

IN THE COURT OF COMMON PLEAS  
STATE OF SOUTH CAROLINA  
HORRY COUNTY

FILED  
HORRY COUNTY  
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HELANIE HUGGINS-WARD  
CLERK OF COURT

WINYAH RIVERS FOUNDATION, INC., )  
d/b/a WACCAMAW RIVERKEEPER, )  
SOUTH CAROLINA COASTAL )  
CONSERVATION LEAGUE, AND THE )  
SOUTHERN ALLIANCE FOR CLEAN )  
ENERGY, )

Plaintiffs, )

v. )

SOUTH CAROLINA PUBLIC SERVICE )  
AUTHORITY, )

Defendant. )

\_\_\_\_\_ )

**COMPLAINT**  
(JURY TRIAL DEMANDED)

C.A. No.: 2012-CP-26-4462

**NATURE OF THE CASE**

1. This action challenges ongoing unlawful discharges of arsenic and other contaminants into waters of South Carolina without a permit by Defendant South Carolina Public Service Authority (“SCPSA”), in violation of the South Carolina Pollution Control Act, codified as S.C. Code § 48-1-10 et seq. This action also challenges SCPSA’s denial of the people of South Carolina and Horry County of their legally-guaranteed rights to participate in governmental decisions that apply to polluters, like the SCPSA, who pollute South Carolina’s waters, groundwater, and environment.

2. Defendant SCPSA is engaged in the generation, transmission, distribution, and sale of electricity. SCPSA is a state agency with its headquarters in Moncks Corner,

South Carolina. In 1966, SCPSA began operating the Grainger Station coal-fired electricity generating plant in Conway in Horry County, SC.

3. For decades, SCPSA has been polluting the waters, groundwater, and environment of South Carolina and Horry County by discharging large quantities of arsenic and other pollutants from coal ash impoundments located on the banks of the Waccamaw River at the Grainger Station in Conway in Horry County, South Carolina. These impoundments are unlined, they are surrounded by wetlands, the coal ash is stored in a wet condition, and the impoundments contain approximately 650,000 tons of coal ash.

4. Arsenic is a highly toxic substance and a known carcinogen.

5. SCPSA's coal ash impoundments are located in a populated area and in an area that is used for recreation and fishing by many residents and visitors. The coal ash impoundments are also located upstream of intakes for public drinking water and upstream of the Waccamaw National Wildlife Refuge. The waters that flow from, through, beneath, and beside the coal ash impoundments flow into Winyah Bay.

6. SCPSA's coal ash impoundments are located dangerously close to the Waccamaw River on its banks, and when the water is high, the river partially submerges the dikes. The dikes for the coal ash impoundments contain silty soil and soft clays, and the groundwater is located as little as five feet below the dike surface. In an earthquake, soils in the dams may liquefy. A natural or man-made disaster, accident, or other failure of the impoundments would result in a catastrophic discharge of tons of coal ash into the Waccamaw River.

7. South Carolina's Pollution Control Act ("PCA") bars polluters from contaminating the waters, groundwater, and environment of South Carolina without a permit issued by the South Carolina Department of Health and Environmental Control ("DHEC"). The PCA thereby ensures that polluters who would contaminate the environment must first obtain a permit that includes conditions and terms set by DHEC. Further, the PCA ensures that people affected by the pollution, people who live near it, and the public of South Carolina will have an opportunity to participate in the decision whether their environment will be polluted and under what conditions. The PCA affords these rights to the public through its permit requirement, the process for which includes public comment, public hearings, and judicial review.

8. SCPSA is a state agency. SCPSA has never obtained a permit for its arsenic pollution of the groundwater and thereby the Waccamaw River. SCPSA thereby is and has been violating South Carolina state law, specifically South Carolina's Pollution Control Act. By never applying for a permit for its ongoing pollution of South Carolina's waters, groundwater, and environment, SCPSA has avoided public knowledge and examination of its pollution and has denied the public of South Carolina and Horry County an opportunity to comment and to be heard regarding the pollution of their environment by SCPSA, a state agency. By not seeking a permit as required by South Carolina law, SCPSA closed out of the process the people who live near the coal ash impoundments and near the Waccamaw River, the people of Conway and Horry County, the people of South Carolina, the Plaintiffs, and their members. Thus, it has blocked public comment, public hearings, and judicial review of the terms of a permit regarding the continuing pollution by SCPSA.

9. At least since the mid 1990s, SCPSA has known that it has been and is polluting the environment of South Carolina and Horry County with arsenic and other contaminants from its coal ash impoundments at Grainger Station.

10. At least since 2000, DHEC has urged SCPSA to address its arsenic pollution.

11. In 2009, DHEC determined and notified SCPSA in writing that SCPSA is violating the South Carolina Pollution Control Act because of its unpermitted arsenic pollution of South Carolina's environment from its coal ash impoundments at the Grainger Station.

12. Yet to date, SCPSA has done nothing to stop its serious and continuing arsenic pollution of South Carolina's environment. It has not removed the coal ash from the unlined impoundments on the Waccamaw River but instead has left the coal ash in place, has added additional coal ash, and has knowingly continued to pollute the environment of South Carolina and Horry County with arsenic and other pollutants.

13. Because it has no permit, SCPSA continues to violate the PCA by discharging arsenic and other contaminants from its unlined coal ash impoundments into the groundwater and the Waccamaw River without a permit as required by the PCA, and the public has been shut out of the process.

14. SCPSA has idled the Grainger Station. It has begun to formulate plans to leave the unlined coal ash impoundments—located among wetlands on the Waccamaw River and separated from the River only by earthen berms—in place forever and in perpetuity, continuing to pollute the environment of South Carolina and Horry County on

an ongoing basis, and risking a catastrophic failure that would spill hundreds of thousands of tons of toxic coal ash into the Waccamaw River.

### **JURISDICTION AND VENUE**

15. The Grainger Station, its coal ash impoundments, and their pollution are present in Horry County, and this Complaint states violations of South Carolina law by SCPSA. This Court therefore has jurisdiction over this action and jurisdiction over the parties. The Plaintiffs have the right to bring this action for declaratory and injunctive relief under Section 48-1-250 of the PCA. *See Georgetown Cnty. League of Women Voters v. Smith Land Co.*, 713 S.E.2d 287, 289-90 (S.C. 2011).

16. Venue is proper in this Court pursuant to S.C. Code Ann. § 15-77-50.

### **The Plaintiffs and Their Members**

17. Plaintiff Winyah Rivers Foundation, Inc., d/b/a the Waccamaw Riverkeeper (the “Foundation”) is a § 501(c)(3) non-profit public interest organization operating in South Carolina. Its mission is “to protect, preserve, monitor, and revitalize the health of the lands and waters of the greater Winyah Bay watershed.” It is a grassroots organization whose members support the mission of protecting the rivers in the greater watershed that empties into Winyah Bay at Georgetown including the Waccamaw River.

18. The Foundation’s Waccamaw Riverkeeper program educates and advocates for the protection of the Waccamaw River watershed in South and North Carolina.

19. The Foundation, through its Waccamaw Riverkeeper, works to improve water quality through monitoring and conservation advocacy, and works to increase

public awareness through education and partnerships with other community and conservation groups. The Foundation comments on permits, regulatory proposals, and government actions that affect the Waccamaw River watershed. Such comments are an essential part of the Foundation's work and an important way that it carries out its mission. The Foundation thereby expresses the views of its members, Board, and staff, and also shares its expert knowledge and experience with the government agencies and applicants seeking permits or other governmental authorization or benefits. The Foundation's members also participate in this way, and the Foundation encourages its members to do so.

20. Plaintiff South Carolina Coastal Conservation League ("League") is a not-for-profit corporation founded in 1989. The League is incorporated under the laws of South Carolina, maintains its headquarters office in Charleston, South Carolina, and currently has approximately 5,000 members. Its mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life of South Carolina communities by working with individuals, businesses, and government to ensure balanced solutions to environmental problems. Protecting waters, rivers, wetlands and aquatic habitat in the Lowcountry of South Carolina has been an important goal of the League since its establishment. The League works in and has members in Horry County, the Waccamaw River watershed, and the Winyah Bay watershed.

21. The Southern Alliance for Clean Energy ("SACE") has been a leading voice for energy policy to protect the quality of life and treasured places in the Southeast, including South Carolina, since 1985. SACE works to minimize the impact of the energy sector on the Southeast's communities, natural resources, and economies. SACE works

to support clean energy, air, water, and safe communities. SACE has an office in Charleston, South Carolina, and works on energy issues in South Carolina, including the South Carolina Lowcountry.

22. The Foundation, the League, and SACE (collectively, the “Conservation Groups”) represent the interests of members who live in the immediate and general vicinity of the Grainger Station coal ash impoundments, in the Conway area, in Horry County, in the Waccamaw River Watershed, and in the Winyah Bay Watershed and who have an ongoing interest in protecting water quality, protecting the public, and protecting and conserving wildlife and wildlife habitat in the areas near and downstream of the Grainger coal ash impoundments. The areas near and downstream of the Grainger coal ash impoundments are used, enjoyed, and depended upon by these organizations and their members for recreation, fishing, aesthetic enjoyment, wildlife observation, and other uses. Harm to this area, including its water quality, wildlife habitat and aesthetic value, impairs and will impair these organizations’ and their members’ use and enjoyment of the area.

23. As set forth above, the Plaintiffs and their members have interests which are and will be adversely affected and irreparably harmed by the Grainger coal ash impoundments and by their current and continued placement beside the Waccamaw River.

24. The Conservation Groups and their members have been harmed by SCPSA’s pollution of South Carolina’s waters, groundwater, and environment. Members of the Conservation Groups recreate, fish, and hunt on and near the Waccamaw River in the vicinity of and downstream from SCSPA’s Grainger Station. They fear

contamination of wildlife and river water by discharges from SCSPA's coal ash lagoons containing arsenic and other pollutants. Members of the Conservation Groups also enjoy visiting the Waccamaw National Wildlife Refuge, which is located downstream from the Grainger coal ash impoundments, and consume drinking water withdrawn downstream from the Grainger coal ash impoundments. The Defendant's discharges of arsenic and other contamination from the Grainger coal ash lagoons and the threat of a catastrophic failure of the Grainger coal ash lagoons are reducing the use and enjoyment by the Conservation Groups and their members of the Waccamaw River, the Winyah Bay Watershed, and the Waccamaw National Wildlife Refuge.

25. The Conservation Groups and their members also have been damaged by being denied their right to participate in the decisions concerning SCPSA's pollution of South Carolina's waters, groundwater, and environment. If SCPSA had complied with the law, the Conservation Groups would have commented on SCPSA's pollution of the Waccamaw River, the Waccamaw River Watershed, and the Winyah Bay Watershed, as well as the terms and conditions under which it is allowed to pollute, particularly the Conservation Groups' concerns regarding the protection of important water resources and their expertise concerning those resources. Likewise, the Conservation Groups' members would have commented on SCPSA's pollution of the Waccamaw River and watershed and the Winyah Bay Watershed and the terms and conditions under which SCPSA is allowed to pollute. Further, a public hearing should have been held on these topics to obtain further information and to inform the public about the pollution and the effects on the Waccamaw River and watershed and the Winyah Bay Watershed, and the Conservation Groups and their members should have had an opportunity to attend and



speaking at such a hearing. The Conservation Groups and their members would have requested such a hearing if they have been given the opportunity to do so. The Conservation Groups and their members should also have had an opportunity for judicial review of any permit, if the permit were issued with such terms and conditions that the Conservation Groups and/or their members considered to be inappropriate for the health and benefit of the Waccamaw River and its watershed, the Winyah Bay Watershed, the environment of South Carolina, and the public.

26. As set forth above, the Conservation Groups and their members have interests which have been and are adversely affected and irreparably harmed by SCPSA's ongoing violation of the PCA; and the Conservation Groups and their members have been damaged by SCPSA's ongoing violation of the PCA. These actual and potential injuries and damages have been and continue to be caused by the illegal discharges from SCPSA's unlined coal ash impoundments into groundwaters of the State and the Waccamaw River and Winyah Bay. These injuries will not be redressed except by an order from this Court requiring SCPSA to take immediate and substantial action to stop the flow of ash into these impoundments, to empty the impoundments of all coal combustion byproducts, to move its storage of coal ash away from the floodway and floodplain of the Waccamaw River, to remediate the groundwater contamination at Grainger Station, and to comply with the other relief sought in this action. The Conservation Groups and their members also have been harmed and damaged by their exclusion from the process, the lack of an opportunity for public comment and public hearings, and the lack of an opportunity for judicial review.

## STATUTORY BACKGROUND

27. Under the PCA, it is “unlawful for any person, directly or indirectly, to throw, drain, run, allow to seep or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes and other wastes, *except as in compliance with a permit issued by the Department.*” S.C. Code § 48-1-90 (emphasis added). The PCA’s definition of “the environment” includes waters of the State and groundwater. *Id.* § 48-1-10.

28. The PCA’s permitting requirements are further defined in Regulation 61-9.505. “The Land Application permit and State permit program requires permits for the discharge of pollutants from any source directly or indirectly into groundwaters of the State and to the land of the State.” S.C. Code Regs. 61-9.505.1(b)(1) (2011). Section 505.21 provides, “Any person who discharges or proposes to discharge pollutants directly or indirectly to groundwaters of the State . . . shall submit a complete application to the Department in accordance with this section and R.61-9.124.”

29. Under the PCA, a permit is an “authorization, license, or equivalent control document issued by the Department to implement the requirements of this regulation, 40 C.F.R. Part 123, and R. 61-9.124 . . . Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.” S.C. Code Ann. Regs. 61-9.122.

30. The PCA requires that the public be given the opportunity to participate in the permitting process before DHEC may authorize the discharge of pollutants into the environment of the State. Under the PCA, the public has the right to comment and

request a public hearing on a proposed permit before it is issued and to seek judicial review after it is issued. S.C. Code §§ 48-1-100, 48-1-150, 44-1-60(G).

31. The PCA requires public notice and the opportunity to comment before the Department may issue a PCA permit. *See* S.C. Code § 48-1-100 (“If, *after appropriate public comment procedures*, as defined by department regulations, the department finds that the discharge from the proposed outlet or source will not be in contravention of provisions of this chapter, a permit to construct and a permit to discharge must be issued to the applicant”) (emphasis added); S.C. Code Regs. 61-9.122.1(g)(10) and 505.1 (g)(10) (clarifying that section 48-1-100 “requires an opportunity for public comment before issuance of permits to discharge”). The PCA also allows citizens to request a public hearing prior to DHEC’s issuance of a permit. S.C. Code § 48-1-150.

32. After public notice, the opportunity for comment, and any public hearings granted by the Department, DHEC issues a “department decision.” S.C. Code § 44-1-60(D). DHEC must give notice of its decision to “the applicant, permittee, licensee, and affected persons who have requested in writing to be notified.” *Id.* §44-1-60(E)(1). Parties and affected persons are given fifteen days after notice of a department decision is mailed to request a final review conference. *Id.* §44-1-60(E)(2). If no request for a final review conference is made within fifteen days of notice being mailed, the Department decision becomes the final agency decision. *Id.*

33. Affected members of the public have a right to appeal a final agency permitting decision pursuant to the South Carolina Administrative Procedure Act, S.C. Code § 1-23, and the PCA: “An applicant, permittee, licensee, or affected person may file

a request with the Administrative Law Court for a contested case hearing within thirty calendar days” after the board declines to hold a final review conference, the sixty-day deadline for a final review conference passes, or the agency decision resulting from the final review conference is received by the parties. S.C. Code § 44-1-60(G). Thereafter, a decision of the Administrative Law Court may be reviewed by the South Carolina Courts.

### FACTS

34. SCPSA owns and operates Grainger Station, a coal-fired electricity generating facility located on the Waccamaw River at Conway, South Carolina. Grainger Station includes two adjacent coal ash impoundments, known as Ponds One and Two, which are immediately adjacent to the Waccamaw River. Pond One is approximately 43 acres and Pond Two is approximately 39 acres in size. Both impoundments are unlined. These impoundments contain approximately 650,000 tons of coal ash.

35. The impoundments are located in wetlands adjacent to the Waccamaw River and are separated from the river by a dike. The dike is made of earth, including silty soils and soft clay. In the case of an earthquake, soils in the dike may liquefy, and SCPSA is aware of this threat.

36. Water from Pond Two is discharged into the Waccamaw River pursuant to National Pollutant Discharge Elimination System (“NPDES”) permit #SC0001104. The NPDES permit contains no effluent limitation for arsenic. That permit expired in 2006, has not been reissued, and has continued in place administratively. SCPSA has intentionally not asked DHEC to issue a new NPDES permit for that discharge point because of concerns about arsenic limitations.

37. The NPDES permit authorizes discharges into the Waccamaw River only from Outfall 001, the point source discharge into the Waccamaw River from Ash Pond Two, and from Outfall 002, which is the discharge point for once-through cooling water. The NPDES permit does not authorize discharges into the Waccamaw River from any other source. Indeed, none of the pollution addressed in this Complaint is covered or authorized by SCPSA's NPDES permit. DHEC has found that SCPSA's arsenic pollution of the groundwater at Grainger Station is not authorized by any permit.

38. The ash, coal pile runoff, and other waste streams directed to the Grainger coal ash impoundments contain metals, including arsenic. When the ash comes into contact with water, these metals, along with other contaminants, tend to leach or dissolve into the water. Arsenic levels that greatly exceed South Carolina's groundwater standards have been detected consistently in groundwater monitoring wells in the vicinity of the two impoundments since at least the 1990s.

39. In 2009, DHEC found and notified SCPSA in writing that SCPSA was in violation of the South Carolina Pollution Control Act due to its discharges of arsenic into the environment at Grainger without a permit. DHEC also determined that SCPSA violated the South Carolina Water Classification and Standards.

40. SCPSA has never obtained a permit for its arsenic pollution of groundwater and thereby the Waccamaw River at Grainger, and it has never taken steps to end and remediate its arsenic pollution. Instead, it has only monitored the arsenic pollution. Over the years, SCPSA's arsenic pollution at Grainger has continued unabated and, if anything, has increased.

41. SCPSA has specifically resisted and failed to test sediments in the Waccamaw River, despite repeated requests from DHEC to perform sediment testing.

42. Because SCPSA has never applied for a permit for the arsenic and other pollution of groundwater and thereby the Waccamaw River at Grainger, the public, the Conservation Groups, and their members were not and have not been given notice or the opportunity to submit comments to DHEC regarding SCPSA's arsenic and other pollution of the Waccamaw River and its watershed, the Conway community, the Winyah Bay Watershed, Horry County, and South Carolina. The public, the Conservation Groups, and their members were also denied the opportunity to request a public hearing or to appeal any permit allowing SCPSA's continued pollution. The public, the Conservation Groups, and their members were also denied the opportunity to comment on, to request a hearing concerning, or to seek judicial review of the failure to stop or remediate the arsenic contamination and pollution, to prevent it in the future, to require that it be moved away from the Waccamaw River, or to require that the coal ash be handled and stored in a way that does not pollute or contaminate the environment with arsenic, other toxic substances, and other pollutants.

43. In addition to contaminated water, arsenic, and other pollutants flowing and leaching from the unlined ash impoundments into the waters and groundwater of the State, the impoundments contain silty soil and soft clays. In the event of an earthquake, they are subject to liquefying. They pose a significant risk to the Waccamaw River and watershed, the Winyah Bay Watershed, the Conway community, Horry County, and South Carolina, particularly since SCPSA plans to leave the coal ash impoundments in their present location forever.

44. SCPSA has never obtained a permit to authorize its discharges of arsenic, contaminated water, and other pollutants into the waters and groundwater of the State from the coal ash impoundments or from locations other than those specified in the NPDES permit.

45. Today, SCPSA continues to operate Grainger Station without a permit for its ongoing discharges of arsenic and other contaminants from the coal ash impoundments into waters and groundwaters of the State.

46. The groundwater contamination beneath Grainger Station has increased over time. Recent data indicate that groundwater from monitoring wells near the Waccamaw River contain arsenic exceeding 2000 ppb and 3000 ppb – more than 200 to 300 times the legal limit. The legal limit is 10 ppb.

47. SCPSA's current plans would subject the State, the people of the State, the Conservation Groups, their members, and the waters and groundwater of the State, Horry County, and Conway to arsenic and other pollution from SCPSA's coal ash impoundments for decades to come and to a perpetual and permanent dangerous risk from hundreds of thousands of tons of coal ash stored in impoundments adjacent to the Waccamaw River.

48. By not obtaining a permit as required by law, SCPSA has avoided public notice, public comment, an appeal to the DHEC Board, and judicial review of its pollution. Thereby, SCPSA has denied the public, the Conservation Groups, and their members a voice in this very serious issue facing the State, its people, and its environment.

49. The Foundation has partnered with local and national groups to establish the Waccamaw River Blue Trail on the stretch of the river near and downstream from Grainger Station, and it has been working to have the U.S. Department of the Interior to designate the Waccamaw River a National River Trail. Both these projects will help to protect, conserve, and restore the Waccamaw River; will bring local, regional, and national attention of benefit to the Waccamaw River and the local community; and will encourage local residents and tourists to make beneficial use of the Waccamaw River, including the portion near, around, and downstream of Grainger Station. The continued pollution of groundwater and the Waccamaw River and the presence of these coal ash lagoons in perpetuity by the Waccamaw River are harmful to this effort, to the interests of the Conservation Groups in this effort, and the interests, uses, and enjoyment of the Conservation Groups' members in this Blue Trail. The removal of the coal ash lagoons by SCPSA would be of great benefit to this effort, to the interests of the Conservation Groups, and to the interests, uses, and enjoyment of the Conservation Groups' members in this Blue Trail. The Conservation Groups, their members, and the public have been and will be harmed in this way also by the continued presence of and pollution from the Grainger coal ash lagoons.

#### **CLAIM FOR RELIEF**

##### **(Violation of the South Carolina Pollution Control Act – Discharge of pollutants into the environment of the State without a permit)**

50. The allegations of the preceding paragraphs are incorporated by reference as if repeated and set forth herein.

51. The PCA prohibits the discharge of pollutants into the waters, groundwaters, and environment of the State without a permit. S.C. Code §§ 48-1-90, 48-



1-10. A permit under the PCA requires public participation in the form of notice and comment procedures as well as the opportunity to request a public hearing and obtain judicial review. *Id.* at §§ 48-1-100, 48-1-150, 44-1-60(G).

52. SCPSA has never received a permit authorizing it to discharge arsenic and other contaminants from the unlined coal ash impoundments into the waters, groundwaters, and environment of the State, nor into the Waccamaw River from any source other than its NPDES-permitted outfall. These continuing unpermitted discharges by SCPSA violate § 48-1-90 of the PCA.

53. SCPSA is capable of taking and is required to take significant action to reduce the ongoing contamination of the groundwater and Waccamaw River. However, SCPSA has taken no steps to do so and instead plans to leave the coal ash impoundments in place in perpetuity, thus continuing to leach arsenic and other toxic substances and pollutants from the unlined impoundments into the groundwater, waters, and environment of South Carolina for decades to come and an indefinite period of SCPSA storing tons of coal ash in impoundments in wetlands dangerously close to the Waccamaw River. To date, SCPSA has taken absolutely no action to remediate existing groundwater contamination.

54. In violation of law, the public, the Conservation Groups, and their members have been denied their rights to participate and comment under the PCA.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Issue a declaratory judgment stating that Defendant has violated the PCA with its ongoing unpermitted discharges of arsenic and other contaminants into the water, wetlands, groundwater, Waccamaw River, and environment;
- B. Enter appropriate preliminary and injunctive relief to ensure that Defendant:
  - a. Ceases disposal of all coal combustion byproducts in the impoundments at the Grainger Station;
  - b. Utilizes dry disposal of all new coal combustion byproducts from Grainger Station in an appropriately lined ISWLF facility outside the floodway and floodplain of the Waccamaw River, with appropriate monitoring;
  - c. Removes all existing coal combustion byproducts and contaminated soil from the impoundments at the Grainger Station within a reasonable amount of time and stores them in an appropriately lined ISWLF facility outside the floodway and floodplain of the Waccamaw River, with appropriate monitoring;
  - d. Prevents the flow of contaminated groundwater into the Waccamaw River;
  - e. Prevents the coal ash impoundments from leaking, seeping, and flowing into the Waccamaw River, except as permitted by the NPDES permit; and

f. Remediates the groundwater beneath Grainger Station resulting from its unpermitted discharges.

C. Award Plaintiffs the costs of this action; and

D. Grant Plaintiffs such further and additional relief as the Court deems just and proper.

THE PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY

This the 5<sup>th</sup> day of June, 2012.



Frank S. Holleman III  
S.C. Bar No. 2564  
fholleman@selcnc.org  
Southern Environmental Law Center  
601 West Rosemary Street, Suite 220  
Chapel Hill, NC 27516-2356  
Telephone: (919) 967-1450  
Facsimile: (919) 929-9421

J. Blanding Holman IV  
S.C. Bar No. 9805  
bholman@selcsc.org  
Southern Environmental Law Center  
43 Broad Street, Suite 300  
Charleston, SC 29401  
Telephone: (843) 720-5270  
Facsimile: (843) 720-5240

*Attorneys for Plaintiffs*