This letter is for notification puposes only. An invoice will be issued separately for the Storm Water/Grading permit.

Issuance of a storm water permit does not create a right to install other improvements not shown on this plan. The Count should be notified of any modifications to the County Reviewed Plans.

This permit will allow storm water discharge associated with construction activity to waters of the State of S.C. in accordance with provisions of the S.C. Pollution Control Act and the Federal Clean Water Act. Permits from other federal state and local agencies may be required to comply with NPDES and other applicable laws. Please check with your consultant to ensure that you have all necessary permits for this project.

Notify the Spartanburg County Engineering Division, at (864)595-5320 as to the start date of construction. This site will b periodically inspected by field staff of the Engineering Division to ensure that the approved erosion control measures are implemented.

Sincerely,

Philip Shoolbred
Senior Engineering Coordinator

cc: Keilah Nettles, Jacobs

EXHIBIT E

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Spartanburg County Public Works

9039 Fairforest Rd
Spartanburg, SC 29301

Storm Water Approval Letter (**LANDISTPER-1225-0868**)

Valara Holdings LLC

02/03/2026

Re: MOC-1 Major Modification
Disturbed Area: 0.00 acres

Tax Map Number: 7-18-00-061.00
Storm Water Permit Fee: $1000.00

Dear Valara Holdings LLC,

Your application for a Storm Water Permit for the referenced project has been reviewed under Delegated Authority of the State of S.C. Storm Water Management and Sediment Reduction Regulations (R72-300). This letter is for notification puposes only. An invoice will be issued separately for the Storm Water/Grading permit.

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Sincerely,

Philip Shoolbred
Senior Engineering Coordinator

cc: Keilah Nettles, Jacobs

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Spartanburg County Public Works

9039 Fairforest Rd
Spartanburg, SC 29301

Storm Water Approval Letter (**LANDISTPER-0226-0900**)

Valara Holdings LLC

05/14/2026

Re: MOC-1 High Performance Compute Center
Disturbed Area: 169.60 acres

Tax Map Number: 7-18-00-061.00
Storm Water Permit Fee: $24744.00

Valara Holdings LLC,

Your application for a Storm Water Permit for the referenced project has been reviewed under Delegated Authority of the State of S.C. Storm Water Management and Sediment Reduction Regulations (R72-300). This letter is for notification puposes only. An invoice will be issued separately for the Storm Water/Grading permit.

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Notify the Spartanburg County Engineering Division at (864)595-5320 as to the start date of construction. This site will be periodically inspected by field staff of the Engineering Division to ensure that the approved erosion control measures are implemented.

Sincerely,

Philip Shoolbred
Senior Engineering Coordinator

cc: Keilah Nettles, Jacobs