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APR 03 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Pickens County,)
)
Petitioner,)
)
vs.)
)
South Carolina Department of Health and)
Environmental Control and MRR Pickens,)
LLC,)
)
Respondents.)
_____)

Docket No.: 16-A1J-07-0164-CC

**MOTION FOR
LEAVE TO INTERVENE**

TO: SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL
CONTROL AND MRR PICKENS, LLC:

Motion is hereby made, on behalf of Robert L. Traber, Matthew S. Stone, Randolph E. Revis, Sr. by P.R. Randy Martin, Tony Charping and Randall King, for Leave to Intervene in this case (or in the alternative, to have Pickens County appear in their behalf and represent and advance their interests in this matter).

All of the above Interveners are adjoining landowners and members of the public owning real property in extremely close proximity to the Landfill in question. All of said Interveners were denied any Notice of the Application for Permit Modification, the Draft Permit, or the final Department Decision, regarding the Landfill Permit Modification which is the subject of this case. All were denied any opportunity for review or comment to the aforesaid documents and proceedings, and were denied any opportunity to object, to be heard, or to request any Public Hearing. No newspaper publication in the area of the landfill, and no mailings to them by either MRR or DHEC were made, and then they were deprived of any Notice and deprived of due process. All of said Interveners will suffer irreparable harms and injuries if the Modification in question is allowed to stand. Further, all

Exhibit A

of said Interveners wish to fully participate in these proceedings and to be heard in this matter. (See Affidavits of Traber, Stone, Revis, Charping and King, Exhibit Nos. 16-20 attached to Pickens County's Memoranda in Opposition to Motion to Dismiss, as well as Affidavit of Christopher Brink, Exhibit 15 to said Memoranda).

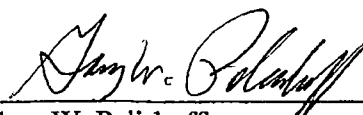
The intervention by these parties will cause no delay or difficulties in these proceedings.

The Interveners hereby show:

- (1) That they will be irreparably aggrieved and adversely affected by the final Order (should it uphold the proposed Modification).
- (2) That these Interveners are entitled to Intervene (as they have been deprived of any and all Notice and opportunity to participate in any relevant proceedings or to be heard in any manner heretofore, and wish to be heard now).
- (3) That this intervention will not unduly prolong the proceedings or otherwise prejudice the rights of existing parties. (To the contrary, the rights of the Interveners have been entirely denied and prejudiced heretofore).

The above persons respectfully move to Intervene in this matter.

Respectfully submitted,



Gary W. Poliakov

atty@gpoliakoff.com

Raymond P. Mullman

POLIAKOFF & ASSOCIATES, P.A.

P.O. Box 1571

August 18, 2016

Spartanburg, SC 29304
(864) 582-5472 (864) 582-7280 fax

Kenneth S. Roper, Esq.
ken@roperlawfirm.com
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P.O. Box 246
Pickens, SC 29671
(864) 878-1577 (864) 878-1336 fax

ATTORNEYS FOR PICKENS COUNTY

From: [Teckla Henderson](#)
To: [Prince, Claire](#); [Williams Linen, Etta](#); [Gary Poliakoff](#); "[King, Jessica](#)"; [Ken](#); [McAlister, Kip](#); rgoings@goingslawfirm.com
Cc: [Hellerman, Donna](#); [Terry Davidson](#)
Subject: RE: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 Conference Call Scheduled 09/07 Summary
Date: Wednesday, September 07, 2016 12:26:39 PM
Attachments: [image002.png](#)
[image003.png](#)

Dear Attorneys:

Thank you for participating in our conference call this morning. I am sending this correspondence to summarize Judge Robinson's rulings and instructions made during our call.

1. Respondent MRR Pickens' Motion to Stay Discovery is **GRANTED**.
2. The Motion to Intervene is **HELD IN ABEYANCE** pending the Court's decision on the Motions to Dismiss.
3. Attorney Poliakoff is **granted** an extension of time in which to file a Reply to the Responses in Opposition to the Motion to Intervene.
4. The Motions to Dismiss are currently being considered by the Court. Should Judge Robinson determine that oral argument on the motions is necessary, I will contact the parties in order to set a Motions Hearing date.

As always, should you find that you have any questions or concerns or need anything in addition, please do not hesitate to contact me.

Very truly yours,

Teckla S. Henderson
Judicial Law Clerk to The Honorable Shirley C. Robinson
South Carolina Administrative Law Court
Edgar Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
(803) 734- 6402 Chambers
(803) 734- 6400 Fax

From: Teckla Henderson
Sent: Monday, August 29, 2016 11:01 AM
To: 'Prince, Claire' <PrinceCH@dhec.sc.gov>; Williams Linen, Etta <WILLIAER@dhec.sc.gov>; Gary Poliakoff <atty@gpoliakoff.com>; 'King, Jessica' <jking@williamsmullen.com>; Ken <ken@roperlawfirm.com>; McAlister, Kip <kmcalister@williamsmullen.com>; rgoings@goingslawfirm.com
Cc: Hellerman, Donna <hellerdk@dhec.sc.gov>; Terry Davidson <tdavidson@gpoliakoff.com>
Subject: RE: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 Conference Call Scheduled 09/07 11am

Dear Attorneys:

Exhibit B

Thank you all for responding. The conference call will take place **Wednesday, September 7, 2016 at 11:00 am**. Should you have any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

Teckla S. Henderson
Judicial Law Clerk to The Honorable Shirley C. Robinson
South Carolina Administrative Law Court
Edgar Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
(803) 734- 6402 Chambers
(803) 734- 6400 Fax

From: Prince, Claire [<mailto:PrinceCH@dhec.sc.gov>]

Sent: Monday, August 29, 2016 10:59 AM

To: Teckla Henderson <thenderson@scalc.net>; Williams Linen, Etta <WILLIAER@dhec.sc.gov>; Gary Poliakoff <atty@gpoliakoff.com>; 'King, Jessica' <jking@williamsmullen.com>; Ken <ken@roperlawfirm.com>; McAlister, Kip <kmcalister@williamsmullen.com>; rgoings@goingslawfirm.com

Cc: Hellerman, Donna <hellerdk@dhec.sc.gov>; Terry Davidson <tdavidson@gpoliakoff.com>

Subject: Re: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 Conference Call Proposed
Date 09/07 11am

I am available. Thank you.

Name: Claire H. Prince

Title: Special Counsel

Program Area or Division: Office of General Counsel

S.C. Dept. of Health & Environmental Control

Columbia Office: (803) 898-3060

Myrtle Beach Office: (843) 238-4378

Connect: www.scdhec.gov [Facebook](#) [Twitter](#)

[Redacted]

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From: Teckla Henderson <thenderson@scalc.net>
Sent: Monday, August 29, 2016 10:50 AM
To: Williams Linen, Etta; Gary Poliakoff; 'King, Jessica'; Ken; McAlister, Kip; rgoings@goingslawfirm.com; Prince, Claire
Cc: Hellerman, Donna; Terry Davidson
Subject: RE: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 Conference Call Proposed Date 09/07 11am

Good morning:

I have spoken with Judge Robinson and she suggests that the conference call take place on **Wednesday, September 7, 2016 at 11:00 am**. Does that date and time work for you all?

Teckla

Teckla S. Henderson
Judicial Law Clerk to The Honorable Shirley C. Robinson
South Carolina Administrative Law Court
Edgar Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
(803) 734- 6402 Chambers
(803) 734- 6400 Fax

From: Williams Linen, Etta [<mailto:WILLIAER@dhec.sc.gov>]
Sent: Monday, August 29, 2016 9:22 AM
To: Gary Poliakoff <atty@gpoliakoff.com>; 'King, Jessica' <jking@williamsmullen.com>; Teckla Henderson <thenderson@scalc.net>; Ken <ken@roperlawfirm.com>; McAlister, Kip <kmcalister@williamsmullen.com>; rgoings@goingslawfirm.com; Prince, Claire <PrinceCH@dhec.sc.gov>
Cc: Hellerman, Donna <hellerdk@dhec.sc.gov>; Terry Davidson <tdavidson@gpoliakoff.com>
Subject: Re: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 DHEC'S Extension Granted and Conference Call Scheduling 09/01

I am not available on August 30th; I will be on family sick leave from August

31st through September 2nd, but will aim to make myself available for whatever other time and date might be chosen for the teleconference. ___

ETTA

Etta R. Williams Linen, Esquire
Assistant General Counsel
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
Office: 803-898-3350
Fax: 803-898-3367

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From: Gary Poliakoff <atty@gpoliakoff.com>
Sent: Monday, August 29, 2016 9:16:58 AM
To: 'King, Jessica'; Teckla Henderson; Ken; Williams Linen, Etta; McAlister, Kip; rgoings@goingslawfirm.com; Prince, Claire
Cc: Hellerman, Donna; Terry Davidson
Subject: RE: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 DHEC'S Extension Granted and Conference Call Scheduling 09/01

Good Morning Everyone –

I am available on Thursday Sept. 1 anytime until 3:00 p.m. (I am flying to Houston then for depositions all day on Sept. 2).

I can also make myself available anytime tomorrow Aug. 30; anytime Wed. Aug. 31 after 2 p.m.; anytime on Tuesday Sept. 6.

If those times aren't workable I can find other times next week as well.

Thanks and best wishes to all.

Gary Poliakoff



Gary W. Poliakoff
Attorney at Law

P.O. Box 1571, Spartanburg, SC 29304
215 Magnolia St., Spartanburg, SC 29306
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From: King, Jessica [<mailto:jking@williamsmullen.com>]

Sent: Sunday, August 28, 2016 2:41 PM

To: Teckla Henderson <thenderson@scal.com>; Gary Poliakoff <atty@gpoliakoff.com>; Ken <ken@roperlawfirm.com>; Williams Linen, Etta R. <williaer@dhec.sc.gov>; McAlister, Kip <kmcalister@williamsmullen.com>; rgoings@goingslawfirm.com; Prince, Claire <PrinceCH@dhec.sc.gov>

Cc: Hellerman, Donna <hellerdk@dhec.sc.gov>; Terry Davidson <tdavidson@gpoliakoff.com>

Subject: RE: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 DHEC'S Extension Granted and Conference Call Scheduling 09/01

Teckla and Counsel – I just found out I need to fly to DC on Aug. 31st – returning on the 1st. The return flight has me in the air on the September 1st from 10:12 -11:52. I apologize for the late notice. Would it be possible to do it later in the day? Or any time on the 2nd? Please let me know - again, I am sorry for the late notice.

Sincerely,
Jessie King

Jessica King
Attorney
Williams Mullen
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From: Teckla Henderson [mailto:thenderson@scalc.net]
Sent: Thursday, August 25, 2016 12:30 PM
To: Gary Poliakoff; Ken; Williams Linen, Etta R.; McAlister, Kip; King, Jessica; rgoings@goingslawfirm.com; Prince, Claire
Cc: Hellerman, Donna; Terry Davidson
Subject: RE: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 DHEC'S Extension Granted and Conference Call Scheduling 09/01

Dear Attorney Poliakoff:

Thank you for responding. It appears that a representative for each party will be available to participate in our conference call on Thursday, September 1, 2016 at 11:30 am. The Court appreciates your office's willingness to facilitate the call and asks that you disseminate the conference call phone number and access code to all involved.

Very truly yours,

Teckla S. Henderson
Judicial Law Clerk to The Honorable Shirley C. Robinson
South Carolina Administrative Law Court
Edgar Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
(803) 734- 6402 Chambers
(803) 734- 6400 Fax

From: Gary Poliakoff [mailto:atty@gpoliakoff.com]
Sent: Thursday, August 25, 2016 12:18 PM
To: Teckla Henderson <thenderson@scalc.net>; Ken <ken@roperlawfirm.com>; Williams Linen, Etta R. <williaer@dhec.sc.gov>; McAlister, Kip <kmcalister@williamsmullen.com>; jking@williamsmullen.com; rgoings@goingslawfirm.com
Cc: Hellerman, Donna <hellerdk@dhec.sc.gov>; Terry Davidson <tdavidson@gpoliakoff.com>
Subject: RE: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 DHEC'S Extension Granted and Conference Call Scheduling 09/01

Dear Teckla-

Petitioner can participate in the conference call on Sept. 1 at 11:30 a.m.

Assuming that all parties can participate then, we will set up a call-in number for the call.

In the meantime, petitioner has no objection to any request by any party for a request for extension to respond to anything.

Thank you and best wishes,

Gary Poliakoff



Gary W. Poliakoff
Attorney at Law

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From: Teckla Henderson [<mailto:thenderson@scalco.net>]

Sent: Thursday, August 25, 2016 11:48 AM

To: Gary Poliakoff <atty@gpoliakoff.com>; Ken <ken@roperlawfirm.com>; Williams Linen, Etta R. <willjaer@dhec.sc.gov>; McAlister, Kip <kmcalister@williamsmullen.com>; jking@williamsmullen.com; rgoings@goingslawfirm.com

Cc: Hellerman, Donna <hellerdk@dhec.sc.gov>

Subject: Pickens County v. SCDHEC and MRR Pickens, LLC 16A0164 DHEC'S Extension Granted and Conference Call Scheduling 09/01

Dear Attorneys:

Judge Robinson has **granted** the Department's motion seeking an extension of time in which to file DHEC's Reply to Petitioner's Response in Opposition to DHEC's Motion to Dismiss. The Department's Reply shall be due on or before Tuesday, August 30, 2016.

In addition, Judge Robinson has asked that I schedule a telephone **conference call** to address several other issues that have been brought to her attention through the filing of the parties' motions/responses. She would like for our conference call to take place on **Thursday, September 1, 2016 at 11:30 am** and requests that counsel for Petitioner facilitate the call by providing everyone with a conference phone number and access code.

Please respond to this correspondence indicating whether you will be available for a conference call on Thursday, September 1st at 11:30 am.

Very truly yours,

Teckla S. Henderson
Judicial Law Clerk to The Honorable Shirley C. Robinson
South Carolina Administrative Law Court
Edgar Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
(803) 734- 6402 Chambers
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FILED

DEC 12 2016

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

SC ADMIN. LAW COURT

Pickens County,)
)
 Petitioner,)
 vs.)
)
 South Carolina Department of Health and)
 Environmental Control and MRR Pickens,)
 LLC,)
)
 Respondents.)

Docket No.: 16-ALJ-07-0164-CC

**ORDER GRANTING
RESPONDENTS'
MOTIONS TO DISMISS**

APPEARANCES

For Petitioner: Gary W. Poliakoff, Esquire and
 Kenneth S. Roper, Esquire
 For the Department: Etta R. Williams Linen, Esquire
 For MRR Pickens, LLC: A. Keith McAlister, Esquire,
 Jessica J. O. King, Esquire, and
 Robert Goings, Esquire

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court ("the ALC" or "the Court") pursuant to the Request for Contested Case Hearing filed May 20, 2016 by Pickens County ("Petitioner" or "the County"). Petitioner challenges the decision of the South Carolina Department of Health and Environment Control ("the Department" or "DHEC"), which granted a modification to the Class 2 Landfill Permit issued to MRR Pickens, LLC ("MRR") in 2008.

On July 28, 2016, the Department filed a Motion to Dismiss. The following day, Respondent MRR also filed a Motion to Dismiss. Petitioner filed memorandums in opposition of each motion. The Department filed a reply to the memorandum in opposition of its motion. On December 2, 2016, a motion hearing was held at the ALC in Columbia, South Carolina. Each party was represented by counsel and presented arguments on both motions. After consideration of the arguments and filings of all parties, the Court grants the motions to dismiss on the grounds that Petitioner did not timely fulfil the procedural requirements for bringing a contested DHEC case before the ALC.

Exhibit C

BACKGROUND

Respondent, MRR Pickens, LLC, received a Class 2 Landfill Permit from DHEC in 2008. The landfill is located in Pickens County. In March 2015, MRR applied to DHEC for a permit modification. The Department received a revised application on August 6, 2015. The Department determined that the modification requested was minor, and therefore did not necessitate the public notice and comment procedure required by regulation 61-107.19 Part I for a major modification. Thereafter, the Department mailed a staff decision to MRR on August 10, 2015 approving the requested modification. This staff decision became final fifteen days later, after no request for final review by the DHEC Board was received.

On December 15, 2015, the Department informed the County of the permit modification decision in a meeting. Subsequently, the actual decision was emailed to the County's Director of Public Works, Gerald Wilson, who had been present at the meeting on January 11, 2016. The County filed a request for final review with the DHEC Board on March 23, 2016. This request was denied on April 21, 2016. The County's request was filed 226 days after the staff decision was issued, 99 days after the meeting where the decision was discussed with the County, and 72 days after the decision was emailed to the County.

ISSUE

Whether Petitioner has met the statutory and procedural requirements for filing a case before the ALC contesting a DHEC permit decision.

DISCUSSION

Both respondents have framed portions of their arguments using the term subject-matter jurisdiction. As a preliminary matter, the Court notes that it has subject-matter jurisdiction over this case. "Subject matter jurisdiction is 'the power to hear and determine cases of the general class to which the proceedings in question belong.'" Dove v. Gold Kist, Inc., 314 S.C. 235, 237-38, 442 S.E.2d 598, 600 (1994) (citations omitted). Section 44-1-60 provides that the ALC hears contested cases stemming from final DHEC decisions relating to permits. Thus, the Court has the power to hear this type of case.

In addition to providing subject-matter jurisdiction over this case, section 44-1-60 also sets forth the procedural requirements for bringing a case contesting a DHEC agency decision. Both respondents argue that Petitioner failed to timely follow the procedural requirements of the statute.

Section 44-1-60 sets forth a series a steps that a party must follow to exhaust their administrative remedies before filing at the ALC. The process begins when the Department issues an initial decision involving a permit. See S.C. Code Ann. § 44-1-60(C) (Supp. 2016). This initial decision is known as a “staff decision.” Id. In cases where no “Department decision” is required, the staff decision becomes the final agency decision fifteen calendar days after it is mailed to the permittee or other affected persons who have requested notice, unless a written request for final review is filed with the Department. Id. at § 44-1-60(E). Once a timely request for review is filed, the Board can hold a review conference and issue a final decision, decline to hold a review conference, or take no action, in which case the staff decision becomes final after sixty days. Id. at § 44-1-60(F). Following the issuance of a final agency decision, a party may appeal to the ALC. Id. at § 44-1-60(G).

The exclusive process established by section 44-1-60 is the statutory equivalent of the judicial doctrine of exhaustion of administrative remedies. See Ward v. State, 343 S.C. 14, 18–19, 538 S.E.2d 245, 247 (2000) (citations omitted) (“The general rule is that while there are several exceptions that may be applied to the judicially-imposed exhaustion requirement, those that apply to a statutory requirement are few.”). The South Carolina Supreme Court has held that dismissal of a case is proper where there is a requirement to first exhaust administrative remedies as a matter of law. See Unisys Corp. v. S.C. Budget & Control Bd., 346 S.C. 158, 176–77, 551 S.E.2d 263, 273 (2001) (citation omitted). Section 44-1-60 provides that a party may only request a contested case hearing at the ALC if they have first given the Board an opportunity to conduct a final review of the agency decision in the time frame allowed. Failure to file the request for final review and participate in the Department’s review process in a timely manner forecloses a contested case action at the ALC.

In this case, Petitioner was given various forms of notice over a period of months. However, Petitioner still waited months before filing a request for review. Petitioner asserts that it was never given the notice required by regulation. In part, the County argues that it did not have the opportunity to take action because DHEC improperly classified the matter as a minor permit modification, which exempted the Department from the public notice and comment procedure followed for major modifications and new construction. Whether the Department improperly classified the modification, and whether it should have granted the modification, is a matter that

can only be decided in a hearing on the merits of this case. However, the matter currently before the Court is Respondents' motions to dismiss this case on procedural grounds. Petitioner also argues that DHEC's failure to comply with the notice requirements in the regulations is the reason it filed the request for review months late. However, this argument is foreclosed by the fact that Petitioner received actual notice on multiple occasions and still failed to take prompt action.¹ Using the latest possible date of notice still renders Petitioner's request untimely.

Petitioner further argues that that it should be granted equitable tolling to make its filing timely. The doctrine of equitable tolling is applied when it is necessary to suspend the timeframe set by statute in order to preserve justice and provide fairness. See Hooper v. Ebenezer Sr. Servs. & Rehab. Ctr., 386 S.C. 108, 115, 687 S.E.2d 29, 32 (2009). There must be a compelling reason for granting such relief, "... equitable tolling is a doctrine that should be used sparingly and only when the interests of justice compel its use." See id., 386 S.C. at 116, 687 S.E.2d at 33. In this case, the County had actual notice of the decision made by DHEC, but failed to pursue the available administrative remedies in a timely fashion, and has not stated a legally valid or compelling reason for its failure.² The Court does not find this to be a case that warrants the application of equitable tolling.

Therefore, because Petitioner failed to timely exhaust the administrative remedies prescribed by law as prerequisite to filing a contested DHEC case in the ALC,³ the Court concludes that this matter must be dismissed pursuant to Section 44-1-60 and SCALC Rule 23(B).⁴

¹ The actual notice also makes it unnecessary to construe whether Petitioner should have requested notice as an affected party, pursuant to section 44-1-60(E)(1).

² Counsel for Petitioner asserted at the hearing that the County took no action because it believed the matter to be final and because it took time for counsel to ascertain the facts of the case.

³ Because the Court concludes that the prerequisites for filing a contested case at the ALC were not met, the Court finds it unnecessary to address MRR's argument regarding improper service of the Request for Contested Case.

⁴ The Department argued that this matter should be dismissed under SCALC Rule 38. However, that rule is applicable only to cases heard in the ALC's appellate jurisdiction, not to contested cases. The comparable rule for contested cases is SCALC Rule 23(B), which provides:

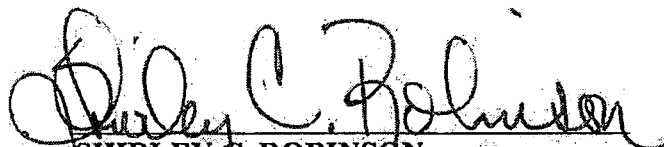
Upon motion of any party, or on its own motion, the Court may dismiss a contested case or resolve the contested case adversely to the offending party for failure to comply with any of the rules of procedure for contested cases, including the failure to comply with any of the time limits provided in these rules or by order of the Court.

ORDER

Based on the foregoing, **IT IS HEREBY ORDERED** that the Respondents' Motions to Dismiss are **GRANTED**.

IT IS FURTHER ORDERED that this matter is **DISMISSED**.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

December 12, 2016
Columbia, South Carolina

DEPARTMENT OF SERVICE
This is to certify that the undersigned has in due time served this order in the above entitled case of above parties and has also deposited a copy thereof in the United States Mail postage paid at the foregoing Mail Service addresses to the party(ies) or the attorney(s).

This 12 day of December 2016
By: Teeshy Henderson
Judge/Clerk

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Pickens County,)
)
Petitioner,)
)
vs.)
)
South Carolina Department of Health and)
Environmental Control and MRR Pickens,)
LLC,)
)
Respondents.)

Docket No.: 16-A1J-07-0164-CC

**AFFIDAVIT OF
ROBERT L. TRABER**

Personally appeared before me ROBERT L. TRABER, who having been duly sworn, deposes and states:

1. That he is over the age of 21 and is competent to issue this Affidavit.
2. That he is the owner of a residence located at 2041 Greenville Highway.
3. That he is familiar with the site, just off Highway 93, at 2180 Greenville Highway, near the City of Liberty, in Pickens County, S.C., on which MRR Pickens, LLC originally intended to develop a Construction & Demolition/Land Clearing Debris (C&D/LCD) Landfill, limited to C&D/LCD waste. More recently he has learned that MRR Pickens, LLC obtained a Modification of the initial Permit, which could allow additional types of waste to be deposited there, including but not limited to coal ash (also known as Coal Combustion Residuals, or CCR), Special Wastes, and other wastes.
4. That his property is across the street from the MRR Pickens Landfill site.

Exhibit D

5. That he is informed and believes that if the Permit Modification is allowed to stand, and if the landfill is allowed to accept wastes other than C&D/LCD, such as coal ash or CCR, or Special Wastes, or other wastes more problematic and offensive than C&D/LCD, that his use and enjoyment of his property will be adversely affected, quality of life will likely be adversely affected, and his property value will likely be adversely affected. Concerns include the blowing of coal ash/CCR from trucks entering the landfill, the blowing of coal ash/CCR by the wind, the inherent and typical toxic components and toxic nature of coal ash/CCR, the propensity of coal ash/CCR to contaminate nearby properties such as his, including the soil, surface water and groundwater and air; as well as problems and potential and likely odors from other wastes (other than C&D/LCD wastes), which may be deposited into this landfill if the Permit Modification is allowed to stand.

6. That he is informed and believes that the Permit Modification in question is a major and substantial modification and change from the original 2008 Permit for C&D/LCD wastes, and that this Modification, if allowed to stand, will likely result in adverse consequences for him and his property.

7. That despite being an adjoining landowner, and being in close proximity to this landfill, he was never provided with any Notice of the filing of any application for Modification, nor any Notice of the preparation of a Draft Permit Modification by DHEC, nor any Notice of any final Department Decision by DHEC.

8. That in particular, he was never furnished with any mail that provided Notice of the Permit Application for Modification, nor any mailing of Notice of a Draft Permit Modification by DHEC, nor any mailing of Notice of a final Department Decision by DHEC.

9. That neither DHEC, nor MRR Pickens, LLC, nor any other person or entity, provided any mailing of the Notices referenced in paragraphs 7 and 8 above.

10. That, to the best of his knowledge, no Legal Notices regarding the Application for Modification, the Draft Permit, or the final Department Decision were published in any newspaper of general circulation in the area of the proposed landfill project, in any manner pertaining to this Modification. He never saw any such newspaper publication, and to the best of his knowledge, no such newspaper publication of such Notice(s) occurred.

11. That he was never informed of any opportunity for public review of any Application for Modification, nor any public review of any Draft Permit, nor any opportunity to provide comments to such Application for Modification or any Draft Permit, as he had never been informed of such and had never received any form of Notice of such (his first information regarding same having been received verbally, in 2016, long after the issuance of the Permit Modification by DHEC.)

12. That he was deprived of the opportunity to review the Application for Permit Modification and the Draft Permit, the opportunity to submit comments, the opportunity to sign a Petition to request a Public Hearing, and the opportunity to offer objection and opposition to such Modification, by having been entirely deprived of Notice or knowledge at the time of such filings and events. Had he received such Notice he likely would have taken appropriate actions in opposition to this Modification.

13. That he did not request a Public Hearing, nor did he file any appeal or request for review of the Department Decision regarding the Modification, because he was never provided with Notice or knowledge at the time of such filings and events.

14. That to this day, he has never been furnished with any Notice by mail, nor any newspaper Notice, nor any information by DHEC or MRR apprising him of the proposed Modification, nor any action having been taken thereon, nor any opportunity for review, comment, Public Hearing, appeal or request for review.

15. That had he received such Notice(s) regarding this proposed Modification, he likely would have taken actions, including comments in opposition, as well as other actions to oppose and/or appeal it.

16. That at this point he does wish to participate, along with Pickens County, to appeal the issuance of this Modification, and to oppose the issuance of such.

17. That he is a citizen and resident of Pickens County, a property owner and taxpayer of Pickens County, and wishes for Pickens County to advance his interests in appealing and opposing this Modification, and supports and joins with Pickens County, which is acting on behalf of adjoining landowners such as himself, as well as on behalf of the Public of which he is a member, as well as on behalf of Pickens County, of which he is a citizen, resident, property owner and taxpayer.

Sworn to and Subscribed before me this

17th day of August, 2016

Ashley Fisher
(Print Name) Ashley Fisher

Notary Public for South Carolina

My Commission Expires: 3/26/2023

Robert L. Traber
ROBERT L. TRABER

5. That he is informed and believes that if the Permit Modification is allowed to stand, and if the landfill is allowed to accept wastes other than C&D/LCD, such as coal ash or CCR, or Special Wastes, or other wastes more problematic and offensive than C&D/LCD, that his use and enjoyment of his property will be adversely affected, quality of life will likely be adversely affected, and his property value will likely be adversely affected. Concerns include the blowing of coal ash/CCR from trucks entering the landfill, the blowing of coal ash/CCR by the wind, the inherent and typical toxic components and toxic nature of coal ash/CCR, the propensity of coal ash/CCR to contaminate nearby properties such as his, including the soil, surface water and groundwater and air, as well as problems and potential and likely odors from other wastes (other than C&D/LCD wastes), which may be deposited into this landfill if the Permit Modification is allowed to stand.

6. That he is informed and believes that the Permit Modification in question is a major and substantial modification and change from the original 2008 Permit for C&D/LCD wastes, and that this Modification, if allowed to stand, will likely result in adverse consequences for him and his property.

7. That despite being an adjoining landowner, and being in close proximity to this landfill, he was never provided with any Notice of the filing of any application for Modification, nor any Notice of the preparation of a Draft Permit Modification by DHEC, nor any Notice of any final Department Decision by DHEC.

8. That in particular, he was never furnished with any mail that provided Notice of the Permit Application for Modification, nor any mailing of Notice of a Draft Permit Modification by DHEC, nor any mailing of Notice of a final Department Decision by DHEC.

9. That neither DHEC, nor MRR Pickens, LLC, nor any other person or entity, provided any mailing of the Notices referenced in paragraphs 7 and 8 above.

10. That, to the best of his knowledge, no Legal Notices regarding the Application for Modification, the Draft Permit, or the final Department Decision were published in any newspaper of general circulation in the area of the proposed landfill project, in any manner pertaining to this Modification. He never saw any such newspaper publication, and to the best of his knowledge, no such newspaper publication of such Notice(s) occurred.

11. That he was never informed of any opportunity for public review of any Application for Modification, nor any public review of any Draft Permit, nor any opportunity to provide comments to such Application for Modification or any Draft Permit, as he had never been informed of such and had never received any form of Notice of such (his first information regarding same having been received verbally, in 2016, long after the issuance of the Permit Modification by DHEC.)

12. That he was deprived of the opportunity to review the Application for Permit Modification and the Draft Permit, the opportunity to submit comments, the opportunity to sign a Petition to request a Public Hearing, and the opportunity to offer objection and opposition to such Modification, by having been entirely deprived of Notice or knowledge at the time of such filings and events. Had he received such Notice he likely would have taken appropriate actions in opposition to this Modification.

13. That he did not request a Public Hearing, nor did he file any appeal or request for review of the Department Decision regarding the Modification, because he was never provided with Notice or knowledge at the time of such filings and events.

14. That to this day, he has never been furnished with any Notice by mail, nor any newspaper Notice, nor any information by DHEC or MRR apprising him of the proposed Modification, nor any action having been taken thereon, nor any opportunity for review, comment, Public Hearing, appeal or request for review.

15. That had he received such Notice(s) regarding this proposed Modification, he likely would have taken actions, including comments in opposition, as well as other actions to oppose and/or appeal it.

16. That at this point he does wish to participate, along with Pickens County, to appeal the issuance of this Modification, and to oppose the issuance of such.

17. That he is a citizen and resident of Pickens County, a property owner and taxpayer of Pickens County, and wishes for Pickens County to advance his interests in appealing and opposing this Modification, and supports and joins with Pickens County, which is acting on behalf of adjoining landowners such as himself, as well as on behalf of the Public of which he is a member, as well as on behalf of Pickens County, of which he is a citizen, resident, property owner and taxpayer.

Sworn to and Subscribed before me this
17th day of August, 2016

(Ashley Fisher)
(Print Name) Ashley Fisher

Notary Public for South Carolina

My Commission Expires: March 26, 2023

Matthew Stone
MATTHEW S. STONE

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Pickens County,)

Petitioner,)

vs.)

South Carolina Department of Health and)
Environmental Control and MRR Pickens,)
LLC,)

Respondents.)

Docket No.: 16-A1J-07-0164-CC

**AFFIDAVIT OF
RANDOLPH E. REVIS, SR.**

Personally appeared before me RANDOLPH E. REVIS, SR., who having been duly sworn,
deposes and states:

1. That he is over the age of 21 and is competent to issue this Affidavit.
2. That he is the owner of commercial property located on the south side of Greenville Highway.
3. That he is familiar with the site, just off Highway 93, at 2180 Greenville Highway, near the City of Liberty, in Pickens County, S.C., on which MRR Pickens, LLC originally intended to develop a Construction & Demolition/Land Clearing Debris (C&D/LCD) Landfill, limited to C&D/LCD waste. More recently he has learned that MRR Pickens, LLC obtained a Modification of the initial Permit, which could allow additional types of waste to be deposited there, including but not limited to coal ash (also known as Coal Combustion Residuals, or CCR), Special Wastes, and other wastes.
4. That his property is adjacent to the MRR Pickens Landfill site and in close proximity thereto.

5. That he is informed and believes that if the Permit Modification is allowed to stand, and if the landfill is allowed to accept wastes other than C&D/LCD, such as coal ash or CCR, or Special Wastes, or other wastes more problematic and offensive than C&D/LCD, that his use and enjoyment of his property will be adversely affected, quality of life will likely be adversely affected, and his property value will likely be adversely affected. Concerns include the blowing of coal ash/CCR from trucks entering the landfill, the blowing of coal ash/CCR by the wind, the inherent and typical toxic components and toxic nature of coal ash/CCR, the propensity of coal ash/CCR to contaminate nearby properties such as his, including the soil, surface water and groundwater and air, as well as problems and potential and likely odors from other wastes (other than C&D/LCD wastes), which may be deposited into this landfill if the Permit Modification is allowed to stand.

6. That he is informed and believes that the Permit Modification in question is a major and substantial modification and change from the original 2008 Permit for C&D/LCD wastes, and that this Modification, if allowed to stand, will likely result in adverse consequences for him and his property.

7. That despite being an adjoining landowner, and being in close proximity to this landfill, he was never provided with any Notice of the filing of any application for Modification, nor any Notice of the preparation of a Draft Permit Modification by DHEC, nor any Notice of any final Department Decision by DHEC.

8. That in particular, he was never furnished with any mail that provided Notice of the Permit Application for Modification, nor any mailing of Notice of a Draft Permit Modification by DHEC, nor any mailing of Notice of a final Department Decision by DHEC.

9. That neither DHEC, nor MRR Pickens, LLC, nor any other person or entity, provided any mailing of the Notices referenced in paragraphs 7 and 8 above.

10. That, to the best of his knowledge, no Legal Notices regarding the Application for Modification, the Draft Permit, or the final Department Decision were published in any newspaper of general circulation in the area of the proposed landfill project, in any manner pertaining to this Modification. He never saw any such newspaper publication, and to the best of his knowledge, no such newspaper publication of such Notice(s) occurred.

11. That he was never informed of any opportunity for public review of any Application for Modification, nor any public review of any Draft Permit, nor any opportunity to provide comments to such Application for Modification or any Draft Permit, as he had never been informed of such and had never received any form of Notice of such (his first information regarding same having been received verbally, in 2016, long after the issuance of the Permit Modification by DHEC.)

12. That he was deprived of the opportunity to review the Application for Permit Modification and the Draft Permit, the opportunity to submit comments, the opportunity to sign a Petition to request a Public Hearing, and the opportunity to offer objection and opposition to such Modification, by having been entirely deprived of Notice or knowledge at the time of such filings and events. Had he received such Notice he likely would have taken appropriate actions in opposition to this Modification.

13. That he did not request a Public Hearing, nor did he file any appeal or request for review of the Department Decision regarding the Modification, because he was never provided with Notice or knowledge at the time of such filings and events.

14. That to this day, he has never been furnished with any Notice by mail, nor any newspaper Notice, nor any information by DHEC or MRR apprising him of the proposed Modification, nor any action having been taken thereon, nor any opportunity for review, comment, Public Hearing, appeal or request for review.

15. That had he received such Notice(s) regarding this proposed Modification, he likely would have taken actions, including comments in opposition, as well as other actions to oppose and/or appeal it.

16. That at this point he does wish to participate, along with Pickens County, to appeal the issuance of this Modification, and to oppose the issuance of such.

17. That he is a citizen and resident of Pickens County, a property owner and taxpayer of Pickens County, and wishes for Pickens County to advance his interests in appealing and opposing this Modification, and supports and joins with Pickens County, which is acting on behalf of adjoining landowners such as himself, as well as on behalf of the Public of which he is a member, as well as on behalf of Pickens County, of which he is a citizen, resident, property owner and taxpayer.

Sworn to and Subscribed before me this
17th day of August, 2016

Ashley Fisher
(Print Name) Ashley Fisher
Notary Public for South Carolina
My Commission Expires: March 24, 2023

Randy Martin, PR
Randy Martin, PR

RANDOLPH E. REVIS, SR.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Pickens County,)

Petitioner,)

vs.)

South Carolina Department of Health and)
Environmental Control and MRR Pickens,)
LLC,)

Respondents.)

Docket No.: 16-AIJ-07-0164-CC

**AFFIDAVIT OF
TONY CHARPING**

Personally appeared before me TONY CHARPING, who having been duly sworn, deposes and states:

1. That he is over the age of 21 and is competent to issue this Affidavit.
2. That he is the owner of commercial property located on the south side of Greenville Highway.
3. That he is familiar with the site, just off Highway 93, at 2180 Greenville Highway, near the City of Liberty, in Pickens County, S.C., on which MRR Pickens, LLC originally intended to develop a Construction & Demolition/Land Clearing Debris (C&D/LCD) Landfill, limited to C&D/LCD waste. More recently he has learned that MRR Pickens, LLC obtained a Modification of the initial Permit, which could allow additional types of waste to be deposited there, including but not limited to coal ash (also known as Coal Combustion Residuals, or CCR), Special Wastes, and other wastes.
4. That his property is adjacent to the MRR Pickens Landfill site and in close proximity thereto.

5. That he is informed and believes that if the Permit Modification is allowed to stand, and if the landfill is allowed to accept wastes other than C&D/LCD, such as coal ash or CCR, or Special Wastes, or other wastes more problematic and offensive than C&D/LCD, that his use and enjoyment of his property will be adversely affected, quality of life will likely be adversely affected, and his property value will likely be adversely affected. Concerns include the blowing of coal ash/CCR from trucks entering the landfill, the blowing of coal ash/CCR by the wind, the inherent and typical toxic components and toxic nature of coal ash/CCR, the propensity of coal ash/CCR to contaminate nearby properties such as his, including the soil, surface water and groundwater and air, as well as problems and potential and likely odors from other wastes (other than C&D/LCD wastes), which may be deposited into this landfill if the Permit Modification is allowed to stand.

6. That he is informed and believes that the Permit Modification in question is a major and substantial modification and change from the original 2008 Permit for C&D/LCD wastes, and that this Modification, if allowed to stand, will likely result in adverse consequences for him and his property.

7. That despite being an adjoining landowner, and being in close proximity to this landfill, he was never provided with any Notice of the filing of any application for Modification, nor any Notice of the preparation of a Draft Permit Modification by DHEC, nor any Notice of any final Department Decision by DHEC.

8. That in particular, he was never furnished with any mail that provided Notice of the Permit Application for Modification, nor any mailing of Notice of a Draft Permit Modification by DHEC, nor any mailing of Notice of a final Department Decision by DHEC.

9. That neither DHEC, nor MRR Pickens, LLC, nor any other person or entity, provided any mailing of the Notices referenced in paragraphs 7 and 8 above.

10. That, to the best of his knowledge, no Legal Notices regarding the Application for Modification, the Draft Permit, or the final Department Decision were published in any newspaper of general circulation in the area of the proposed landfill project, in any manner pertaining to this Modification. He never saw any such newspaper publication, and to the best of his knowledge, no such newspaper publication of such Notice(s) occurred.

11. That he was never informed of any opportunity for public review of any Application for Modification, nor any public review of any Draft Permit, nor any opportunity to provide comments to such Application for Modification or any Draft Permit, as he had never been informed of such and had never received any form of Notice of such (his first information regarding same having been received verbally, in 2016, long after the issuance of the Permit Modification by DHEC.)

12. That he was deprived of the opportunity to review the Application for Permit Modification and the Draft Permit, the opportunity to submit comments, the opportunity to sign a Petition to request a Public Hearing, and the opportunity to offer objection and opposition to such Modification, by having been entirely deprived of Notice or knowledge at the time of such filings and events. Had he received such Notice he likely would have taken appropriate actions in opposition to this Modification.

13. That he did not request a Public Hearing, nor did he file any appeal or request for review of the Department Decision regarding the Modification, because he was never provided with Notice or knowledge at the time of such filings and events.

14. That to this day, he has never been furnished with any Notice by mail, nor any newspaper Notice, nor any information by DHEC or MRR apprising him of the proposed Modification, nor any action having been taken thereon, nor any opportunity for review, comment, Public Hearing, appeal or request for review.

15. That had he received such Notice(s) regarding this proposed Modification, he likely would have taken actions, including comments in opposition, as well as other actions to oppose and/or appeal it.

16. That at this point he does wish to participate, along with Pickens County, to appeal the issuance of this Modification, and to oppose the issuance of such.

17. That he is a citizen and resident of Pickens County, a property owner and taxpayer of Pickens County, and wishes for Pickens County to advance his interests in appealing and opposing this Modification, and supports and joins with Pickens County, which is acting on behalf of adjoining landowners such as himself, as well as on behalf of the Public of which he is a member, as well as on behalf of Pickens County, of which he is a citizen, resident, property owner and taxpayer.

Sworn to and Subscribed before me this
17th day of August, 2016

Ashley Fisher
(Print Name) Ashley Fisher
Notary Public for South Carolina
My Commission Expires: March 26, 2023

Tony Charping
TONY CHARPING

5. That he is informed and believes that if the Permit Modification is allowed to stand, and if the landfill is allowed to accept wastes other than C&D/LCD, such as coal ash or CCR, or Special Wastes, or other wastes more problematic and offensive than C&D/LCD, that his use and enjoyment of his property will be adversely affected, quality of life will likely be adversely affected, and his property value will likely be adversely affected. Concerns include the blowing of coal ash/CCR from trucks entering the landfill, the blowing of coal ash/CCR by the wind, the inherent and typical toxic components and toxic nature of coal ash/CCR, the propensity of coal ash/CCR to contaminate nearby properties such as his, including the soil, surface water and groundwater and air; as well as problems and potential and likely odors from other wastes (other than C&D/LCD wastes), which may be deposited into this landfill if the Permit Modification is allowed to stand.

6. That he is informed and believes that the Permit Modification in question is a major and substantial modification and change from the original 2008 Permit for C&D/LCD wastes, and that this Modification, if allowed to stand, will likely result in adverse consequences for him and his property.

7. That despite being an adjoining landowner, and being in close proximity to this landfill, he was never provided with any Notice of the filing of any application for Modification, nor any Notice of the preparation of a Draft Permit Modification by DHEC, nor any Notice of any final Department Decision by DHEC.

8. That in particular, he was never furnished with any mail that provided Notice of the Permit Application for Modification, nor any mailing of Notice of a Draft Permit Modification by DHEC, nor any mailing of Notice of a final Department Decision by DHEC.

9. That neither DHEC, nor MRR Pickens, LLC, nor any other person or entity, provided any mailing of the Notices referenced in paragraphs 7 and 8 above.

10. That, to the best of his knowledge, no Legal Notices regarding the Application for Modification, the Draft Permit, or the final Department Decision were published in any newspaper of general circulation in the area of the proposed landfill project, in any manner pertaining to this Modification. He never saw any such newspaper publication, and to the best of his knowledge, no such newspaper publication of such Notice(s) occurred.

11. That he was never informed of any opportunity for public review of any Application for Modification, nor any public review of any Draft Permit, nor any opportunity to provide comments to such Application for Modification or any Draft Permit, as he had never been informed of such and had never received any form of Notice of such (his first information regarding same having been received verbally, in 2016, long after the issuance of the Permit Modification by DHEC.)

12. That he was deprived of the opportunity to review the Application for Permit Modification and the Draft Permit, the opportunity to submit comments, the opportunity to sign a Petition to request a Public Hearing, and the opportunity to offer objection and opposition to such Modification, by having been entirely deprived of Notice or knowledge at the time of such filings and events. Had he received such Notice he likely would have taken appropriate actions in opposition to this Modification.

13. That he did not request a Public Hearing, nor did he file any appeal or request for review of the Department Decision regarding the Modification, because he was never provided with Notice or knowledge at the time of such filings and events.

14. That to this day, he has never been furnished with any Notice by mail, nor any newspaper Notice, nor any information by DHEC or MRR apprising him of the proposed Modification, nor any action having been taken thereon, nor any opportunity for review, comment, Public Hearing, appeal or request for review.

15. That had he received such Notice(s) regarding this proposed Modification, he likely would have taken actions, including comments in opposition, as well as other actions to oppose and/or appeal it.

16. That at this point he does wish to participate, along with Pickens County, to appeal the issuance of this Modification, and to oppose the issuance of such.

17. That he is a citizen and resident of Pickens County, a property owner and taxpayer of Pickens County, and wishes for Pickens County to advance his interests in appealing and opposing this Modification, and supports and joins with Pickens County, which is acting on behalf of adjoining landowners such as himself, as well as on behalf of the Public of which he is a member, as well as on behalf of Pickens County, of which he is a citizen, resident, property owner and taxpayer.

Sworn to and Subscribed before me this
17 day of August, 2016

C Satterfield
(Print Name) C Satterfield
Notary Public for South Carolina
My Commission Expires: 4-2-22

Randall L. King
RANDALL KING (9912)

021212

14a



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

MEMORANDUM

TO: Adjacent Landowners

FROM: Timothy M. Eleazer *TME*
 Solid Waste Permitting Section
 Division of Mining and Solid Waste Management
 Bureau of Land and Waste Management

DATE: September 19, 2008

Re: Proposed Class 2 Landfill
 Highway 93 C&D, LCD Landfill
 Pickens County

The South Carolina Department of Health and Environmental Control's (SCDHEC) Solid Waste Permitting Section has received a permit application from MRR Pickens LLC for a Class 2 Landfill. The Department has completed a technical review of the application. At this time, the Department's Solid Waste Permitting Section has issued a draft permit for this Class 2 Landfill and will be taking comments from the public before a final permit decision is made.

Please see the attached Public Notice for additional information on the proposed project. A Copy of the regulation may also be viewed at the following website: http://www.scdhec.gov/environment/lwm/html/solidwaste_new_regulation.htm

If you have any questions regarding the proposed landfill or wish to view the permit application, please contact me at (803) 896-4217.

TME/tme

Enclosure

Exhibit E

**SC DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
PUBLIC NOTICE**

Topic: Proposed Highway 93 Construction, Demolition and Land-Clearing Debris (C&D) Landfill Permit

Location: 2180 Greenville Highway, Liberty, SC 29657
Off Highway 93 at Clardy Road in Pickens County;
Approximately 2,000 feet NE of the City of Liberty, SC.

The South Carolina Department of Health and Environmental Control's (SCDHEC) Solid Waste Permitting Section has received a permit application from MRR Pickens, LLC for a new Class 2 Landfill. The proposed landfill will be located within a 149-acre parcel of property located off Highway 93 at Clardy Road approximately 2,000 feet northeast of the city limits of Liberty, SC. The proposed landfill is estimated to have a disposal lifetime of more than fifty (50) years.

SCDHEC requires that a permit be issued for Class 2 Landfills pursuant to SC Code Ann. Sections 44-96-10 et. Seq. (Supp. 2007) and 25A SC Code Reg. 61-107.19, *Solid Waste Management: Solid Waste Landfills and Structural Fill*. The types of wastes that can be accepted at the MRR Pickens, LLC C&D Landfill are described in Appendix I of the above-mentioned regulation. Acceptable wastes include, but are not limited to, land-clearing debris, bricks, blocks, shingles, lumber, and other wastes listed in Appendix I. Wastes that are **not** acceptable at Class 2 landfills include household garbage, hazardous waste, and infectious waste. For a more detailed description of Appendix-I-acceptable wastes, please contact one of the persons below to view the application or to request a Class 2 Landfill fact sheet. A copy of the regulation may also be viewed at the following website: <http://www.scdhec.gov/environment/blwm/regulatory.htm>.

At this time, the Solid Waste Permitting Section has completed its review of the permit application and found that the application meets all technical requirements. Solid Waste Permitting has completed a draft permit and hereby gives notice to the public. During the public comment period the Department will be taking comments from the public concerning the draft permit, which is inclusive of the Department's determinations as outlined in R.61-107.19 Part I.D.2.b. and/or the permit application. The comment period will remain open until October 20, 2008.

Who to contact? Copies of the permit application are available by appointment for public viewing during normal working hours at the following locations:

Bureau of Land and Waste Management
SC Department of Health and Environmental Control
8911 Farrow Road
Columbia, SC 29223

Contact: Timothy M. Eleazer, (803) 896-4217
E-mail: eleazetm@dhiec.sc.gov

Environmental Quality Control Regional Office
SC Department of Health and Environmental Control
Region 2 - Greenville
301 University Ridge, Suite 5800
Greenville, SC 29601-3677

Contact: Bill Rampey, (864) 241-1090
E-mail: rampeybj@dhiec.sc.gov

Any interested person(s) may submit written comments concerning the proposed landfill permit application to this mailing address: Mr. Timothy M. Eleazer, SCDHEC BLWM, 2600 Bull Street, Columbia, SC 29201. To be considered, all comments or requests must be received by October 20, 2008, at which time the public comment will end.

Any individuals with disabilities or special needs who want to review the permit application should contact the Department to discuss any special services needed. A minimum of one (1) week's prior notice is requested to allow the Department to make any necessary arrangements.

**Mailing list for the proposed MRR Pickens LLC
Highway 93 C&D Landfill,
Pickens County.**

This mailing list for draft permit dated September 19, 2008.

PETER H SMITH
PO BOX 467279
ATLANTA GA 31146

VUCAN LANDS, LLC
PO BOX 80730
ATLANTA GA 30366

METROMONT MATERIALS
C/O CEMEX
PO BOX 1500
HOUSTON TX 77251-1500

JAMES D MOORE
PO BOX 4
LIBERTY SC 29657-0004

MARGRET WELBORN
LIFE ESTATE
107 DANA DR
OAKRIDGE TN 37830

KING ASPHALT INC
PO BOX 179
LIBERTY SC 29657-0179

LAURA W FOWLER TRUSTEE
210 ORANGE ST
SATELLITE BCH FL 32937-3013

TONY CHARPING
PO BOX 677
LIBERTY SC 29657

RANDOLPH E REVIS SR
2026 GREENVILLE HWY
LIBERTY SC 29657

GB ENTERPRISES LTD
PO BOX 486
EASLEY SC 29640-0486

MARGARET WELBORN
LIFE ESTATE
610 CAROLINA DR
LIBERTY SC 29657-1551

PHILIP J KALCHTHALER
108 CORAL BBEDS WAY
SUNSET SC 29685

MAYOR CITY OF LIBERTY
CITY HALL
LIBERTY SC 29657

ROBERT L TRABER
2041 GREENVILLE HWY
LIBERTY SC 29657-8920

WILLIAM R MCBRIDE TRUSTEE
933 JESSICA ST
RIDGECREST CA 93555-3002

COUNTY ADMINISTRATOR
PICKENS COUNTY
222 MCDANIEL AVE STE B1
PICKENS SC 29671-2556

NEW HORIZON-ELECTRIC
COOPRATIVE INC
PO BOX 1169
LAURENS SC 29360-1169

DUKE ENERGY CORP
PO BOX 1007
CHARLOTTE NC 28201

SAMMY SMITH
206 LAKESIDE LN
LIBERTY SC 29657-3810

UNA W HUGHES
540 AMSTERDAM RD
LIBERTY SC 29657-9373

ERIC M LILJESTEDT
143 BUD SMITH RD
LIBERTY SC 29657-9335

CALVIN L SCHOULTIES
1630 DAVIS CREEK RD
SENECA SC 29678

JAMES S COX
1639 EARLS BRIDGE RD
EASLEY SC 29640-6307

MICHAEL DAVID THOMPSON
348 COBB RD
PELZER SC 29669

GREGORY A CRUMP
208 WELBY WAY
LIBERTY SC 29657

ROBERT EDWARD KELLEY
211 GILSTRAP RD
LIBERTY SC 29657

JAMES RAY CHANDLER
118 CLOVER ST
LIBERTY SC 29657

BRIAN PAUL WASTON
115 CLOVER ST
LIBERTY SC 29657

SHELBA C PORTER
634 AMBERWOODS RD
PICKENS SC 29671

CRYSTAL D HOLLIDAY
114 CLOVER ST
LIBERTY SC 29657

JR BUILDERS OF PICKENS INC
1712 GENTRY MEMORIAL HWY
EASLEY SC 29640

PETER H SMITH
1810 N POTTER PL
TUCSON AZ 85719-3833

EASLEY BUILDERS SUPPLY
INC
PO BOX 1016
EASLEY SC 29641-1016

SAMUEL J VIDAL
175 ORCHARD DR
LIBERTY SC 29657-9317

EDITH M HEAD
172 ORCHARD DR
LIBERTY SC 29657-9317

DIANE H HUTTON
110 POPLAR POINTE
SUNSET SC 29685

BETTY C DUNCAN
18 N PALMETTO ST
LIBERTY SC 29657-1026

ROSA LEE JAMES
2011 GREENVILLE HWY
LIBERTY SC 29657-8920

BARBARA HEAD ROGERS
2001 GREENVILLE HWY
LIBERTY SC 29657-8920

CYNTHIA D YOUNG
PO BOX 36
LIBERTY SC 29657

CITY OF LIBERTY
FIRE DEPARMENT
206 W FRONT ST
LIBERTY SC 29357

PICKENS COUNTY SCHOOL
SUPERINTENDENT
1348 GRIFFIN MILL RD
EASLEY SC 29640-8885

EASLEY CENTRAL WATER
DISTRICT
PO BOX C
NORRIS SC 29667-0050

VIRGINIA JUMPER
1307 ANDERSON HWY
EASLEY SC 29642

WATKINS BUILDERS INC
TROY WATKINS
405 WEXFORD WAY
EASLEY SC 29642

FURMAN RICHARD STATON
360 SPRINGDALE AVE
LIBERTY SC 29657

THOMAS K NIX
356 SPRINGDALE AVE
LIBERTY SC 29657-3807

WILLIAM W GARRISON
352 SPRINGDALE AVE
LIBERTY SC 29657-3807

JASON LEE WADE
348 SPRINGDALE AVE
LIBERTY SC 29657-3807

TIMOTHY RAY RIDDLE
344 SPRINGDALE AVE
LIBERTY SC 29657-3807

KALOUTIE RANDASS
340 SPRINGDALE AVE
LIBERTY SC 29657-3807

ANGELA MARIE CHADWICK
336 SPRINGDALE AVE
LIBERTY SC 29657-3807

JAMES N YOUNG JR
332 SPRINGDALE AVE
LIBERTY SC 29657-3807

KEVIN R JONES
326 SPRINGDALE AVE
LIBERTY SC 29657-3807



South Carolina Environmental Law Project

Lawyers for the Wild Side of South Carolina

501(c)(3)
non-profit organization

March 30, 2017

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The Honorable Jenny Abbott Kitchings
Clerk of Court, SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Pickens County v. SCDHEC
Appellate Case No. 2017-000066

Dear Ms. Kitchings:

I am enclosing the original and six copies of the exhibits to Intervenor's Motion to be Included as Appellants, which was filed by mail yesterday. These exhibits were erroneously omitted from the mailing of the motion yesterday, and I ask that they be included for consideration with the motion. I apologize for any inconvenience.

Thank you very much for your kind cooperation and assistance.

Yours very truly,



Amelia A. Thompson

cc: Etta R. Linen, Esquire
Robert F. Goings, Esquire
Jessica J. O. King, Esquire
Gary Poliakoff, Esquire

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APR 03 2017

SC Court of Appeals

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