

THE STATE OF SOUTH CAROLINA

RECEIVED

IN THE SUPREME COURT

NOV 19 2019

APPEAL FROM THE ADMINISTRATIVE LAW COURT S.C. SUPREME COURT  
Ralph King Anderson, III, Administrative Judge

Appellate Case No. 2019-000841

South Carolina Coastal Conservation League .....Appellant,

v.

South Carolina Department of Health and Environmental Control, KDP II, LLC, and Kiawah  
Development Partners, II ..... Respondents.

**RESPONDENT SOUTH CAROLINA DEPARTMENT OF HEALTH AND  
ENVIRONMENTAL CONTROL'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

In addition to those matters listed by Appellant in its Designation of Matter on Appeal,

Respondent SCDHEC designates the following to also be included in the Record on Appeal:

1. Planned Unit Development agreement between the Town of Kiawah and the developer/owner, signed December 5, 2013
2. NPDES Construction General Permit for Stormwater Discharges for Large and Small Construction Activities permit application dated April 13, 2015.
3. Stormwater Management Report dated April 13, 2015
4. National Pollutant Discharge Elimination System (NPDES) General Permit Coverage for Stormwater Discharges from Construction Activities SCR100913 dated May 28, 2015
5. Water Supply Construction Permit Number 30395-WS dated May 28, 2015
6. Wastewater Construction Permits Number 38828-WW dated May 28, 2015
7. Coastal Zone Consistency Certification Number CZC-13-0336 dated May 28, 2015
8. Request for Final Review Conference filed by South Carolina Coastal Conservation ("SCCCL") dated June 12, 2015
9. Request for Final Review Conference Denial Letter from DHEC Board to SCCCL dated July 6, 2015

10. Request for Contested Case Hearing to Administrative Law Court by SCCCL dated August 5, 2015
11. Motion to Compel or, in the Alternative, to Strike or Exclude Evidence by SCCCL dated October 12, 2017
12. Order Denying Petitioner's Motion to Compel or, in the Alternative, to Strike or Exclude Evidence dated January 22, 2018
13. Motion for Reconsideration of Order Denying Motion to Compel or, in the Alternative, to Strike or Exclude Evidence by SCCCL dated February 5, 2018
14. Order Denying Reconsideration of Motion to Compel or, in the Alternative, to Strike or Exclude Evidence dated February 28, 2018
15. Final Order of Administrative Law Court dated September 24, 2018
16. Motion for Reconsideration of Final Order by SCCCL dated October 9, 2018
17. Order Denying Motion for Reconsideration of Final Order dated December 14, 2018
18. Amended Final Order dated December 14, 2018
19. Notice of Appeal by SCCCL dated January 14, 2019
20. Motion to Transfer by SCCCL dated May 17, 2019
21. Order granting Motion to Transfer dated August 1, 2019
22. Respondent's Administrative Hearing Exhibit Number 19
23. Respondent's Administrative Hearing Exhibit Number 35
24. Respondent's Administrative Hearing Exhibit Number 42
25. Respondent's Administrative Hearing Exhibit Number 45
26. Petitioner's Administrative Hearing Exhibit Number 1
27. Petitioner's Administrative Hearing Exhibit Number 3
28. Petitioner's Administrative Hearing Exhibit Number 5
29. Petitioner's Administrative Hearing Exhibit Number 41
30. Petitioner's Administrative Hearing Exhibit Number 44
31. Summons and Complaint for Case No. 2009-CP-10-2847 dated May 5, 2009
32. Third Amended Consent Order of Stay for Case No. 2009-CP-10-2847 dated June 15, 2018
33. Administrative Hearing Transcript at 72:5-8
34. Administrative Hearing Transcript at 266:4-284:14
35. Administrative Hearing Transcript at 285:14-15
36. Administrative Hearing Transcript at 656-658
37. Administrative Hearing Transcript at 705:11-15
38. Administrative Hearing Transcript at 729:5-11
39. Administrative Hearing Transcript at 730:11-731:5
40. Administrative Hearing Transcript at 733-744
41. Administrative Hearing Transcript at 873:16-24
42. Administrative Hearing Transcript at 912:14-16
43. Administrative Hearing Transcript at 930-931
44. Administrative Hearing Transcript at 947
45. Administrative Hearing Transcript at 967-979
46. Administrative Hearing Transcript at 1002:17-20
47. Administrative Hearing Transcript at 1003:16-1004:21
48. Administrative Hearing Transcript at 1028-1032
49. Administrative Hearing Transcript at 1085-1086

50. Administrative Hearing Transcript at 1018
51. Administrative Hearing Transcript at 1106:6-8
52. Administrative Hearing Transcript at 1256:9-1257:9
53. Administrative Hearing Transcript at 1274:10-17
54. Administrative Hearing Transcript at 1276:18-23
55. Administrative Hearing Transcript at 1308:5-9
56. Administrative Hearing Transcript at 1343:24-1344:2
57. Administrative Hearing Transcript at 1344:7-21
58. Administrative Hearing Transcript at 1368:16-19
59. Administrative Hearing Transcript at 1371:6-11
60. Administrative Hearing Transcript at 1374:10-18
61. Administrative Hearing Transcript at 1484:21-1485:5
62. Administrative Hearing Transcript at 1506:4-24
63. Administrative Hearing Transcript at 1509:21-22
64. Administrative Hearing Transcript at 1525:12-22
65. Administrative Hearing Transcript at 1527:19-1528:3
66. Administrative Hearing Transcript at 1561:22-1562:13
67. Administrative Hearing Transcript at 1589:21-23

I certify that this designation contains no matter which is irrelevant to this appeal.



Bradley D. Churdar (Bar No. 12829)  
SCDHEC-OCRM  
1362 McMillan Avenue, Suite 400  
Charleston, SC 29405  
(843) 953-0213  
[churdabd@dhec.sc.gov](mailto:churdabd@dhec.sc.gov)

November 18, 2019  
Charleston, South Carolina

**RECEIVED**

**NOV 19 2019**

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

S.C. SUPREME COURT

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Judge

Appellate Case No. 2019-000841

South Carolina Coastal Conservation League .....Appellant,

v.

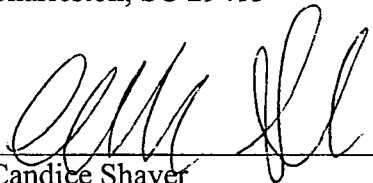
South Carolina Department of Health and Environmental Control, KDP II, LLC, and Kiawah Development Partners, II ..... Respondents.

**PROOF OF SERVICE**

The undersigned hereby certifies that on this 18<sup>th</sup> day of November, 2019, a copy of Respondent South Carolina Department of Health and Environmental Control Initial Brief and Designation of Matter were served on counsel of record, by placing same in the United States Mail, first class postage prepaid to the following:

Amy E. Armstrong, Esq.  
Jessie A. White, Esq  
S.C. Environmental Law Project  
P.O. Box 1380  
Pawleys Island, SC 29585

G. Trenholm Walker, Esq.  
Thomas P. Gressette, Jr., Esq.  
Walker Gressette Freeman & Linton  
P.O. Box 22167  
Charleston, SC 29413

  
\_\_\_\_\_  
Candice Shaver  
Paralegal