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June 28, 2012

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SC Court of Appeals

Honorable V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

Re *Upstate Forever v. S.C. Dept. of Health and Environmental Control and the Greenville Water System* (Case No. 09-ALJ-07-0226-CC)
Court of Appeals Case Tracking #2011186086
Motion of Trout Unlimited to File Amicus Brief in Support of Rehearing

Dear Ms. Allen:

This letter responds to Mr. Johnston's of June 25, 2012.

As Mr. Johnston's lengthy letter underscores, this is a very significant case. In its motion and proposed Amicus Brief, Trout Unlimited sets out the importance of the case for several reasons.

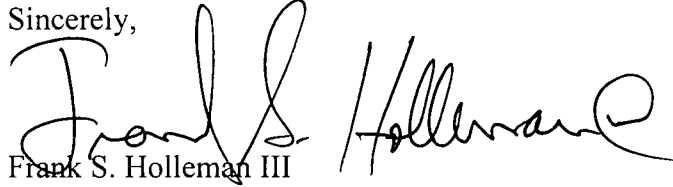
First, in considering whether to rehear the case, the members of the panel and all the members of the Court should be aware of the crucial impact this case will have on water quality in the South Saluda River and in all watersheds in South Carolina, and the fact that the panel's decision will seriously disrupt the operation of the automatic stay in Administrative Law Court proceedings. Indeed, Rule 219 specifically provides that rehearing by the panel or en banc will be ordered "when the proceeding involves a question of exceptional importance." Second, these issues demonstrate the serious interest of Trout Unlimited, its Mountain Bridge Chapter, and its many South Carolina members in this case. Third, in considering whether a case should be dismissed as moot, Courts of course consider whether a case presents a "question of imperative and manifest urgency to establish a rule for future conduct in matters of important public interest." *Sloan v. Greenville County*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009), *reh'g denied* (Jan. 7, 2009).

This is certainly such a case.

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For these reasons and the reasons set out in our motion and brief, we submit that the motion of Trout Unlimited is proper and indeed addresses exactly the issues that should be presented to the Court with respect to the rehearing motion.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank S. Holleman III". The signature is written in a cursive style with a large, stylized "F" and "H".

Frank S. Holleman III

FSH/lap

Cc: Amy Amstrong, Esq.
David D. Armstrong, Esq.
Gene C. McCall, Jr., Esq.
Stephen P. Hightower, Esq.
Chad N. Johnston, Esq.