

CONTRACT FOR PURCHASE OF WASTE

L & M Litter Brokers, Broker Permit No. 19,463-AG will purchase agricultural waste (manure, litter, compost) from David R Cassius Facility, Producer, located in Laurens County and identified by SC DHEC Operating Permit No. _____.

Purchase price will be based upon services rendered and/or agreed to price at date of clean out.

Broker will provide necessary equipment and services to remove waste from the facility. Upon removing the waste, Broker accepts all waste utilization responsibilities ensuring the waste is handled, transported, stored, and/or applied in a manner consistent with SC DHEC Regulations 61-43, thus, relieving the Producer of this responsibility.

The Producer will furnish, to the Broker, waste analysis information obtained no earlier than two (2) months before the date of clean out. Waste will be analyzed for:

- A. Nutrients (on a dry weigh basis)
 - Total Kjeldahl Nitrogen
 - Total Inorganic Nitrogen
 - Total Ammonia Nitrogen and Total Nitrate Nitrogen
 - Potassium as K₂O
 - Calcium Carbonate equivalency (if waste is alkaline stabilized)
- B. Constituents (on a dry weight basis)
 - Arsenic
 - Copper
 - Zinc

Calcium Carbonate equivalency and Arsenic analysis are not required if producer gives documentation to show these additives are not present in the waste.

Other Provisions:

Agreed to by:



Broker



6-1-16

Date Producer

_____ Date

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DCB_000091

Benjamin Mustian

From: Mullen Taylor <mmt@mullentaylorllc.com>
Sent: Monday, August 6, 2018 11:05 AM
To: 'Hightower, Stephen'; Benjamin Mustian
Cc: 'Hellerman, Donna'
Subject: RE: Blackmon v. DHEC et al.

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Ben,

I would add that document but unfortunately, I've already sent my supplement to the printer and it's too late to add. Sorry about that. You can supplement yourself with my consent.

Best,

Mullen

From: Hightower, Stephen <HIGHTOSP@dhec.sc.gov>
Sent: Monday, August 6, 2018 10:50 AM
To: Benjamin Mustian <BMustian@Willoughbyhoefer.com>; Mullen Taylor <mmt@mullentaylorllc.com>
Cc: Hellerman, Donna <hellerdk@dhec.sc.gov>
Subject: RE: Blackmon v. DHEC et al.

Ben,

I have no problems with the document's inclusion. I was out last week Wednesday through Friday so I am reviewing the ROA now.

Stephen

Stephen P. Hightower, Esq.
Assistant General Counsel
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201
Tel: (803) 898-3358
Fax: (803) 898-3367

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From: Benjamin Mustian <BMustian@Willoughbyhoefer.com>
Sent: Monday, August 6, 2018 10:47:40 AM
To: Hightower, Stephen; Mullen Taylor

Cc: Hellerman, Donna
Subject: RE: Blackmon v. DHEC et al.

Mullen,

Along those same lines, I had cited Resp. Exhibit 22 (attached) in my brief but failed to cite it in my designation. Can you add that as well?

From: Hightower, Stephen <HIGHTOSP@dhec.sc.gov>
Sent: Monday, August 6, 2018 10:39 AM
To: Benjamin Mustian <BMustian@Willoughbyhoefer.com>; Mullen Taylor <mmt@mullentaylorllc.com>
Cc: Hellerman, Donna <hellerdk@dhec.sc.gov>
Subject: RE: Blackmon v. DHEC et al.

Mullen,

I have no problems with the Appellants supplementing the ROA to include their Prehearing Statements.

Stephen

Stephen P. Hightower, Esq.
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From: Benjamin Mustian <BMustian@Willoughbyhoefer.com>
Sent: Friday, August 3, 2018 4:39:17 PM
To: Mullen Taylor
Cc: Hightower, Stephen; Hellerman, Donna
Subject: Re: Blackmon v. DHEC et al.

Mullen,

I'm fine with that.

Ben

Sent from my iPhone

On Aug 3, 2018, at 3:04 PM, Mullen Taylor <mmt@mullentaylorllc.com> wrote:

Counsel,

I inadvertently left out of my designation of matter to be included in the ROA the Petitioners' Prehearing Statements. Will you both consent to my supplementing the Record to include these prehearing statements, per Rule 212(b)? Otherwise, I'll move to supplement.

Thanks.

Mullen

<image001.png>

M. McMullen Taylor

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2017-002598

ALC Case Nos. 17-ALJ-07-0041-CC; 17-ALJ-07-0042-CC; 17-ALJ-07-0039-CC

Charles S. Blackmon and South Carolinians for
Responsible Agricultural Practices,.....Appellants,

v.

South Carolina Department of Health and Environmental
Control and David Coggins Broilers,Respondents;

Charles S. Blackmon and South Carolinians for
Responsible Agricultural Practices,.....Appellants,

v.

South Carolina Department of Health and Environmental
Control and Heath Coggins Broilers,Respondents;

Charles S. Blackmon and South Carolinians for
Responsible Agricultural Practices,.....Appellants,

v.

South Carolina Department of Health and Environmental
Control and Jim Young Broilers,Respondents.

PROOF OF SERVICE

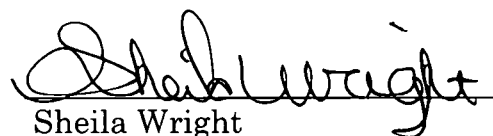
This is to certify that, on behalf of Respondents David Coggins Broilers, Heath
Coggins Broilers, and Jim Young Broilers, I have caused to be served this day one

(1) copy of a letter dated August 7, 2018 to the Honorable Jenny Abbott Kitchings, enclosing a document which is to be included as a supplement to the Record on Appeal and identified as document number 1759, via the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

M. McMullen Taylor, Esquire
Mullen Taylor, LLC
P.O. Box 8567
Columbia, South Carolina 29202

Robert Guild, Esquire
314 Pall Mall Street
Columbia, South Carolina 29201

Stephen P. Hightower, Esquire
S.C. Department of Health and Environmental Control
Office of General Counsel
2600 Bull Street
Columbia, South Carolina 29201


Sheila Wright

Columbia, South Carolina
This 7th day of August, 2018.

WILLOUGHBY & HOEFER, P.A.
ATTORNEYS & COUNSELORS AT LAW

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OF COUNSEL

JOSEPH H. FARRELL, III
SPECIAL COUNSEL

*ALSO ADMITTED IN TEXAS

**ALSO ADMITTED IN WASHINGTON, D.C.

***ALSO ADMITTED IN CALIFORNIA

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August 7, 2018

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Charles S. Blackmon v. SCDHEC*; Appellate Case No. 2017-002598

Dear Ms. Kitchings:

Pursuant to Rule 212(b) of the South Carolina Appellate Court Rules, please find enclosed for filing on behalf of Respondents David Coggins Broilers, Heath Coggins Broilers, and Jim Young Broilers the enclosed document, which is a supplement to the Record on Appeal in the above-referenced matter. This document has been identified as document number 1759, which is the next consecutively numbered page following the documents included in the Appendix to Record on Appeal.¹ As reflected in the attached email, counsel for Petitioners and for Respondent South Carolina Department of Health and Environmental Control have consented to supplementing the record with the document contained therein. I would appreciate your returning the extra copies of these documents bearing your file-stamp via our courier.

By copy of this letter, I am serving a copy of this letter on all parties of record and enclose a Proof of Service to that effect. If you have any questions, or need additional information, please do not hesitate to contact me.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.



Benjamin P. Mustian

BPM/sw
enclosures

¹ It is my understanding Appellants have already filed or will soon file the Appendix with the Court.

The Honorable Jenny Abbott Kitchings

August 7, 2018

Page 2 of 2

cc: M. McMullen Taylor, Esquire
Stephen P. Hightower, Esquire
Robert Guild, Esquire
(all with enclosures and via first class mail)