

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

Case No. 04-ALJ-07-0126-CC

Sierra Club Appellant,

vs.

South Carolina Department of Health and Environmental Control and
Chem-Nuclear Systems, Respondents.

**APPELLANT'S MOTION FOR EXTENSION
OF TIME FOR FILING RESPONSE TO
RESPONDENTS' PETITIONS FOR REHEARING**

TO: ALL PARTIES AND THE COURT OF APPEALS:

PLEASE TAKE NOTICE that the Appellant Sierra Club hereby moves the Court of Appeals for an Order granting an extension of time for filing its Response to Respondent DHEC and Respondent Chem-Nuclear Systems, LLC's ("Chem-Nuclear") Petitions for Rehearing. Appellant's Response is due August 25, 2014. Appellant is seeking a four (4) day extension such that the Response would be due on August 29, 2014. The basis of this motion is as follows:

On August 13, 2014, counsel for Sierra Club received Chem-Nuclear's Petition for Rehearing and Motion for Imposition of Stay by email. On August 15, 2014, counsel for Sierra Club received DHEC's Petition for Rehearing by U.S. Mail.

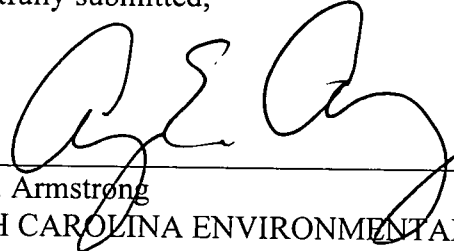
Lead counsel for this matter runs a small, three-attorney non-profit, public interest organization. On August 11, 2014, counsel learned that one of the staff attorneys had accepted a position at a firm in Greenville, which has required counsel to spend time interviewing potential new attorneys over the past two weeks. In addition, counsel had a motions hearing in the Administrative Law Court on August 14, 2014; a reply to a summary judgment motion in Federal district court due on August 15, 2014; and acted in her capacity as municipal court judge for the City of Georgetown for non-jury trials conducted on August 16, 2014.

Counsel for Sierra Club is filing a Response to the Motion for Imposition of Stay today and has begun work on the Response to the Petitions for Rehearing, but due to other demands, as well as the fact that the Respondents filed separate and lengthy Petitions, counsel needs more time to adequately and thoroughly prepare Sierra Club's Response.

Counsel for Sierra Club has consulted with counsel for both Respondents. Respondent DHEC consents to the requested extension. Respondent Chem-Nuclear has not provided a response to the requested extension.

WHEREFORE, the Appellant Sierra Club requests that the Court of Appeals grant the requested four (4) day extension for filing its Response to the Respondent DHEC and Respondent Chem-Nuclear's Petitions for Rehearing such that the Response is due August 29, 2014.

Respectfully submitted,



Amy E. Armstrong
SOUTH CAROLINA ENVIRONMENTAL LAW
PROJECT

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Attorneys for the Sierra Club

Georgetown, South Carolina

August 25, 2014

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

Case No. 04-ALJ-07-0126-CC

Sierra Club Petitioner/Appellant,

vs.


South Carolina Department of Health and Environmental Control and
Chem-Nuclear Systems, Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing **Response to Respondent Chem-Nuclear's Motion for Imposition of Stay and Motion for Extension of Time for Filing Response to Respondents' Petitions for Rehearing** upon counsel for the Respondents, by placing copies of same in the United State Mail, addressed to:

Jaquelyn S. Dickman, Esquire
Claire H. Prince, Esquire
DHEC Legal Office
2600 Bull Street
Columbia, SC 29201

Mary D. Shahid, Esquire
Stephen P. Groves, Esquire
Sara S. Rogers, Esquire
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205 King Street, Suite 400
Charleston, SC 29401



Amy E. Armstrong

Georgetown, South Carolina

August 25, 2014



The South Carolina Environmental Law Project
Lawyers for the Wild Side of South Carolina

August 25, 2014

o 501c3
non-profit organization

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Executive Director
Michael G. Corley
Staff Attorney
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Honorable Jenny Abbott Kitchings
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RE: **Sierra Club v. SCDHEC & Chem-Nuclear Systems**
Admin. Law Court Case No. 04-ALJ-07-0126-CC
Appellate Case No 2012-212791

Dear Ms. Kitchings:

I am enclosing the Sierra Club's Response to Respondent Chem-Nuclear Systems, LLC's Motion for Imposition of Stay and Sierra Club's Motion for an Extension of Time for Filing its Response to Respondent DHEC and Chem-Nuclear's Motions for Reconsideration, along with my filing fee and certificate of service.

Kindly return clocked-in copies of the Motion and Response in the self-addressed, stamped envelope.

Yours very truly,


Amy E. Armstrong

cc: Robert Guild, Esquire
Sara S. Rogers, Esquire
Stephen P. Groves, Esquire
Mary D. Shahid, Esquire
Jaquelyn S. Dickman, Esquire

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