

## Falin, Stormy

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**From:** Kitchings, Jenny  
**Sent:** Thursday, December 22, 2016 9:09 AM  
**To:** Falin, Stormy  
**Subject:** FW: 2016-001758 SC Coastal Conservation League v. SCDHEC

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**From:** Stan Barnett [<mailto:stan.barnett@yahoo.com>]  
**Sent:** Thursday, December 22, 2016 9:08 AM  
**To:** Kitchings, Jenny  
**Cc:** Amy Armstrong ([amy@scelp.org](mailto:amy@scelp.org)); [jessie@scelp.org](mailto:jessie@scelp.org); [amelia@scelp.org](mailto:amelia@scelp.org); [habernm@dhec.sc.gov](mailto:habernm@dhec.sc.gov); [traynhms@dhec.sc.gov](mailto:traynhms@dhec.sc.gov); [michaeltraynham@gmail.com](mailto:michaeltraynham@gmail.com); [ameliat@alumni.unc.edu](mailto:ameliat@alumni.unc.edu); [stan.barnett@comcast.net](mailto:stan.barnett@comcast.net)  
**Subject:** Re: 2016-001758 SC Coastal Conservation League v. SCDHEC

Ms Kitchings:

I apologize for the format of this message. I am out of town and am not able to prepare a letter. I thought it was important to respond to a couple of things Ms Armstrong said in her letter from yesterday.

The implication that the County has in any way been disrespectful of any court order is completely false. Ms Armstrong's motion to hold Horry County in contempt was denied because it was utterly baseless and I believe intended only to paint the County in a bad light as the District judge considered her motion for preliminary injunction. That appears to be what Appellants are doing now in their response to the County's reasonable request to be allowed to do a few things, two for public safety and one to avoid violating the NPDES permit intended to prevent water pollution. It is beyond ironic that two environmental groups who claim to be interested in clean water are openly opposing mandated measures designed by DHEC and EPA to prevent water pollution. The bare dirt must be seeded as per that permit if work is halted more than 14 days. The complaint that this work can't be policed ignores what Appellants are well aware of : DHEC polices compliance with the storm water permit. If the county is in any way prevented from following the requirements of that NPDES permit there will be sediment runoff which will pollute nearby streams and wetlands. The cost of this work is significant, some \$250,000, and is a cost necessitated only by the Court's order to halt further construction. The County absolutely is committed to following the Court's mandate. But it must also try and meet the obligation to prevent water pollution by complying with the NPDES permit. I suggest that DHEC is in the best position to monitor that compliance. In no way does the minor grading and grassing constitute furthering construction of the road.

Ms Armstrong's comments about protecting the public safety are also inappropriate. These actions have nothing to do with advancing construction. They are needed to keep people from being hurt.

The county has proceeded to try and build this road in strict compliance with the law. The chronology of the Appellants' state and federal challenges are set forth in our motion to dismiss.

Again please accept my apologies for the format of this message.

With kindest regards,

Stan Barnett

Sent from my iPhone

On Dec 21, 2016, at 5:07 PM, Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)> wrote:

Dear Counsel:

Attached please find my letter requesting a reply no later than 10:00 am tomorrow morning. Thank you.

**Jenny Abbott Kitchings**

*Clerk of Court*

South Carolina Court of Appeals

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