

# The South Carolina Court of Appeals

South Carolina Coastal Conservation League and South  
Carolina Wildlife Federation, Appellants,

v.

South Carolina Department of Health and Environmental  
Control and Horry County Public Works, Respondents.

Appellate Case No. 2016-001758

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## ORDER

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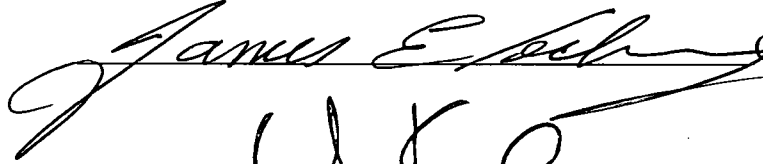
Respondents have filed a letter, which we construe as a motion, relating to our order of December 20, 2016. Respondents request permission to perform certain work on the subject property that Respondents believe is necessary to avoid pollution and to protect the public. Respondents explain that the work is not in furtherance of construction, but is necessary to preserve the status quo and provide for the safety of the community. Appellants filed a return, opposing any additional "grading and filling activities with no limitation on the extent of those activities." Respondents filed a reply, arguing that "the minor grading and grassing" is needed to comply with the National Pollutant Discharge Elimination System (NPDES) permit to prevent water pollution.<sup>1</sup>

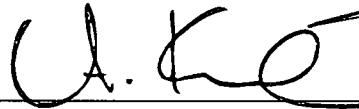
After careful consideration, Respondents' motion to perform certain work is granted to the extent that Respondents shall perform any safety measures necessary to protect the public, including the placement of barricades on the worksite, and any work needed to comply with NPDES permit requirements. Respondents, however, shall not perform any work in furtherance of the project.

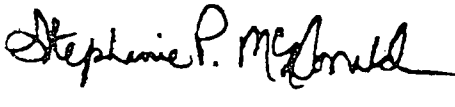
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<sup>1</sup> Respondents further allege the cost of the work necessitated to comply with our order halting further construction is significant; however, we note Respondents have not filed a motion to vacate or rehear our order issuing the stay.

This court will consider Respondents' motion to dismiss after we receive and review Appellants' return and any reply. Appellants shall serve and file its return by 12:00 p.m. on December 29, 2016, and any reply shall be served and filed by 12:00 p.m. on December 30, 2016.

 C.J.

 J.

 J.

Columbia, South Carolina

cc:

Amy Elizabeth Armstrong, Esquire  
Jessie Allison White, Esquire  
Amelia Ann Thompson, Esquire  
Nathan Michael Haber, Esquire  
Michael Smoak Traynham, Esquire  
Stanley E. Barnett, Esquire  
Jana E. Shealy  
The Honorable Ralph King Anderson, III

**FILED**

12/22/16 