



APPEARANCES

DHEC staff: Donna Moye  
Justin Koon  
Kristy Ellenberg  
Juli Blalock  
Katherine Yon  
Lawra Boyce  
Jill Stewart  
Chris Stout  
Tim Eleazer  
Sean Briggs  
Shannon Hicks  
Reahnita Tuten  
Myra Reece  
Wendy Boswell

Speakers from the public: Segment 1 - 12:00 p.m.  
Rita Etheridge  
Mayor John McCann  
Juliana Smith, Coastal Conservation League  
Richard Moniuszko  
Paul Meehan  
Greg Lyons

Segment 2 - 1:00 p.m.  
Councilman Glenn Stanford  
Sarah Mason  
Risa Prince  
Renee Roth  
Bernard McGarrigle  
Kelley LeBlanc

Segment 3 - 2:00 p.m.  
Sandy Cleaves  
James Fisher  
Lance Pyle, General Manager:  
Association of Landowners of Port Royal Plantation

Segment 4 - 3:00 p.m.  
Gary Higgins

APPEARANCES (Continued)

Segment 5 - 4:00 p.m.  
Ainsley Tillman, Esq., for:  
Legends Horizontal Property Regime  
David Fingerhut  
David Park  
Patsy Brison  
Councilwoman Tamara Becker  
Deborah Boyd

Segment 6 - 6:30 p.m.  
Larry Landry  
Lynn Wiggins  
Pastor Jeanne Befano  
Bob Manne  
Linda Tobeson  
Kent Kerkhof

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Appended:

Transcript 091020 DHEC ArborNature Public Meeting  
Transcript 092420 DHEC ArborNature Public Meeting

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PROCEEDINGS

HEARING SEGMENT 1 - 12:00 p.m.

MS. MOYE: This public hearing is being held by the South Carolina Department of Health and Environmental Control, also known as DHEC, to accept comments on the draft permit for the proposed ArborNature Construction and Demolition Debris Transfer Station at 26 Summit Drive in Hilton Head Island in Beaufort County, South Carolina.

This public hearing is being held by phone in keeping with DHEC's efforts to prevent the spread of COVID-19 by avoiding group gatherings. We are pleased to offer you a formal opportunity to provide your input in this safe and effective manner. While the business of our state must continue during this time, DHEC remains committed to upholding the value of listening to and receiving your comments, questions, and concerns in our permitting process.

DHEC has created a webpage at [www.scdhec.gov/ArborNature](http://www.scdhec.gov/ArborNature) for access to information and documents pertaining to the proposed transfer station. A prerecorded presentation for this public hearing and a project

1 update summary have been posted on the webpage. A  
2 recording of this hearing will be available on the  
3 webpage before the close of the public comment  
4 period as well. A certified court reporter will  
5 prepare a written transcript of everything that is  
6 said during this public hearing. The transcript  
7 will be included in DHEC's official record for the  
8 permit decision.

9 This public hearing follows two previous DHEC  
10 public meetings held on September 10th and  
11 September 24th, respectively, where details about  
12 the proposed transfer station were discussed. The  
13 purpose of this public hearing is for DHEC to  
14 receive your comments formally and have them  
15 transcribed by a court reporter. Your comments are  
16 important to us and may provide our staff with  
17 additional things to consider when making a final  
18 permit decision.

19 A final decision on the draft permit has not  
20 yet been made and will not be made during this  
21 public hearing. DHEC welcomes and encourages your  
22 comments during this hearing and through the end of  
23 the public comment period on Thursday, November  
24 5th, 2020.

25 In order for this hearing to move forward in

1 an efficient and timely manner, we will proceed as  
2 follows. Justin Koon with DHEC's Solid Waste  
3 Permitting Program will provide remarks about  
4 DHEC's permitting process for the proposed transfer  
5 station. Following Justin's remarks, I will call  
6 on those of you who indicated during  
7 preregistration that you would like to make a  
8 comment during this time segment. If you have  
9 decided that you no longer wish to speak when you  
10 are called on, you may decline at that time. After  
11 all preregistered commenters for this segment have  
12 been heard, I will make closing remarks and the  
13 public hearing will resume at the appointed time  
14 for the next segment.

15 As we proceed, please remember the following  
16 ground rules that have been established. First,  
17 there will be no answers given during or after a  
18 comment. Second, in order to accommodate everyone,  
19 each commenter will have an equal opportunity to  
20 speak one time only for up to five minutes. A  
21 timer will sound, and I will interrupt you if you  
22 exceed the time limit. If you are not able to  
23 complete your comments within the allotted time,  
24 you may still submit them in writing before the end  
25 of the public comment period. Third, we ask that

1           you be respectful to one another. And, fourth,  
2           please do not interrupt or ask other participants  
3           to respond during or after your comments. Should  
4           any comments or actions begin to distract from the  
5           purpose of this hearing, the speaker may be muted  
6           or removed from the teleconference.

7                        I will now call on Justin Koon with DHEC's  
8           Solid Waste Permitting Program. Justin?

9           MR. KOON: Welcome to today's public hearing. This is  
10          Justin Koon, manager of the Solid Waste Permitting  
11          and Monitoring Section. DHEC has prerecorded a  
12          presentation for the public hearing and has  
13          uploaded it to the website for this project.  
14          Throughout the permitting process, DHEC has  
15          received many comments and questions from community  
16          members who are interested in this proposed  
17          project. In response to the additional information  
18          provided, DHEC is sharing several updates  
19          concerning the project, as well as proposed permit  
20          conditions that may be added to the permit if it is  
21          issued. DHEC is continuing to evaluate information  
22          and will consider all comments received throughout  
23          the public hearing and the end of the comment  
24          period before making a final decision regarding the  
25          application. I will now be sharing a few of the

1 updates provided in the presentation in case you  
2 have not had an opportunity to view it.

3 DHEC management from the Bureau of Land and  
4 Waste Management, the Bureau of Water, Ocean and  
5 Coastal Resource Management, the region, and the  
6 Environmental Affairs team met with the applicant  
7 on-site to discuss concerns and walk the property  
8 and adjacent areas on September the 30th. DHEC has  
9 received drawings from the Town of Hilton Head  
10 showing that the feature behind the site is manmade  
11 and was modified as part of a drainage improvement  
12 project for the airport in 2004. DHEC has  
13 determined, based on the plans and the site visit,  
14 that the feature is a drainage ditch.

15 The applicant, though, has chosen to move the  
16 operational area. The new location will provide a  
17 200-foot buffer to the drainage ditch, which  
18 provides additional environmental protection.

19 The FEMA FIRM maps are currently being updated  
20 for Hilton Head Island, and will be published in  
21 March of 2021. The new maps indicate that the  
22 parcel is not located in the 100-year floodplain.

23 The applicant has submitted a hurricane  
24 contingency plan to remove waste if a hurricane  
25 warning is issued.



1           As part of modifying the site plan, an updated  
2           coastal zone consistency determination is required.  
3           This process includes coordination with the  
4           Department of Natural Resources, which would  
5           identify the need for additional permit conditions  
6           related to bald eagle nesting sites. An updated  
7           application will be posted online once it is  
8           received.

9           So in addition to the updates provided, the  
10          following conditions are proposed to be added to  
11          the permit. Number 1, dead animals and putrescible  
12          waste are not allowed at the facility. If  
13          identified in the waste, they shall be removed from  
14          the operational area immediately and shall be  
15          stored in a manner to promote vector and odor  
16          control and removed from the facility within 24  
17          hours and taken to an appropriate solid waste  
18          management facility.

19          Number 2, based on the approved waste stream,  
20          an enclosed building is not required unless the  
21          permittee consistently fails to remove waste within  
22          one week of its receipt.

23          Number 3, no material may be stored on the  
24          ground outside of the operational area except that  
25          material which is covered under the composting

1 permit and subject to Regulation 61-107.4.

2 Number 4, if an evacuation of Hilton Head  
3 Island is issued, all waste and recyclable  
4 materials must be removed from the site and taken  
5 to an appropriate solid waste management or  
6 recycling facility.

7 Number 5, recyclable materials may be stored  
8 at the site for longer than one week as long as  
9 they have been separated from other waste and  
10 stored in a bin to be transported to an appropriate  
11 facility. This material is counted as part of the  
12 240-ton maximum storage limit at the site.

13 So this concludes the updates portion of  
14 tonight's public hearing. At this time, I'm going  
15 to turn it back over to Donna so that we can begin  
16 receiving your comments. If you wish to listen to  
17 the entire presentation, it is available on our  
18 website. Thank you.

19 MS. MOYE: Thank you, Justin. We will now hear from  
20 those of you who indicated during preregistration  
21 that you would like to make a comment. All lines  
22 will remain muted to minimize feedback and  
23 background noise. When I call your name, enter  
24 star-six on your phone to unmute your line, and  
25 please remember to state and spell your name for

1 the court reporter.

2 Our first speaker will be Rita Etheridge.

3 MS. ETHERIDGE: My name -- my name is Rita Etheridge.

4 It is spelled R-i-t-a E-t-h-e-r-i-d-g-e. I'd like  
5 to first of all thank you for taking my comments  
6 this afternoon, and I would especially like to  
7 thank Justin Koon and Myra Reece for all -- for  
8 answering all my questions and responding to my  
9 many e-mails.

10 Just this week, I learned that DHEC has deemed  
11 the feature that runs through part of the 4-acre  
12 parcel buffer zone as a drainage ditch. They based  
13 that information obtained during the permitting  
14 process and having visited the site and walked the  
15 feature. It still does not change the fact that,  
16 if we would experience a major flood event not  
17 caused by a hurricane, debris left on the open pad  
18 would most likely end up in the drainage ditch.  
19 That ditch runs from the airport property to Fish  
20 Haul Creek, and it is in close proximity to the 4-  
21 acre parcel and protected wetlands.

22 We know now that the 200-acre buffer would not  
23 be required. The applicant has opted to modify the  
24 site plan, relocating the proposed operational area  
25 slightly southwest of where it was originally

1 proposed. The new proposed location allocates a  
2 200-foot buffer to the drainage ditch, thereby  
3 providing additional environmental protection. The  
4 key word here is the 200-foot buffer to the  
5 drainage ditch. But we know from the supplemental  
6 wetlands report submitted by the Town of Hilton  
7 Head to DHEC that low-lying wetlands were  
8 discovered in the southwest corner of the 4-acre  
9 parcel that included only a 50-foot buffer zone.

10 The applicant also has submitted a hurricane  
11 contingency plan to DHEC that states all on-site  
12 waste and recyclable materials must be removed if a  
13 hurricane warning is issued for the -- for the --  
14 the -- for Hilton Head Island. Is DHEC going to  
15 take responsibility to ensure all materials are  
16 removed? We have dealt with ArborNature in the  
17 past, and they have not been the best of neighbors.  
18 We know, as of September 29th, 2020, this year has  
19 had the most hurricane landfalls recorded since  
20 1916. We know that since 2016, Hilton Head Island  
21 has experienced three mandatory evacuations due to  
22 hurricanes.

23 If DHEC cannot guarantee that all materials  
24 will be removed, here is what the residents of  
25 Hilton Head Island have to look forward to: We

1 know from the plans the Town submitted that the  
2 drainage ditch connects to a retention facility,  
3 which was designed in 2004 and installed around  
4 2006 and is located downstream of the ditch to  
5 improve water quality flowing from the airport into  
6 the Port Royal Sound. We know that the retention  
7 facility was installed to handle runoff from the  
8 Beach City Road airport area only. We know that  
9 the retention facility was designed to handle low-  
10 flow water events only. Let me repeat that: low-  
11 flow water events only. We know that the  
12 designated pad area for debris is only enclosed on  
13 three sides. We know that, in the event of a major  
14 hurricane, as was Matthew in 2016, the retention  
15 facility would not be able to handle that amount of  
16 water flow, much less debris. We know that any  
17 toxic debris that would be trapped in the retention  
18 facility would be sitting there for months.

19 Out of curiosity, I contacted the Town of  
20 Hilton Head to inquire when the retention facility  
21 was addressed after Hurricane Matthew, and this was  
22 the reply I received: "The Town -- Town's debris  
23 removal contractor CrowderGulf completed removing  
24 debris from the airport outfield ditch on July  
25 31st, 2017." The devastation to the island was so

1 great, it took nine months before the retention  
2 facility was addressed.

3 We know that DHEC's job is to act as the front  
4 protectors of the environment for South Carolina.  
5 Can you imagine the effect to our fragile ecosystem  
6 and our waterways if asbestos-laden materials, lead  
7 paint cans, and any animal carcasses that had not  
8 been removed from the site were to be trapped in  
9 the retention facility for nine months? It would  
10 be --

11 MS. MOYE: Ms. Etheridge? Ms. Etheridge?

12 MS. ETHERIDGE: Yes.

13 MS. MOYE: I'm -- your five minutes --

14 MS. ETHERIDGE: Yes.

15 MS. MOYE: Your five minutes have -- have elapsed. I  
16 would ask that you -- please, if you have  
17 additional comments that you were not able to read,  
18 if you will submit those to us in writing, we will  
19 certainly include them for this hearing. We want  
20 to make sure that --

21 MS. ETHERIDGE: Yes.

22 MS. MOYE: We want to make sure that everyone has an  
23 equal opportunity to speak, and we do have several  
24 other speakers lined up.

25 MS. ETHERIDGE: I will -- I will definitely submit this

1 to Justin. Thank you so much.

2 MS. MOYE: Thank you so much.

3 MS. ETHERIDGE: Goodbye.

4 MS. MOYE: Next on the list is Mayor John McCann.

5 MS. ETHERIDGE: Why can't I -- why can't I hear the  
6 thing?

7 MS. MOYE: Do we have Mayor John McCann with us?

8 MAYOR MCCANN: This is John McCann, M-c-C-a-n-n. I am  
9 -- I am a former Town Council representative for  
10 this area. I am currently the mayor of Hilton Head  
11 Island, and I am a long-time resident of Port Royal  
12 Plantation. Let me start with: I request that the  
13 DHEC rejects, denies ArborNature's permit for the  
14 -- for the waste transfer station.

15 As the mayor of Hilton Head Island, I -- I  
16 cherish what we have been able to create this  
17 incredible, desired community to live, work, and  
18 play. However, I believe that actions that are  
19 being proposed by ArborNature in developing a  
20 construction and demolition transfer center do not  
21 contribute to the betterment of our islands.

22 As a Town Councilperson during these whole  
23 hearings, I never remembered anything being talked  
24 about other than the relocation of the wood-  
25 chipping area into the current Summit area today.

1           We did -- as a council, we had very little  
2           knowledge of what was going on with the waste  
3           transfer center.

4           Having said that, ArborNature's applying to  
5           DHEC for a permit to operate a construction and  
6           demolition waste transfer station. Transfer  
7           stations do not belong anywhere near residential  
8           communities nor environmental sensitive areas. The  
9           environment must be considered here as Hilton  
10          Head's -- one of its beauties is its environment.

11          As we therefore rely on -- on you to ensure  
12          that each and every regulation has been -- that has  
13          been deployed over the years is strictly complied  
14          with, given the history that we've already seen  
15          with this particular company in alleged violations,  
16          multiplying regulations regarding their development  
17          site and the use of property prior to being  
18          permitted, how can we remotely believe that they  
19          will voluntarily comply with your regulations on  
20          this site will be run an operated? And bottom line  
21          is: We can't. As such, we request that you please  
22          deny their permit to operate a construction and  
23          demolition site.

24          In addition, both the tree cutting and the  
25          waste management is not just for Hilton Head



1           Island; it is being brought in from across the  
2           bridge from areas in -- in Bluffton, Hardeeville,  
3           and other areas along the way. I mean, it's bad  
4           enough that the -- we're talking about putting this  
5           in our backyard. It is worse that we're putting  
6           things in our backyard that are not -- that are not  
7           resided in the Town of Hilton Head but have come  
8           across the bridge. We ask you to give every  
9           consideration to denying this permit and with the  
10          Town of Hilton Head working with DHEC whenever we  
11          can. Thank you very much.

12         MS. MOYE: Thank you, Mayor -- Mayor McCann.

13         MAYOR MCCANN: Thank you.

14         MS. MOYE: Next on our list -- next on our list is  
15            Juliana Smith. Ms. Smith, you can unmute your line  
16            by pressing star-six and begin speaking.

17         MS. SMITH: Hi, can you hear me?

18         MS. MOYE: Yes, ma'am. Please go ahead.

19         MS. SMITH: This is Juliana Smith. That's J-u-l-i-a-n-a  
20            S-m-i-t-h. I am commenting on behalf of the  
21            Coastal Conservation League. I am the project  
22            manager here in Beaufort County on the proposed  
23            ArborNature C&D facility on Hilton Head Island.

24            First, I'd just like to point out that the  
25            change being made to the FEMA maps does not

1 decrease our risk of damage and pollution caused by  
2 tidal flooding and storms and hurricanes. It is a  
3 change in name only, and operating as if it means  
4 we will see decreased impacts from tidal flooding,  
5 storms, or hurricanes is irresponsible. This is  
6 evidenced by the recent sunny day flooding that  
7 occurred in Charleston just this week.

8 We also learned some painful lessons last year  
9 from the mismanaged C&D facility at the Able  
10 Contracting site. So paired with these two  
11 considerations -- the lessons we've learned and the  
12 location in what would still be a floodplain and  
13 near wetlands -- we request that certain safeguards  
14 be implemented on the ArborNature site to protect  
15 against environmental disaster.

16 Our requests are that height restrictions will  
17 be implemented on debris piles to limit the  
18 possibility of spontaneous combustion and the need  
19 for water to be spread over the site in order to  
20 put out any potential fires.

21 The insulation of a liner to prevent potential  
22 groundwater contamination from flooding and  
23 stormwater runoff, as well as groundwater  
24 monitoring in nearby ditches to continually assess  
25 and intervene if pollution does begin to occur.

1                   We also feel that the proposed \$34,000  
2                   assurance bond is insufficient. We urge you all to  
3                   require a bond that favors the Department and the  
4                   citizens you're tasked with protecting. More than  
5                   \$4 million was spent to clean up the disaster at  
6                   the similarly sized Able Contracting site last  
7                   year. And so let's learn from that lesson so that  
8                   we can best protect ourselves in the event that  
9                   something similar happens at this site.

10                   Also, given the obvious concerns about this  
11                   site, as evidenced by intense community engagement,  
12                   we request the number of required site inspections  
13                   be explicitly included in the potential permit. I  
14                   know that these things are required behind the  
15                   scenes and not typically included in those permits,  
16                   but I think that it would make everybody feel a  
17                   little bit better to know how many inspections are  
18                   required and to see that in any potential permit.

19                   And, finally, this is obviously an issue of  
20                   great importance to the community, and the League  
21                   hopes that you all will give meaningful  
22                   consideration to the large community engagement and  
23                   consider all of the concerns in your final  
24                   decision.

25                   I want to thank you for going above and beyond

1 to make sure that the community can learn as much  
2 about this facility and the -- and the proposed  
3 permits, as well as making sure they can engage in  
4 this process, especially considering the  
5 difficulties of this unprecedented time. We will  
6 submit our comments in writing, as well, just in  
7 case anything else arises. And thank you for this  
8 opportunity.

9 MS. MOYE: Thank you, Ms. Smith. Our next registered  
10 speaker is Richard Moniuszko. If you are on the  
11 line, sir, I would ask that you please state your  
12 name and spell it before you begin speaking, and to  
13 do that, you can press star-six on your phone.

14 MR. MONIUSZKO: Good (technical interruption). My name  
15 is Richard Moniuszko -- nice pronunciation there.  
16 It is M-o-n-i-u-s-z-k-o.

17 I want to thank you for the opportunity to  
18 address the proposed ArborNature Transfer Station  
19 on Hilton Head. There are two concerns that I want  
20 to address. The first is that an industrial waste  
21 facility such as the one proposed by ArborNature is  
22 not compatible with the development of Hilton Head  
23 Island. If you do an internet search and look up  
24 Hilton Head, it's described as a renowned  
25 environmentally planned resort and residential

1 community known for its natural beauty, exceptional  
2 ecology, and historical sites. Preserving the  
3 natural landscape, as it was cited by William  
4 Hilton more than 300 years ago, is what inspired  
5 Charles Fraser to create the resort and residential  
6 community we have on this island, and his model has  
7 been followed in its development since the 1950s.  
8 Hilton Head Island is known worldwide as an  
9 environmentally conscious home for its 40,000 full-  
10 time residents as well as an estimated 2.5 million  
11 visitors who come to the island each year with a  
12 \$1.5 billion impact on South Carolina's economy.

13 Storing 240 tons of construction and  
14 demolition debris at the Dillon Road site, trucks  
15 hauling this debris through residential  
16 neighborhoods, and even larger trucks hauling  
17 debris on and off the island are not compatible  
18 with the nature of the island, the desires of its  
19 residents, or the tourists who come from all over  
20 the world to visit.

21 My second concern with providing this permit  
22 is inadequate monitoring of what will take place on  
23 this site. Your presentation states that dead  
24 animals and organic putrescible waste are to be  
25 removed from the operational area immediately,

1 stored in a manner to prevent vector and odor  
2 control, and removed from the facility within 24  
3 hours and taken to an appropriate solid waste  
4 management facility. Your presentation also states  
5 that recyclable materials may be stored at the site  
6 for longer than one week if they are in a bin, and  
7 hazardous waste materials are not allowed.

8 My questions are these: How and where will  
9 ArborNature store these waste materials? And, even  
10 more importantly, who is going to monitor these  
11 timelines? As has been previously mentioned, there  
12 is an issue of trust with ArborNature. In the  
13 earlier public hearing, Justin Koon mentioned that  
14 DHEC will probably only visit the site a couple of  
15 times each year.

16 Truck traffic -- you know, the -- Justin also  
17 mentioned in his presentation that truck traffic is  
18 not a concern of DHEC, nor is community opposition.

19 To summarize, an industrial construction and  
20 debris waste transfer station is not compatible  
21 with the residential area surrounding this site,  
22 and it's also not compatible with the residential  
23 and tourism nature of Hilton Head Island. It will  
24 result in greater truck traffic on Dillon Road and  
25 more even larger trucks hauling waste on and off

1 the island on Highway 278. The ability to monitor  
2 the storage of these materials and to ensure that  
3 disallowed materials are removed in a timely  
4 fashion does not appear to be adequate.

5 I hope that DHEC will look beyond its  
6 bureaucratic rules as to what's best for the  
7 island, including its contribution to the state  
8 economy, and will not jeopardize these things.  
9 DHEC should not grant ArborNature this transfer  
10 station permit. And I thank you for your time.

11 MS. MOYE: Thank you, Mr. Moniuszko. Next on our list  
12 of preregistered speakers is Terence Willis.  
13 Mr. Willis, you can unmute your line by pressing  
14 star-six.

15 We will skip Mr. Willis at this point and come  
16 back to him in just a few minutes. We will go  
17 ahead and move on to our next registered speaker,  
18 which is Paul Meehan. Mr. Meehan, if you are with  
19 us --

20 MR. MEEHAN: Hello. Can you --

21 MS. MOYE: Is that you, Mr. Meehan?

22 MR. MEEHAN: Can you hear me now?

23 MS. MOYE: Yes, sir. We can. Please state and spell  
24 your name for the court reporter before you begin  
25 speaking.

1 MR. MEEHAN: All right. Thank you. Good -- good  
2 afternoon. My name is Paul Meehan, and it's  
3 spelled M-e-e-h-a-n. Thanks for this time to speak  
4 today on the subject of ArborNature and the  
5 proposed waste transfer station.

6 I want to preface my comments and questions by  
7 saying that the questions that I'm going to submit  
8 to you today and I've submitted in writing are  
9 based on a comparison of the Regulation 61-107.7 as  
10 compared to the application submitted by  
11 ArborNature. I did this evaluation prior to the  
12 preregistration -- I'm sorry -- pre-presentation  
13 document that was made available on the DHEC  
14 website, so my comments or questions are based just  
15 on the regulations as it is. Pre-presentation  
16 alters the regulations with several one-time  
17 allowances or changes that essentially amend the  
18 61-107.7 regulation to fit the application.

19 The regulation either is or it is not. In  
20 public comments made in the first two Q&A meetings,  
21 several questions raised about the -- the  
22 regulation, its age, its accuracy and effectiveness  
23 or any field or lab testing as to the effectiveness  
24 of the regulation. It was, at that time, the  
25 position of DHEC that the regulation is what it is.



1           That's what it must use for permit evaluation, and  
2           it stands that way regardless of whether it's up to  
3           date or comprehensive enough. DHEC and the  
4           applicant cannot have it both ways. It's a  
5           regulation. It is not a case-by-case  
6           interpretation. Otherwise, it is not a regulation.  
7           It either is or it isn't. So I submit the  
8           questions based on the regulation that is there,  
9           that is part of DHEC.

10                    Question 1, from Section D: Regulation Item  
11           Number 2 requires that three copies be filed with  
12           the application as to the adjacent areas, both  
13           public and private, and the water supplies next to  
14           it. I did not find that.

15                    Next question, Section D, Item 2, Subsection  
16           A, applying for training. There is nothing of any  
17           substantial nature in the application for any  
18           training as it relates to any kind of monitoring  
19           what waste comes in or any part of the operation,  
20           any quality control -- controls in place for the  
21           operations. That was not in the application.

22                    Next question, Section E, Item 5: "Transfer  
23           stations shall not be located in any wetlands."  
24           The pre-presentation just categorically says, "No.  
25           It's not wetlands." I have a problem with that.

1 All of the Army Corps of Engineers definitions,  
2 this is a wetland. The supplemental information  
3 describes that somebody else has previously  
4 described that there's parts of this site that are  
5 at water's edge, 3 feet or less of elevation. This  
6 is a barrier island surrounded by water. It's the  
7 easternmost portion of this barrier island next to  
8 the ocean. The current flood plan is zoned A7.  
9 That's the current plan. We can't discuss what  
10 might be in the future and, yes, sea levels are  
11 rising.

12 Next question, Section E, Item 7, it's about  
13 the roads. It's not a DHEC issue, as just  
14 mentioned; however, the roads are not adequate, and  
15 this is a public safety issue. Somebody is going  
16 to get hurt badly going into those roads. There's  
17 just not passage for these trucks.

18 Next question, in E, Item Number 8:  
19 "Unloading storage materials must be of a low  
20 permeability material, i.e. asphalt or concrete."  
21 The site plan calls for crushed gravel aggregate.  
22 This is not low permeability. It does not meet the  
23 regulation. It is not asphalt or concrete.

24 Next question, Section E, Item 10: "The  
25 tipping area is to be an enclosed building." The

1 plan submitted with the application calls for this  
2 to be footings around three sides for the tipping  
3 area. This does not meet the regulation of an  
4 enclosed building.

5 Next question, Section E, Item 14: "When  
6 possible, these transfer station must be -- not be  
7 constructed in a 100-year floodplain." I think  
8 I've covered that already.

9 Next questions, Section F, operation criteria.  
10 Item Number 1, "prevent any authorized receipt of  
11 prohibited waste." There is no procedures anywhere  
12 in this application that -- that describes that  
13 they have any idea of what they're going to be  
14 doing -- dealing with and how to handle it. All  
15 they've referred to is making sure that their  
16 drivers have appropriate licenses. They apparently  
17 don't have any experience in this kind of  
18 operation, any operational or business acumen  
19 whatsoever.

20 Next question, Section F, operation criteria.  
21 "All floors at to be free" -- floors -- "are to be  
22 free of standing water." Well, there are no floors  
23 in this plan.

24 Next set of questions aren't really that  
25 requirements were missed; they just were very

1           lacking. Again, somebody mentioned the mitigation  
2           for a disaster or closure of 34,000. We know it  
3           cost millions for -- for Able. The numbers that  
4           derived from that were suspicious that they don't  
5           know what they're talking about.

6           Section D, Subsection H, I do not find a  
7           sufficient construction plan. It was at best an  
8           outline plan overlaid over the supplemental layout.

9           You got to deny this. That's my time. You  
10          got to deny this. We can't allow for evacuation --  
11          people -- from a hurricane when trucks are  
12          competing for the road space. We need a bad actor  
13          law. And we need to ban waste transfer stations  
14          from barrier islands. Thank you. Deny this.

15         MS. MOYE: Thank you, Mr. Meehan. Our next registered  
16          commenter is Greg Lyons. Mr. Lyons, you can press  
17          star-six on your phone and begin speaking. Please  
18          begin with spelling your name for the court  
19          reporter.

20         MR. LYONS: Hello. My name is Greg Lyons. Last name  
21          L-y-o-n-s. I thank you for your time, and I  
22          appreciate the opportunity to be able to speak here  
23          in this forum.

24                 I feel very strongly about this issue, and  
25          this issue has to do with the matter of feet, and

1           it's 3,000 feet. We currently live 3,000 feet from  
2           this proposed facility that is going to be operated  
3           by ArborNature. ArborNature happens to own another  
4           company or be affiliated with another -- another  
5           company called "Tropical Trash."

6           Tropical Tash is a roll-off dumpster company  
7           that deals with construction sites and demolition  
8           sites. They also operate portable toilets for  
9           these sites. I'm very concerned that the site is  
10          just going to become the main dumping ground for  
11          their dumpsters so they don't have to be hauled off  
12          of the island in small containers. And they will  
13          be processed here at the rate that they said in  
14          their -- in their published documents that are  
15          available on the DHEC website, but they will be  
16          going above and beyond that limit -- they will be  
17          pushing that limit based on their past experiences  
18          on Leg O Mutton Road.

19          So also within that 3,000 feet, there are US  
20          Fish and Wildlife Service designated wetlands.  
21          There are also DHEC-certified source water  
22          assessment program public water supply wells  
23          protection zones. So within that 3,000 feet,  
24          there's a -- there's a well that services Hilton  
25          Head PSD, our local water utility. There are

1 numerous cases that have already been stated on  
2 this call that have the retention ponds being not  
3 adequate to service and protect both the wildlife  
4 preserve designated wetlands as well as these  
5 public water supply wells.

6 Beyond that 3,000 feet, and going out  
7 extending into the -- into the bay and into the  
8 Port Royal Sound, you have home of bald eagles that  
9 are regularly seen in the pine trees near Fort  
10 Walker Beach in the Port Royal community. They're  
11 fishing in Coggin Creek. They're symbols of  
12 America, and this is all within their territory.

13 It's also home to deer and endless seabirds.  
14 There are herons, ibis, egrets, many varieties of  
15 birds -- shore birds. And speaking of those shore  
16 birds, there's also US Fish and Wildlife Service  
17 critical habitat for the piping plover, which is  
18 just outside of that range of 3,000 feet from this  
19 proposed facility.

20 Beyond that, on the other side of the Port  
21 Royal Sound and leading into the Atlantic Ocean,  
22 there's US Fish and Wildlife critical habitat for  
23 the loggerhead sea turtle.

24 Also to go along with -- with this is our own  
25 health, and our health and the health of the people

1           that visit this island to the tune of 2.5 million  
2           people every year. Hilton Head Airport is right  
3           next to this proposed facility. It has the  
4           potential to be the first thing that people see  
5           when they land on this island and the last thing  
6           they see when they leave. I don't think Tropical  
7           Trash should be allowed to operate this in this  
8           zone and -- for all of these reasons, including the  
9           health of our citizens and the people that visit  
10          here every year.

11                       Not to mention, that Tropical Trash -- we  
12          talked about a little bit, touched on the  
13          composting that is going to be taking place there  
14          as well in conjunction with the C&D facility. This  
15          is something that is known to cause dangerous  
16          pathogens in the air. Best practices for  
17          composting strongly advocate for always wearing a  
18          nose and mouth guard or dust mask to avoid inhaling  
19          the various spores that become airborne during  
20          tilling and turning. Millions of these spores are  
21          released and become airborne when compost is  
22          turned. These spores are directly associated with  
23          causing respiratory infection and pulmonary  
24          diseases. Reports establish that airborne spores  
25          travel up to 3,000 meters, that's 9,800 feet, three

1 times the distance of our homes to this site.

2 We would strongly recommend and strongly  
3 advocate that DHEC, for all of these reasons, deny  
4 this permit for ArborNature and Tropical Trash.

5 Thank you.

6 MS. MOYE: Thank you, Mr. Lyons. Our final registered  
7 speaker for this segment of the public hearing is  
8 Peter Traver. I hope I'm pronouncing that  
9 correctly. Peter Traver, phone number ending in  
10 3116. If you are with us, you can press star-six  
11 on your phone to begin speaking. We will wait a  
12 moment and come back to Mr. Traver.

13 I would like to go back to Mr. Terence Willis  
14 who also registered to speak during this segment of  
15 the public hearing. Mr. Willis's phone number ends  
16 in 8825. If you are with us, you can unmute your  
17 line.

18 I do not see where Mr. Willis or Mr. Traver  
19 have joined us, so we will have the record reflect  
20 that they were called upon to speak but were not  
21 available.

22 With that, that concludes everyone who  
23 preregistered to comment during this segment of the  
24 public hearing. Anyone who would like to comment  
25 but did not preregister will be given an



1 opportunity to speak during the evening session  
2 that begins at 6:30 p.m.

3 On behalf of DHEC, I would like to thank  
4 everyone for joining this public hearing to give us  
5 your comments. Please note, once again, that  
6 written comments may be submitted to the attention  
7 of Justin Koon by mail or e-mail through November  
8 5th, 2020. All written comments received on or  
9 before this date will be considered in DHEC's  
10 decision-making process.

11 Following the close of the public comment  
12 period, DHEC will review and consider all comments  
13 received and make a final decision on the draft  
14 permit. The permit decision and a summary response  
15 to all comments will be provided to everyone on our  
16 mailing list.

17 You have the right to request a final review  
18 of any permit decision made by DHEC. The final  
19 review request must be submitted in writing to  
20 DHEC's Clerk of the Board, along with a filing fee  
21 in the amount of \$100 within 15 days after notice  
22 of DHEC's permit decision has been mailed.

23 In consideration of this requirement, you will  
24 receive notification of DHEC's permit decision by  
25 standard US mail or by e-mail. If you wish to be

1 notified of DHEC's decision by certified mail  
2 instead, please make your request in writing no  
3 later than November 5th, 2020. If you have not  
4 received an e-mail or postal mail directly from  
5 DHEC throughout this process, please go to our  
6 webpage and complete the online registration form  
7 for this hearing. This will let us know how to  
8 notify you of DHEC's final permit decision.

9 Finally, there is a link on our webpage to a  
10 public hearing survey. We are interested in  
11 knowing your thoughts and suggestions about this  
12 public hearing teleconference and how DHEC can  
13 improve the way we communicate and share  
14 information with you. Please take a moment to  
15 share your feedback with us in the next couple of  
16 days.

17 On behalf of DHEC, I would again like to thank  
18 you for your attendance and comments during this  
19 segment of the public hearing. Please continue to  
20 protect yourself and others by wearing a mask and  
21 following local, state, and federal guidelines to  
22 minimize the spread of COVID-19. The next segment  
23 of this hearing will begin promptly at 1 p.m.

24 Thank you again.

25 (End of Hearing Segment 1.)

1 HEARING SEGMENT 2 - 1:00 p.m.

2 MS. MOYE: Hello and welcome. The time is now 1:01 p.m.  
3 on Thursday, October 22nd, 2020, and this public  
4 hearing will now begin. My name is Donna Moye, and  
5 I will serve as your hearing officer. On behalf of  
6 DHEC, I would like to thank you for taking the time  
7 to join us today.

8 This public hearing is being held by the South  
9 Carolina Department of Health and Environmental  
10 Control, also known as DHEC, to accept comments on  
11 the draft permit for the proposed ArborNature  
12 Construction and Demolition Debris Transfer Station  
13 at 26 Summit Drive in Hilton Head Island in  
14 Beaufort County, South Carolina.

15 This public hearing is being held by phone in  
16 keeping with DHEC's efforts to prevent the spread  
17 of COVID-19 by avoiding group gatherings. We are  
18 pleased to offer you a formal opportunity to  
19 provide your input in this safe and effective  
20 manner. While the business of our state must  
21 continue during this time, DHEC remains committed  
22 to upholding the value of listening to and  
23 receiving your comments, questions, and concerns in  
24 our permitting process.

25 DHEC has created a webpage for access to

1 information and documents pertaining to the  
2 proposed transfer station. A prerecorded  
3 presentation for this public hearing and a project  
4 update summary have been posted on the webpage. A  
5 recording of this hearing will be available on the  
6 webpage before the close of the public comment  
7 period as well. That webpage address is  
8 [www.scdhec.gov/ArborNature](http://www.scdhec.gov/ArborNature). A certified court  
9 reporter will prepare a written transcript of  
10 everything that is said during this public hearing.  
11 The transcript will be included in DHEC's official  
12 record for the permit decision.

13 This public hearing follows two previous DHEC  
14 public meetings held on September 10th and  
15 September 24th, respectively, where details about  
16 the proposed transfer station were discussed. The  
17 purpose of this public hearing is for DHEC to  
18 receive your comments formally and have them  
19 transcribed by a court reporter. Your comments are  
20 important to us and may provide our staff with  
21 additional things to consider when making a final  
22 permit decision.

23 A final decision has not yet been made and  
24 will not be made during this public hearing. DHEC  
25 welcomes and encourages your comments during this

1 hearing and through the end of the public comment  
2 period on Thursday, November 5th, 2020.

3 In order for this hearing to move forward in  
4 an efficient and timely manner, we will proceed as  
5 follows. Justin Koon with DHEC's Solid Waste  
6 Permitting Program will provide remarks about  
7 DHEC's permitting process for the proposed transfer  
8 station. Following Justin's remarks, I will call  
9 on those of you who indicated during  
10 preregistration that you would like to make a  
11 comment during this time segment. If you have  
12 decided that you no longer wish to speak when you  
13 are called on, you may decline at that time. After  
14 all preregistered commenters for this segment have  
15 been heard, I will make closing remarks and the  
16 public hearing will resume at the appointed time  
17 for the next segment.

18 As we proceed, please remember the following  
19 ground rules that have been established. First,  
20 there will be no answers given during or after a  
21 comment. Second, in order to accommodate everyone,  
22 each commenter will have an equal opportunity to  
23 speak one time only for up to five minutes. A  
24 timer will sound, and I will interrupt you if you  
25 exceed the time limit. If you are not able to

1 complete your comments within the allotted time,  
2 you may still submit them in writing before the end  
3 of the public comment period. Third, please be  
4 respectful of one another. And, fourth, please do  
5 not interrupt or ask other participants to respond  
6 during or after your comments. Should any comments  
7 or actions begin to distract from the purpose of  
8 this hearing, the speaker may be muted or removed  
9 from the teleconference.

10 I will now call on Justin Koon with DHEC's  
11 Solid Waste Permitting Program. Justin?

12 MR. KOON: Welcome to today's public hearing. This is  
13 Justin Koon, manager of the Solid Waste Permitting  
14 and Monitoring Section. DHEC has prerecorded a  
15 presentation for the public hearing and has  
16 uploaded it to the website for this project.  
17 Throughout the permitting process, DHEC has  
18 received many comments and questions from community  
19 members who are interested in this proposed  
20 project. In response to the additional information  
21 provided, DHEC is sharing several updates  
22 concerning the project, as well as proposed permit  
23 conditions that may be added to the permit if it is  
24 issued. DHEC is continuing to evaluate information  
25 and will consider all comments received throughout

1 the public hearing and the end of the comment  
2 period before making a final decision regarding the  
3 application. I will now be sharing a few of the  
4 updates provided in the presentation in case you  
5 have not had an opportunity to view it.

6 DHEC management from the Bureau of Land and  
7 Waste Management, the Bureau of Water, Ocean and  
8 Coastal Resource Management, the region, and the  
9 Environmental Affairs team met with the applicant  
10 on-site to discuss concerns and walk the property  
11 and adjacent areas on September the 30th. DHEC has  
12 received drawings from the Town of Hilton Head  
13 showing that the feature behind the site is manmade  
14 and was modified as part of a drainage improvement  
15 project for the airport in 2004. DHEC has  
16 determined, based on the plans and the site visit,  
17 that the feature is a drainage ditch.

18 The applicant, though, has chosen to move the  
19 operational area. The new location will provide a  
20 200-foot buffer to the drainage ditch, which  
21 provides additional environmental protection.

22 The FEMA FIRM maps are currently being updated  
23 for Hilton Head Island, and will be published in  
24 March of 2021. The new maps indicate that the  
25 parcel is not located in the 100-year floodplain.

1           The applicant has submitted a hurricane  
2           contingency plan to remove waste if a hurricane  
3           warning is issued.

4           As part of modifying the site plan, an updated  
5           coastal zone consistency determination is required.  
6           This process includes coordination with the  
7           Department of Natural Resources, which would  
8           identify the need for additional permit conditions  
9           related to bald eagle nesting sites. An updated  
10          application will be posted online once it is  
11          received.

12          So in addition to the updates provided, the  
13          following conditions are proposed to be added to  
14          the permit. Number 1, dead animals and putrescible  
15          waste are not allowed at the facility. If  
16          identified in the waste, they shall be removed from  
17          the operational area immediately and shall be  
18          stored in a manner to promote vector and odor  
19          control and removed from the facility within 24  
20          hours and taken to an appropriate solid waste  
21          management facility.

22          Number 2, based on the approved waste stream,  
23          an enclosed building is not required unless the  
24          permittee consistently fails to remove waste within  
25          one week of its receipt.



1                   Number 3, no material may be stored on the  
2                   ground outside of the operational area except that  
3                   material which is covered under the composting  
4                   permit and subject to Regulation 61-107.4.

5                   Number 4, if an evacuation of Hilton Head  
6                   Island is issued, all waste and recyclable  
7                   materials must be removed from the site and taken  
8                   to an appropriate solid waste management or  
9                   recycling facility.

10                  Number 5, recyclable materials may be stored  
11                  at the site for longer than one week as long as  
12                  they have been separated from other waste and  
13                  stored in a bin to be transported to an appropriate  
14                  facility. This material is counted as part of the  
15                  240-ton maximum storage limit at the site.

16                  So this concludes the updates portion of  
17                  tonight's public hearing. At this time, I'm going  
18                  to turn it back over to Donna so that we can begin  
19                  receiving your comments. If you wish to listen to  
20                  the entire presentation, it is available on our  
21                  website. Thank you.

22                  MS. MOYE: Thank you, Justin. We will now hear from  
23                  those of you who indicated during preregistration  
24                  that you would like to make a comment. All lines  
25                  will remain muted to minimize feedback and

1 background noise. When I call your name, enter  
2 star-six on your phone to unmute your line and  
3 please remember to state and spell your name for  
4 the court reporter.

5 We will begin with Councilman Glenn Stanford.

6 COUNCILMAN STANFORD: Thank you.

7 MS. MOYE: Thank you, Councilman Stanford.

8 COUNCILMAN STANFORD: I'm -- thank you. My name is  
9 spelled, Glenn, G-l-e-n-n, last name Stanford, S-t-  
10 a-n-f-o-r-d. I am member of the Town Council of  
11 Hilton Head Island; however, I am not speaking on  
12 behalf of Hilton Head Island in this presentation.  
13 I am speaking as an interested citizen of the  
14 island seeking to protect our environment.

15 I want to begin by questioning: How can we  
16 have a hearing when all the information is not  
17 complete? A review of the hearing announcement  
18 shows that no final design has been created and  
19 many aspects of this application are yet to be  
20 determined. How can something be subject to a  
21 hearing before all of the facts are presented to  
22 the public for reaction? Then, I would move on.

23 I begin with: What is the mission of DHEC?  
24 Quote, it is "to improve the quality of life for  
25 all South Carolinians by protecting and promoting

1 the health of the public and the environment."

2 Frankly, I see no way that this application and  
3 this particular facility can meet that mission in  
4 this particular location.

5 Why are we opposed to this application? We  
6 are here -- we are concerned about protection of  
7 the environment. We are concerned about protection  
8 of the waterways and the ocean. These vital  
9 aspects of our environment are subject to harm,  
10 danger, and major environmental impact from this  
11 particular transfer station.

12 If I go to the history of this situation, this  
13 company's primary business for many years has been  
14 wood-chipping and tree processing. They had their  
15 business at another location where the business  
16 grew to such a degree and generated so much noise  
17 that citizens complained. The Town then  
18 investigated, found that the use that was being  
19 permitted at that other location was not a  
20 permitted use.

21 That decision was then appealed to the Board  
22 of Zoning Appeals. I served on the Board of Zoning  
23 Appeals at the time; in fact, I was the chairman of  
24 the BZA. We listened to many arguments and a lot  
25 of presentation and wound up upholding the decision

1 of the Town.

2 That matter was then appealed to the circuit  
3 court, and I had no further involvement with it.  
4 For reasons I will never understand, the case was  
5 settled in the court. Many people assumed that  
6 ArborNature would continue with its wood-chipping  
7 operation and tree processing at the new location  
8 on Summit Drive. However, there was a loophole in  
9 the document which was not caught and allowed this  
10 application to be submitted to DHEC.

11 I would submit to you that there is a  
12 difference between a transfer station and a wood-  
13 chipping operation. However, both of those  
14 operations are going to occur on this location and  
15 the -- the regulations applicable to wood chipping  
16 and composting should be applied in the same way as  
17 the -- the regulations applicable to a waste  
18 transfer station. I recognize that those  
19 regulations are different; however, I note that  
20 there are much more stringent protections afforded  
21 to the environment coming out of an application for  
22 a wood-chipping and processing operation. Frankly,  
23 I find that to be confusing, but that is what it  
24 is.

25 Then, if we look at the location of this

1 facility, it has obvious drainage into many  
2 residential communities where hundreds of people  
3 live every day. This -- this drainage also would  
4 proceed to the ocean. We all recognize and value  
5 the -- the environment of the ocean, and this  
6 creates an opportunity for pollution of the  
7 environmental waters in addition to the waters that  
8 are flowing through and over these adjacent  
9 residential communities.

10 Then, the location is adjacent to the airport.  
11 The facility will create dust, will create noise,  
12 and in many opportunities will create an  
13 opportunity for birds to gather around. That is a  
14 hazard to an airport, and that should be taken into  
15 account in proceeding with this matter.

16 The waste materials that will be processed in  
17 this location would include wood chips. We all  
18 know what those are. They -- they are subject to  
19 different regulations; however, they are subject to  
20 regulations of the Town -- of the DHEC. Then we  
21 have the hazardous materials that are involved. I  
22 just learned that animal carcasses will not be  
23 permitted, and that is good news. But then there  
24 would be paint -- possibly lead-based paint -- and  
25 asbestos permitted to be processed through this

1 transfer station. The environmental and health  
2 hazards from those materials is crystal clear  
3 according to the current science.

4 MS. MOYE: Councilman --

5 COUNCILMAN STANFORD: This is simply the wrong --

6 MS. MOYE: Councilman Stanford?

7 COUNCILMAN STANFORD: Yes.

8 MS. MOYE: With all due respect, sir, we would like to  
9 provide an equal opportunity for everyone to  
10 comment for up to five minutes. If you could  
11 please wrap up your comments or either submit them  
12 in writing to us, we would appreciate that so that  
13 we can have time for everyone else.

14 COUNCILMAN STANFORD: Thank you. I will wrap up. This  
15 is simply the wrong place for a waste transfer  
16 station in a residential community, adjacent to an  
17 airport, in part of a resort community. I want to  
18 encourage DHEC and each of you to honor and respect  
19 the mission of DHEC. Thank you for this  
20 opportunity.

21 MS. MOYE: Thank you so much, Councilman Stanford. Next  
22 on our list is Sarah Mason. Ms. Mason, you can  
23 star-six to unmute your line, and please spell your  
24 name for the court reporter.

25 MS. MASON: Can you hear me?

1 MS. MOYE: Yes, ma'am. We can. Please spell your name  
2 for the court reporter, and then you can begin your  
3 comments.

4 MS. MASON: Sarah, S-a-r-a-h. My last name is Mason,  
5 M-a-s-o-n. And I confess I'm a little nervous. I  
6 never ever speak at these things, but I'm going to  
7 give it my best shot.

8 We just moved into a home here on Hilton Head,  
9 and I want to tell you that the reason we moved  
10 here was because I told my husband that, when we  
11 retire, I wanted to live in a place that had nature  
12 that couldn't be replicated by man. And there's  
13 golf courses, but there's the ocean and all the  
14 surrounding beauty, and that's why I love this  
15 place.

16 I am so upset that this transfer station is  
17 going to be put on such low-lying land. It's just  
18 so high risk. And I don't care if you call it a  
19 drainage ditch or a stream or 200 feet or 200 yards  
20 are added in, when a hurricane hits -- and a  
21 hurricane is going to hit and it is going to flood  
22 -- it's going to flood a place that is allowed to  
23 have unlimited amounts of asbestos. When that  
24 pollutes the groundwater and when it pollutes Fish  
25 Haul Creek and the (technical interruption).

1                   Justin said that he -- they have to have --  
2                   ArborNature has to have a fund -- a cleanup fund.  
3                   How do you put a number on that? You -- you can't.  
4                   The devastation is just way too profound and way  
5                   more than we can even conceive of. Once you  
6                   pollute it, it's polluted. It doesn't ever go back  
7                   to what it is right now. And I just find that far  
8                   riskier than we would ever want to have happen.

9                   I know that there's also supposed to be an  
10                  oversight person who goes around to make sure,  
11                  like, regulations are being followed. But we just  
12                  had this thing in Okatie, and so the same  
13                  (technical interruption) is over that, look what  
14                  happened in Okatie. It's clearly not working very  
15                  well. So once they start operating, it's going to  
16                  be -- it's not going to be -- there's not going to  
17                  be any oversight. We'll -- we know it. They're  
18                  going to be doing whatever they want. And I -- I  
19                  just think it's way, way too dangerous.

20                 I -- I don't understand how it all happened,  
21                 but to me it seems to me like basically a couple of  
22                 people are benefitting because they had a clever  
23                 lawyer. And what's going to happen when this area  
24                 becomes polluted -- it's not just us -- for  
25                 generations into the future, they will have this



1 spoiled environment instead of the beautiful  
2 environment we have now. Once you go there, you  
3 can never get it back. That's why it's so critical  
4 that we at least put the brakes on this until we  
5 can investigate a little bit further. You can  
6 never, never get your clean environment back.  
7 You'll never show me one instance of that  
8 happening.

9 I -- I don't know what happened with the Town  
10 Council, but I'm asking you, DHEC, to please help  
11 us. I understand you're -- got the regulations,  
12 "Well, we're just letting it go through," and --  
13 and I get that. But there's got to be something  
14 that you can do to help us. Again, I -- I can't  
15 tell you enough, once -- once you let asbestos into  
16 Fish Haul Creek, what are you going to -- what are  
17 going to do? Clean up? Clean up what? You're  
18 never going to get it back ever, ever, ever. And  
19 if we allow that to happen to our environment,  
20 that's our legacy. Not just DHEC, all of us.  
21 We're all to blame for that.

22 And I just want to say one thing: I grew up  
23 in northern New York next to the Canadian border  
24 and the state of Vermont, and in between New York  
25 and Vermont is a lake, Lake Champlain. It's the

1 sixth largest lake in the US, and I grew up right  
2 on the shores of that lake. And I love it more  
3 than I can possibly describe. When I was a kid,  
4 there was Georgia Pacific plant that was dumping  
5 phosphates wholesale into this lake. And, as a kid  
6 -- that was in the '70s when it was all like the  
7 environment and Earth Day -- I would ask adults,  
8 "How can we let this happen?" And every adult  
9 would be like, "Gosh. Golly. Well, what are we  
10 going to do? That's the law. Nothing we can do.  
11 Those are the regulations."

12 And so, of course, by the time the plant shut  
13 down and they paid \$20 million and it didn't clean  
14 up anything and now hundreds of millions of dollars  
15 have been spent to clean up and it's still not even  
16 remotely what it used to be, we have to say:  
17 That's the legacy of those people then. And all  
18 the people who benefitted back then, they're dead  
19 and gone, and we're left with a dirty lake.

20 And do we want to do that to our surrounding  
21 area here? To Fish Haul Creek? Beautiful Fish  
22 Haul Creek and the waterfowl, our beautiful ocean.  
23 Let's not make that mistake. I (technical  
24 interruption) better and, DHEC, I'm just asking you  
25 for your help. Thank you for listening.

1 MS. MOYE: Thank you, Ms. Mason.

2 MS. MASON: I'm done.

3 MS. MOYE: Thank -- thank you so much. I think that you  
4 did very well for your -- for your first speaking.

5 MS. MASON: Thanks. I really have a total knot in my  
6 stomach. So I appreciate that.

7 MS. MOYE: You -- you articulated your thoughts very  
8 well. So thank you for that.

9 Our next speaker is Ms. Risa Prince.

10 Ms. Prince, you can press star-six on your phone to  
11 unmute your line, and please spell your name for  
12 the court reporter.

13 MS. PRINCE: Yes, ma'am. This is Risa Prince, R-i-s-a  
14 P-r-i-n-c-e.

15 A C&D waste transfer station on a barrier  
16 island is most certainly a rare operation. The  
17 public has not found any previous DHEC-permitted  
18 waste transfer operation on a barrier island whose  
19 history might provide either a cautionary tale or  
20 some measure of comfort that this operation could  
21 be less risky than we anticipate. We call for DHEC  
22 to do a more thorough evaluation of all of the  
23 factors relevant to this application.

24 A full environmental impact statement is  
25 warranted to investigate impacts on air quality,

1 noise, impact of and to the wetlands, fish and  
2 wildlife, flood hazards, floodplain values, water  
3 supply and conservation, water quality, safety,  
4 roadway and traffic impacts, impact of colocation  
5 with a composting operation, environmental justice  
6 for the adjacent neighborhoods, and in general the  
7 needs and welfare of the people.

8 In the public meetings about this application,  
9 DHEC staff explained that, despite the agency's  
10 mission to provide -- to protect the public health  
11 and the environment, all that can be considered in  
12 processing this application is the quality of the  
13 application itself and the current regulation. In  
14 previous statements, I noted examples of the  
15 deficiencies of the original application, which  
16 DHEC staff acknowledged and pledged to work with  
17 the applicant to correct. That response continues  
18 to disturb me. The deficiencies I noted seemed to  
19 be surprising to DHEC's staff. While I'm a  
20 chemical engineer, most of the deficiencies I noted  
21 don't require anything more than careful reading  
22 and simple math. Why would DHEC's staff not simply  
23 follow its stated procedure and deny a bad  
24 application?

25 During those same public meetings, staff also

1 told the public that the current regulations have  
2 not been updated since 1993, despite DHEC policy to  
3 do so every five years. Staff stated these changes  
4 need to be enacted by the Legislature, yet every  
5 legislative session includes updates to other state  
6 regulations. Has DHEC even reviewed these  
7 regulations and brought updates to the Legislature?  
8 And, if DHEC has in fact done that, why has DHEC  
9 been ineffective in getting those regulations  
10 updated? Clearly, there are systemic  
11 administrative issues at DHEC.

12 In our opinion, the best remedy would be for  
13 DHEC to place a moratorium on all applications  
14 pending regulatory update. While we believe that a  
15 moratorium is required, that will take some time;  
16 therefore, we the public advocate DHEC deny this  
17 permit application for the following reasons. The  
18 specified site is unsuitable for a waste transfer  
19 station as it is on a barrier island surrounded by  
20 wetlands, will contain a well for the composting  
21 permit into the freshwater aquifer that supplies  
22 Hilton Head Island drinking water, it's within 400  
23 feet of existing residential property and within a  
24 previously environmentally impacted historic Gullah  
25 community.

1           In addition, there are open questions about  
2           the suitability of the applicant given that it is  
3           currently named as a defendant in the lawsuit filed  
4           by Jasper County to remediate the Able waste  
5           transfer station and currently and previously  
6           operating in violation of the Town of Hilton Head  
7           Island's land management ordinance.

8           I have one final question: DHEC's project  
9           update summary of October 2020 says, "An enclosed  
10          building will be required if the permittee  
11          consistently fails to remove the waste within one  
12          week of its receipt." How is DHEC planning to  
13          monitor that? Or are you going to -- continue to  
14          rely on the public to do that job?

15          Thank you for DHEC's recognition of the  
16          community's significant concerns.

17          MS. MOYE: Thank you, Ms. Prince. Our next registered  
18          commenter is Renee Roth.

19          MS. ROTH: My name is Renee Roth, spelled R-e-n-e-e  
20          R-o-t-h, and I live in Port Royal Plantation.  
21          Thank you for this opportunity to speak.

22          As many others have testified, I am also  
23          opposed to having a C&D waste transfer station on  
24          Hilton Head. I agree with all the environmental  
25          issues that have been discussed previously. As a

1 barrier island, subject to flooding and storms, the  
2 proposed site in the middle of a wetland within a  
3 historic community is not a suitable location for  
4 this operation. But beyond this site being the  
5 wrong location, I have significant concerns about  
6 ArborNature being the operator.

7 I cannot understand how DHEC can -- can  
8 consider ArborNature operator for this facility  
9 based on these facts. ArborNature violated the  
10 Town's ordinances on its Leg O Mutton location.  
11 ArborNature is a defendant in the cleanup lawsuit  
12 filed by Jasper County to recover the mitigation  
13 costs for the Able Contracting waste site. I have  
14 firsthand experience with ArborNature and its  
15 owner. ArborNature performed services at my home  
16 which breached Town ordinances. As my contractor,  
17 ArborNature's actions put me at risk both with the  
18 Town and my homeowners association. Current  
19 reports indicate ArborNature has once again  
20 violated Town ordinances on its new Summit Drive  
21 site.

22 Given ArborNature's demonstrated disregard for  
23 complying with government rules and the risky  
24 environmental consequences of ignoring DHEC  
25 regulations for a waste transfer operation on this

1 particular site, I respectfully request DHEC deny  
2 this permit. Thank you.

3 MS. MOYE: Thank you, Ms. Roth. Our next speaker is  
4 Bernard McGarrigle. Mr. McGarrigle, if you would  
5 star-six to unmute your line, and state and spell  
6 your name for the court reporter, please.

7 Bernard --

8 MR. MCGARRIGLE: Good afternoon. My --

9 MS. MOYE: Thank you. Please go ahead, sir.

10 MR. MCGARRIGLE: Yes. I'm sorry. My name is Bernard  
11 McGarrigle. That's spelled B-e-r-n-a-r-d  
12 M-c-G-a-r-r-i-g-l-e. These are our comments and  
13 opinions. I'm speaking on behalf of myself and my  
14 wife.

15 The proposed site is far too close to  
16 residential areas, including those on Dillon Road  
17 and Port Royal Plantation. Buffer zones and  
18 drainage are inadequate in our opinion. The types  
19 of debris could release toxins including lead,  
20 heavy metals, and especially asbestos into the air  
21 close to residential areas. We believe there is a  
22 risk of groundwater contamination. This risk could  
23 be further increased during a tropical storm or  
24 hurricane.

25 The types of debris could attack -- attract



1           potentially harmful vermin, especially considering  
2           Hilton Head's climate.

3           Fire risk so close to the airport and fuel  
4           storage is unacceptable. The wood-chipping site  
5           should never have been located here in the first  
6           place, and this newly proposed demolition waste  
7           transfer station will only serve to increase noise  
8           pollution.

9           Property values, especially those in the Port  
10          Royal Plantation, could be damaged.

11          Dillon Road is a small two-lane road and  
12          numerous heavy trucks will introduce wear and tear  
13          that was not anticipated and will have to be  
14          repaired at taxpayer expense. The lanes and  
15          traffic lights at the intersection of Dillon Road  
16          and William Hilton Parkway may be inadequate to  
17          safely handle the increased heavy trucks and  
18          traffic, another potential taxpayer expense.  
19          Adding heavy truck traffic to the traffic already  
20          going to the Hilton Head Recycling Center could  
21          cause problems and congestion.

22          Residents of the apartment complex located  
23          exactly at the intersection of Dillon Road and  
24          Gateway Circle will be put at risk by the increased  
25          heavy traffic and other problems noted above.

1           The factors impacting residents and roadways  
2           must be taken into consideration, not just the  
3           isolated technicalities of the proposed site itself  
4           and the existing permitting policies. There must  
5           be far more acceptable sites off island.

6           Given the location and the special nature of  
7           Hilton Head Island, this decision warrants special  
8           consideration above and beyond any existing  
9           contracts or routine inadequate permitting  
10          policies. There is no possible justification for  
11          putting a facility of this nature on this  
12          ecologically fragile coastal island, a state and  
13          national treasure, regardless of any special  
14          training or other mitigating steps that may be  
15          proposed. As homeowners and citizens who value  
16          this island for the unique and rare treasure that  
17          it is, we urge DHEC to deny this permit. Thank  
18          you.

19        MS. MOYE: Thank you, Mr. McGarrigle. Our next speaker  
20          is Mr. Lance Pyle. I'll remind you, Mr. Pyle, to  
21          please spell your name for the court reporter once  
22          you have star-sixed to unmute your phone.

23          Mr. Lance Pyle, if you are with us, if you would  
24          press star-six to unmute your line.

25                We will move on with our final registered

1 speaker for this segment of the public hearing.

2 Mr. Pyle, if you are listening, we will come back  
3 to you after we hear from Kelley LeBlanc. Is  
4 Kelley LeBlanc joining us?

5 MS. LEBLANC: This is Kelley LeBlanc.

6 MS. MOYE: Hi.

7 MS. LEBLANC: It's K-e-l-l-e-y L-e-B-l-a-n-c.

8 I wanted to echo everyone else's concern about  
9 the environmental, the water concerns. I don't  
10 think anything should be stored on that facility  
11 that could possibly leach into the water supply in  
12 any way, whether there's a flood or not.

13 Also, I don't know whether there are any DHEC  
14 regulations on noise pollution for this type of  
15 industry. I think that there are for mining, but  
16 I'm not completely familiar with the DHEC  
17 regulations. There -- if there aren't regulations  
18 for noise pollution, there should be. And I -- and  
19 maybe I could just put that out there. And I'm not  
20 sure whether there are, and if there are  
21 regulations, this -- a facility like this should  
22 have sound barriers around it.

23 I know that this is going into an area where  
24 the airport is put in, and the airport has been  
25 expanded, so that neighborhood is already stressed

1 with noise. And maybe that's why it was allowed to  
2 go in that neighborhood: "Well, it's already loud.  
3 Let's add some more noise." Well, I don't think  
4 that's fair to the neighbors. We should take care  
5 of them.

6 Noise is a physical stress. I'm a  
7 chiropractor, so there's different types of stress.  
8 So chemical stress, which we've been talking about;  
9 there's, you know, the air pollution stress with  
10 the asbestos that's a concern of that going into  
11 the air; and then, you know, we're talking about  
12 the stress of that type of noise. And I -- I'm  
13 sure that there is research that shows that that  
14 type of noise causes physical stress. So it should  
15 be under DHEC regulations if it isn't now. So  
16 thank you very much for your time.

17 MS. MOYE: Thank you, Ms. LeBlanc.

18 MS. LEBLANC: Thank you.

19 MS. MOYE: Ms. LeBlanc was the final registered speaker  
20 for this segment of the public hearing. I would  
21 like to go back to Mr. Lance Pyle. Mr. Pyle, if  
22 you are with us, if you will press star-six on your  
23 phone to unmute your line. It looks like you're  
24 with us, Mr. Pyle. If you would just press the  
25 star-six on your phone so that we will be able to

1           hear your comment. Mr. Lance Pyle, phone number  
2           ending in 7640. Mr. Pyle, we'll give you just a  
3           second in case you were joining us by some other  
4           device. We'll give you just a few minutes to grab  
5           your phone and dial in. Are you there?

6           MR. PARK: This is Dave Park. I -- I've -- I've been on  
7           this thing before. If you ask people to double  
8           unmute, because I think people mute their phone,  
9           and then we have another mute, and then they get  
10          confused or whatever. So I don't know if you -- if  
11          he'd unmute his phone twice, I guess, essentially,  
12          right? So --

13          MS. MOYE: Okay. Thank you so much. Mr. Pyle, if you  
14          could possibly dial back in to the meeting and then  
15          star-six. I know that we have some open slots  
16          still in our next segment that begins at two  
17          o'clock. Mr. Pyle, I would encourage you, if you  
18          are having difficulty joining us through your phone  
19          that you -- that you try again after two, maybe by  
20          hanging up and -- and dialing back into the meeting  
21          or reaching out to us via e-mail to let us know  
22          what kind of problem you're having. We certainly  
23          do want to hear your comments. I know that you've  
24          been engaged throughout this process. So if you  
25          would just try again in our next hour from two to

1 three, we will try to get to you to hear your  
2 comments.

3 With Ms. LeBlanc being the final registered  
4 commenter for this segment of the public hearing,  
5 that concludes everyone who preregistered to  
6 comment. Anyone who would like to comment but did  
7 not preregister will be given an opportunity to  
8 speak during the evening session that begins at  
9 6:30 p.m.

10 On behalf of DHEC, I would like to thank  
11 everyone for joining this public hearing to give us  
12 your comments. Please note, once again, that  
13 written comments may be submitted to the attention  
14 of Justin Koon by mail or e-mail through November  
15 5th, 2020. All written comments received on or  
16 before this date will be considered in DHEC's  
17 decision-making process.

18 Following the close of the public comment  
19 period, DHEC will review and consider all comments  
20 received and make a final decision on the draft  
21 permit. The permit decision and a summary response  
22 to all comments will be provided to everyone on our  
23 mailing list.

24 You have the right to request a final review  
25 of any permit decision made by DHEC. The final

1 review request must be submitted in writing to  
2 DHEC's Clerk of the Board, along with a filing fee  
3 in the amount of \$100 within 15 days after notice  
4 of DHEC's permit decision has been mailed.

5 In consideration of this requirement, you will  
6 receive notification of DHEC's permit decision by  
7 standard US mail or by e-mail. If you wish to be  
8 notified of DHEC's decision by certified mail  
9 instead, please make your request in writing no  
10 later than November 5th, 2020. If you have not  
11 received an e-mail or postal mail directly from  
12 DHEC throughout this process, please go to our  
13 webpage and complete the online registration form  
14 for this hearing. This will let us know how to  
15 notify you of DHEC's final permit decision.

16 Finally, there is a link on our webpage to a  
17 public hearing survey. We are interested in  
18 knowing your thoughts and suggestions about this  
19 public hearing teleconference and how DHEC can  
20 improve the way we communicate and share  
21 information with you. Please take a moment to  
22 share your feedback with us in the next couple of  
23 days.

24 On behalf of DHEC, I would again like to thank  
25 you for your attendance and comments during this

1 segment of the public hearing. Please continue to  
2 protect yourself and others by wearing a mask and  
3 following local, state, and federal guidelines to  
4 minimize the spread of COVID-19. The next segment  
5 of this hearing will begin promptly at 2 p.m.

6 Thank you again.

7 (End of Hearing Segment 2.)

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1 HEARING SEGMENT 3 - 2:00 p.m.

2 MS. MOYE: Hello and welcome. The time is now 2:01 p.m.  
3 on Thursday, October 22nd, 2020, and this segment  
4 of the public hearing will now begin. My name is  
5 Donna Moye, and I will serve as your hearing  
6 officer. On behalf of DHEC, I would like to thank  
7 you for taking the time to join us today.

8 This public hearing is being held by the South  
9 Carolina Department of Health and Environmental  
10 Control, also known as DHEC, to accept comments on  
11 the draft permit for the proposed ArborNature  
12 Construction and Demolition Debris Transfer Station  
13 at 26 Summit Drive in Hilton Head Island, Beaufort  
14 County, South Carolina.

15 This public hearing is being held by phone in  
16 keeping with DHEC's efforts to prevent the spread  
17 of COVID-19 by avoiding group gatherings. We are  
18 pleased to offer you a formal opportunity to  
19 provide your input in this safe and effective  
20 manner. While the business of our state must  
21 continue during this time, DHEC remains committed  
22 to upholding the value of listening to and  
23 receiving your comments, questions, and concerns in  
24 our permitting process.

25 DHEC has created a webpage for access to

1 information and documents pertaining to the  
2 proposed transfer station. A prerecorded  
3 presentation for this public hearing and a project  
4 update summary have been posted on the webpage. A  
5 recording of this hearing will be available on the  
6 webpage before the close of the public comment  
7 period as well. That webpage address is  
8 [www.scdhec.gov/ArborNature](http://www.scdhec.gov/ArborNature). A certified court  
9 reporter will prepare a written transcript of  
10 everything that is said during this public hearing.  
11 The transcript will be included in DHEC's official  
12 record for the permit decision.

13 This public hearing follows two previous DHEC  
14 public meetings held on September 10th and  
15 September 24th, respectively, where details about  
16 the proposed transfer station were discussed. The  
17 purpose of this public hearing is for DHEC to  
18 receive your comments formally and have them  
19 transcribed by a court reporter. Your comments are  
20 important to us and may provide our staff with  
21 additional things to consider when making a final  
22 permit decision.

23 A final decision on the draft permit has not  
24 yet been made and will not be made during this  
25 public hearing. DHEC welcomes and encourages your

1           comments through the end of the public comment  
2           (technical interruption) Thursday, November 5th,  
3           2020.

4           In order for this hearing to move forward in  
5           an efficient and timely manner, we will proceed as  
6           follows. Justin Koon with DHEC's Solid Waste  
7           Permitting Program will provide remarks about  
8           DHEC's permitting process for the proposed transfer  
9           station. Following Justin's remarks, I will call  
10          on those of you who indicated during  
11          preregistration that you would like to make a  
12          comment during this time segment. If you have  
13          decided that you no longer wish to speak when you  
14          are called on, you may decline at that time. After  
15          all preregistered commenters for this segment have  
16          been heard, I will make closing remarks and the  
17          public hearing will resume at the appointed time  
18          for the next segment.

19          As we proceed, please remember the following  
20          ground rules that have been established. There  
21          will be no answers given during or after a comment.  
22          In order to accommodate everyone, each commenter  
23          will have an equal opportunity to speak one time  
24          only for up to five minutes. A timer will sound,  
25          and I will interrupt you if you exceed the time

1           limit. If you are not able to complete your  
2           comments within the allotted time, we encourage you  
3           to submit them in writing before the end of the  
4           public comment period. We ask that you please be  
5           respectful of one another, and please do not  
6           interrupt or ask other participants to respond  
7           during or after your comments. Should any comments  
8           or actions begin to distract from the purpose of  
9           this hearing, the speaker may be muted or removed  
10          from the teleconference.

11                   I will now call on Justin Koon with DHEC's  
12           Solid Waste Permitting Program. Justin?

13   MR. KOON: Welcome to today's public hearing. This is  
14           Justin Koon, manager of the Solid Waste Permitting  
15           and Monitoring Section. DHEC has prerecorded a  
16           presentation for the public hearing and has  
17           uploaded it to the website for this project.  
18           Throughout the permitting process, DHEC has  
19           received many comments and questions from community  
20           members who are interested in this proposed  
21           project. In response to the additional information  
22           provided, DHEC is sharing several updates  
23           concerning the project, as well as proposed permit  
24           conditions that may be added to the permit if it is  
25           issued. DHEC is continuing to evaluate information

1 and will consider all comments received throughout  
2 the public hearing and the end of the comment  
3 period before making a final decision regarding the  
4 application. I will now be sharing a few of the  
5 updates provided in the presentation in case you  
6 have not had an opportunity to view it.

7 DHEC management from the Bureau of Land and  
8 Waste Management, the Bureau of Water, Ocean and  
9 Coastal Resource Management, the region, and the  
10 Environmental Affairs team met with the applicant  
11 on-site to discuss concerns and walk the property  
12 and adjacent areas on September the 30th. DHEC has  
13 received drawings from the Town of Hilton Head  
14 showing that the feature behind the site is manmade  
15 and was modified as part of a drainage improvement  
16 project for the airport in 2004. DHEC has  
17 determined, based on the plans and the site visit,  
18 that the feature is a drainage ditch.

19 The applicant, though, has chosen to move the  
20 operational area. The new location will provide a  
21 200-foot buffer to the drainage ditch, which  
22 provides additional environmental protection.

23 The FEMA FIRM maps are currently being updated  
24 for Hilton Head Island, and will be published in  
25 March of 2021. The new maps indicate that the

1 parcel is not located in the 100-year floodplain.

2 The applicant has submitted a hurricane  
3 contingency plan to remove waste if a hurricane  
4 warning is issued.

5 As part of modifying the site plan, an updated  
6 coastal zone consistency determination is required.  
7 This process includes coordination with the  
8 Department of Natural Resources, which would  
9 identify the need for additional permit conditions  
10 related to bald eagle nesting sites. An updated  
11 application will be posted online once it is  
12 received.

13 So in addition to the updates provided, the  
14 following conditions are proposed to be added to  
15 the permit. Number 1, dead animals and putrescible  
16 waste are not allowed at the facility. If  
17 identified in the waste, they shall be removed from  
18 the operational area immediately and shall be  
19 stored in a manner to promote vector and odor  
20 control and removed from the facility within 24  
21 hours and taken to an appropriate solid waste  
22 management facility.

23 Number 2, based on the approved waste stream,  
24 an enclosed building is not required unless the  
25 permittee consistently fails to remove waste within

1           one week of its receipt.

2                   Number 3, no material may be stored on the  
3           ground outside of the operational area except that  
4           material which is covered under the composting  
5           permit and subject to Regulation 61-107.4.

6                   Number 4, if an evacuation of Hilton Head  
7           Island is issued, all waste and recyclable  
8           materials must be removed from the site and taken  
9           to an appropriate solid waste management or  
10          recycling facility.

11                  Number 5, recyclable materials may be stored  
12          at the site for longer than one week as long as  
13          they have been separated from other waste and  
14          stored in a bin to be transported to an appropriate  
15          facility. This material is counted as part of the  
16          240-ton maximum storage limit at the site.

17                  So this concludes the updates portion of  
18          tonight's public hearing. At this time, I'm going  
19          to turn it back over to Donna so that we can begin  
20          receiving your comments. If you wish to listen to  
21          the entire presentation, it is available on our  
22          website. Thank you.

23          MS. MOYE: Thank you, Justin. We will now hear from  
24          those of you who indicated during preregistration  
25          that you would like to make a comment. All lines

1 will remain muted to minimize feedback and  
2 background noise. When I call your name, please  
3 enter star-six on your phone to unmute your line  
4 and remember to state and spell your name for the  
5 court reporter.

6 Our first registered speaker is Sandy Cleaves.

7 MS. CLEAVES: Hi. Yes. I'm here.

8 MS. MOYE: Thank you, Ms. Cleaves. If you'll please  
9 spell your name before you begin.

10 MS. CLEAVES: Okay. Sandy Cleaves, S-a-n-d-y, and  
11 Cleaves is C-l-e-a-v-e-s.

12 MS. MOYE: Thank you. You can go ahead.

13 MS. CLEAVES: Okay. First, I wanted to thank DHEC and  
14 Justin Koon for allowing me to voice my opposition  
15 to ArborNature's transfer station proposed on  
16 Hilton Head Island.

17 I want to start with DHEC's mission statement,  
18 which aims to "improve the quality of life for all  
19 South Carolinians by protecting and promoting the  
20 health of the public and the environment."  
21 Approving ArborNature's application for a Class Two  
22 C&D recycling center on a small barrier island in  
23 an area with high density housing surrounded by  
24 waterways that are home to our local wildlife and  
25 within 100 feet of an airport with above-ground



1 fuel storage tanks, you would be totally going  
2 against all that your mission statement stands for.  
3 I ask that you think of the people of Hilton Head  
4 that have for years worked on protecting the  
5 environment, keeping the waterways pristine,  
6 protecting the wildlife, and keeping the island as  
7 natural as it can with the influx of the tourists  
8 it receives throughout the year.

9 I did try and reach out to several South  
10 Carolina representatives like Governor McMaster,  
11 Senator Graham, Congressman Cunningham, and they  
12 all referred me back to South Carolina DHEC  
13 department and my local representatives. When  
14 e-mailing Mayor McCann and the other city council  
15 members, with the exception of Glenn Stanford, I  
16 did not receive any response. It was frustrating  
17 to learn that our representatives have recklessly  
18 sided with ArborNature over their obligation to the  
19 people of Hilton Head and our beautiful island.

20 It does make me ask: Who would be legally  
21 responsible if there was to be contamination to the  
22 groundwater or the local waterways, air, or other  
23 potential hazards that are likely to happen in this  
24 high-density location? I'm hoping that DHEC will  
25 have more regard for our island and honor their

1 mission statement to improve, protect, and promote  
2 the environment, which ArborNature will only  
3 destroy if this -- if this proposal is approved.

4 Thank you.

5 MS. MOYE: Thank you, Ms. Cleaves. Our next registered  
6 speaker is James Fisher. Mr. Fisher, if you will  
7 please press star-six on your phone to unmute your  
8 line. I think we almost had you.

9 MR. FISHER: Hello. Can you hear me?

10 MS. MOYE: Yes, sir. You are a little faint. If you  
11 could just speak a little bit louder.

12 MR. FISHER: All right. My name is James Fisher. J-a-  
13 m-e-s Fisher, F-i-s-h-e-r. And I'm a nearby  
14 resident of Hilton Head Island. I would like to  
15 address two subjects. First, the wetlands and,  
16 second, the DHEC special permit conditions.

17 First, in my opinion, there are multiple legal  
18 issues regarding the wetlands. DHEC has documented  
19 that the site for the transfer station shall not be  
20 located in wetlands. DHEC has determined the site  
21 is not in wetlands but is basing the analysis on an  
22 obsolete -- and I'll repeat the word "obsolete" --  
23 Town of Hilton Head map titled, "New wetland  
24 delineation boundary," which is date October 2017.  
25 2017. With the extensive construction having --

1 being done near the airport and the removal of  
2 thousands of trees in the (technical interruption)  
3 previously documented wetlands on the opposite side  
4 of Summit Road and the total destruction of all  
5 vegetation on the 4-acre site by ArborNature for  
6 the purpose of developing a tree and composting  
7 facility, the total wetlands in the surrounding  
8 area need a new complete, comprehensive study that  
9 is current before any permit should be considered  
10 by DHEC. And since required materials were not  
11 provided, the application should be denied.

12 In addition, there are issues with regard to  
13 the legality and acceptability of this site since  
14 the site is indeed located in wetlands -- indeed  
15 located in wetlands. The 4-acre site is almost  
16 completely surrounded by wetlands. It'll be up to  
17 a room full of attorneys to argue the word of --  
18 the definition of the word "in," where the meaning  
19 is interpreted as the property itself is in the  
20 wetlands or "in" is interpreted "in the middle of  
21 wetlands." In my opinion, this site appears to be  
22 clearly in the middle of defined wetlands, and the  
23 permit needs to be denied.

24 My second subject I would like to address is  
25 the special conditions, whereas DHEC draft permit

1 states that the total solid waste on-site at any  
2 given time shall not exceed 240 tons, and noting  
3 this vague, completely obscure limit could be  
4 argued for years and close to impossible to monitor  
5 and whereas DHEC's proposed draft permit references  
6 a condition which states there is no monitoring  
7 requirements of the site and whereas the proximity  
8 of the site affects the quality and life of nearby  
9 historic Gullah community residents, residents of a  
10 nearby apartment complex, the residents of Port  
11 Royal community -- oh, yes, but it meets the  
12 obsolete and totally inappropriate 400-foot buffer  
13 established by DHEC in 1993 -- this permit needs to  
14 be denied since no special condition addresses the  
15 maximum of total solid waste that can be quantified  
16 by the public, such as limits on the square footage  
17 of the operational area for C&D debris or the  
18 height of the debris pile, and since no special  
19 condition addresses the concern of residents with  
20 regard to monitoring, which does not include simple  
21 clauses like "regular and unannounced" --  
22 unannounced monitoring that will be done on the  
23 site with findings provided to both the Town and  
24 the public and since no condition addresses the air  
25 quality issue and noise issue of nearby residences

1 from the dust created by the emptying of dumpsters  
2 and the noise from the emptying of dumpsters and  
3 loading of large trucks and, of course, don't  
4 forget the high-pitched sounds of beeping trucks  
5 backing up to drop their loads. Oh, yeah, wait.  
6 The large thud will be coming when the load hits  
7 the ground or into the trucks.

8 Since DHEC marches on with their mission of  
9 healthy people, healthy communities, it's time for  
10 DHEC to make a decision of whether DHEC will carry  
11 the flag for the support of the environment for the  
12 residents of South Carolina or be a goat on another  
13 environmental disaster for years to come. For all  
14 of these reasons, the application should be denied  
15 by DHEC.

16 And for the record, this application has been  
17 revised this week and includes a completely new  
18 layout. My compliments to Justin Koon and his  
19 staff for pushing out a ton of material this week.  
20 But it's too late for many people to comment. I  
21 would highly consider the legality of this public  
22 hearing is just -- and the whole meeting is highly  
23 questionable since it was -- time was not allowed  
24 to review new application received this last week.

25 In closing, anyone from DHEC and specifically

1 Justin Koon should go measure 400 feet from his  
2 house and see what 400 feet distance really means  
3 to his residence. Thank you for allowing us to  
4 speak.

5 MS. MOYE: Thank you, Mr. Fisher. Our final registered  
6 speaker was actually registered during the previous  
7 segment and had some connection problems, so we  
8 have included him in this segment. That would be  
9 Lance Pyle. Mr. Pyle, if you can star-six to  
10 unmute your line and spell your name, you can begin  
11 your comment.

12 MR. PYLE: Can you hear me?

13 MS. MOYE: Yes, sir, we can. Thank you so much.

14 MR. PYLE: My name is Lance Pyle, P-y-l-e, the General  
15 Manager for the Association of Landowners of Port  
16 Royal Plantation.

17 On behalf of the 1,500 landowners in Port  
18 Royal on Hilton Head, South Carolina, we request  
19 that DHEC deny the ArborNature Construction and  
20 Debris application. We believe there are  
21 environmental concerns that must be taken into  
22 consideration. Hilton Head is a barrier island.  
23 It has unique characteristics with a delicate  
24 environment and ecosystem. The water runoff on the  
25 site and the impact of down streams is very

1 dangerous to the environment and those in Port  
2 Royal. Landowners' properties back up to the marsh  
3 are in Fish Haul Creek.

4 While DHEC and the Town of Hilton Head have  
5 declared the stream a drainage ditch, the outfall  
6 of less than 2500 feet into Fish Haul Creek and the  
7 ocean cannot be overlooked. It should be the first  
8 and foremost reason to deny this application, even  
9 though you recognize the area as a drainage ditch,  
10 it is tidal, and to my knowledge, there is no  
11 control or preventive device that would prevent  
12 tides from flooding the ditch area, picking up the  
13 contaminants, and taking those back into the  
14 sensitive marsh ecosystem that is Fish Haul Creek.  
15 I would imagine with the regulation -- when the  
16 regulations were developed, tides and tidal areas  
17 were not taken into consideration.

18 The second point, the dust and debris will be  
19 airborne. Unlike inland construction and debris  
20 transfer stations, this site will be subject to  
21 regular changing sea breezes that are effected here  
22 on Hilton Head. The air circulation will also be  
23 picked up -- drywall dust and other particles to  
24 move those into nearby neighborhoods like Port  
25 Royal where landowners enjoy the outdoors, walking,

1           biking, playing golf. The site is 1,000 feet from  
2           the Town-owned public leisure paths, which if I  
3           recall have been nationally recognized.

4           This is 10 pounds of material in a 5-pound  
5           sack. The average person can clearly see that a  
6           C&D site with 240 tons of material combined with a  
7           compost waste station for grinding trees on 4 -- a  
8           4-acre parcel does not make sense.

9           This location is in a hurricane-prone area. I  
10          don't think it is reasonably considered --  
11          reasonably considered that within a hurricane  
12          evacuation time that 240 tons of debris, all the  
13          mulch, all the trees can be removed in an adequate  
14          amount of time for an evacuation, particularly on a  
15          storm that would come up quickly on our coastline.

16          The reality is construction -- construction  
17          containers will be brought in to the site, will  
18          have solid waste and other trash in the containers  
19          that's not construction debris. The trash that  
20          will be brought in will attract rodents and birds,  
21          no different than the dead animals. If the FAA has  
22          an issue with dead animals, they should also be  
23          concerned with the same trash brought into this  
24          site. This is much different than the county site  
25          where they use compactors to manage the solid waste



1 and not have it open to the air.

2 The insurance bond is inadequate and basically  
3 ridiculous. You have an application that currently  
4 has five conditional elements. I would challenge  
5 DHEC to provide another C&D permit application that  
6 has five conditional approvals. By adding a  
7 condition to the permit, it leads me to believe  
8 that DHEC is focused on the permitting -- the  
9 application and not focused on the environmental  
10 concerns, which for -- which is for the purpose of  
11 the state regulation agency.

12 You have received other requests today for  
13 others requesting additional conditions. So if you  
14 are inclined, and it sounds that you are inclined,  
15 to approve this permit and apply conditions, the  
16 only reasonable condition would be to approve this  
17 permit with a fully enclosed site.

18 On behalf of the 1,500 Landowners of Port  
19 Royal Plantation, I thank you for this opportunity  
20 to provide my comments. Thank you.

21 MS. MOYE: Thank you, Mr. Pyle. That concludes everyone  
22 who preregistered to -- to comment during this  
23 segment of the public hearing. Anyone who would  
24 like to comment but did not preregister will be  
25 given an opportunity to speak during the evening

1 session that begins at 6:30 p.m.

2 On behalf of DHEC, I would like to thank  
3 everyone for joining this public hearing to give us  
4 your comments. Please note, once again, that  
5 written comments may be submitted to the attention  
6 of Justin Koon by mail or e-mail through November  
7 5th, 2020.

8 Following the close of the public comment  
9 period, DHEC will review and consider all comments  
10 received and make a final decision on the draft  
11 permit. The permit decision and a summary response  
12 to all comments will be provided to everyone on our  
13 mailing list.

14 You have the right to request a final review  
15 of any permit decision made by DHEC. The final  
16 review request must be submitted in writing to  
17 DHEC's Clerk of the Board, along with a filing fee  
18 in the amount of \$100 within 15 days after notice  
19 of DHEC's permit decision has been mailed.

20 In consideration of this requirement, you will  
21 receive notification of DHEC's permit decision by  
22 standard US mail or e-mail. If you wish to be  
23 notified of DHEC's decision by certified mail  
24 instead, please make your request in writing no  
25 later than November 5th, 2020. If you have not

1 received an e-mail or postal mail directly from  
2 DHEC throughout this process, please go to our  
3 webpage and complete the online registration form  
4 for this hearing. This will let us know how to  
5 notify you of DHEC's final permit decision.

6 Finally, there is a link on our webpage to a  
7 public hearing feedback survey. We are interested  
8 in knowing your thoughts and suggestions about this  
9 public hearing teleconference and how DHEC can  
10 improve the way we communicate and share  
11 information with you. Please take a moment to  
12 share your feedback with us within the next couple  
13 of days.

14 On behalf of DHEC, I would again like to thank  
15 you for your attendance and comments during this  
16 segment of the public hearing. Please continue to  
17 protect yourself and others by wearing a mask and  
18 following local, state, and federal guidelines to  
19 minimize the spread of COVID-19. The next segment  
20 of this hearing will begin promptly at 3 p.m. You  
21 may remain on the line if you would like to listen  
22 in to that segment. Thank you.

(End of Hearing Segment 3.)

23  
24

1 HEARING SEGMENT 4 - 3:00 p.m.

2 MS. MOYE: Hello and welcome. The time is now 3 p.m. on  
3 Thursday, October 22nd, 2020, and this segment of  
4 the public hearing will now begin. My name is  
5 Donna Moye, and I will serve as your hearing  
6 officer. On behalf of DHEC, I would like to thank  
7 you for taking the time to join us today.

8 This public hearing is being held by the South  
9 Carolina Department of Health and Environmental  
10 Control, also known as DHEC, to accept comments on  
11 the draft permit for the proposed ArborNature  
12 Construction and Demolition Debris Transfer Station  
13 at 26 Summit Drive in Hilton Head Island in  
14 Beaufort County, South Carolina.

15 This public hearing is being held by phone in  
16 keeping with DHEC's efforts to prevent the spread  
17 of COVID-19 by avoiding group gatherings. We are  
18 pleased to offer you a formal opportunity to  
19 provide your input in this safe and effective  
20 manner. While the business of our state must  
21 continue during this time, DHEC remains committed  
22 to upholding the value of listening to and  
23 receiving your comments, questions, and concerns in  
24 our permitting process.

25 DHEC has created a webpage for access to

1 information and documents pertaining to the  
2 proposed transfer station. A prerecorded  
3 presentation for this public hearing and a project  
4 update summary have been posted on the webpage. A  
5 recording of this hearing will be available on the  
6 webpage before the close of the public comment  
7 period as well. That webpage address is  
8 [www.scdhec.gov/ArborNature](http://www.scdhec.gov/ArborNature). A certified court  
9 reporter will prepare a written transcript of  
10 everything that is said during this public hearing.  
11 The transcript will be included in DHEC's official  
12 record for the permit decision.

13 This public hearing follows two previous DHEC  
14 public meetings held on September 10th and  
15 September 24th, respectively, where details about  
16 the proposed transfer station were discussed. The  
17 purpose of this public hearing is for DHEC to  
18 receive your comments formally and have them  
19 transcribed by a court reporter. Your comments are  
20 important to us and may provide our staff with  
21 additional things to consider when making a final  
22 permit decision.

23 A final decision on the draft permit has not  
24 yet been made and will not be made during this  
25 public hearing. DHEC welcomes and encourages your

1           comments during the hearing today and through the  
2           end of the public comment period on Thursday,  
3           November 5th, 2020.

4           In order for this hearing to move forward in  
5           an efficient and timely manner, we will proceed as  
6           follows. Justin Koon with DHEC's Solid Waste  
7           Permitting Program will provide remarks about  
8           DHEC's permitting process for the proposed transfer  
9           station. Following Justin's remarks, I will call  
10          on those of you who indicated during  
11          preregistration that you would like to make a  
12          comment during this time segment. If you have  
13          decided that you no longer wish to speak when you  
14          are called on, you may decline at that time. After  
15          all preregistered commenters for this segment have  
16          been heard, I will make closing remarks and the  
17          public hearing will resume at the appointed time  
18          for the next segment.

19          As we proceed, I ask that you follow the --  
20          that you follow four ground rules. First, there  
21          will be no answers given during or after a comment.  
22          Second, in order to accommodate everyone, each  
23          commenter will have an equal opportunity to speak  
24          one time only for up to five minutes. A timer will  
25          sound, and I will interrupt you if you exceed the

1 time limit. If you are not able to complete your  
2 comments within the allotted time, we encourage you  
3 to submit them in writing before the end of the  
4 public comment period. Third, please be respectful  
5 to one another. And, fourth, please do not  
6 interrupt or ask other participants to respond  
7 during or after your comments. Should any comments  
8 or actions begin to distract from the purpose of  
9 this hearing, the speaker may be muted or removed  
10 from the teleconference.

11 I will now call on Justin Koon with DHEC's  
12 Solid Waste Permitting Program. Justin?

13 MR. KOON: Welcome to today's public hearing. This is  
14 Justin Koon, manager of the Solid Waste Permitting  
15 and Monitoring Section. DHEC has prerecorded a  
16 presentation for the public hearing and has  
17 uploaded it to the website for this project.  
18 Throughout the permitting process, DHEC has  
19 received many comments and questions from community  
20 members who are interested in this proposed  
21 project. In response to the additional information  
22 provided, DHEC is sharing several updates  
23 concerning the project, as well as proposed permit  
24 conditions that may be added to the permit if it is  
25 issued. DHEC is continuing to evaluate information

1 and will consider all comments received throughout  
2 the public hearing and the end of the comment  
3 period before making a final decision regarding the  
4 application. I will now be sharing a few of the  
5 updates provided in the presentation in case you  
6 have not had an opportunity to view it.

7 DHEC management from the Bureau of Land and  
8 Waste Management, the Bureau of Water, Ocean and  
9 Coastal Resource Management, the region, and the  
10 Environmental Affairs team met with the applicant  
11 on-site to discuss concerns and walk the property  
12 and adjacent areas on September the 30th. DHEC has  
13 received drawings from the Town of Hilton Head  
14 showing that the feature behind the site is manmade  
15 and was modified as part of a drainage improvement  
16 project for the airport in 2004. DHEC has  
17 determined, based on the plans and the site visit,  
18 that the feature is a drainage ditch.

19 The applicant, though, has chosen to move the  
20 operational area. The new location will provide a  
21 200-foot buffer to the drainage ditch, which  
22 provides additional environmental protection.

23 The FEMA FIRM maps are currently being updated  
24 for Hilton Head Island, and will be published in  
25 March of 2021. The new maps indicate that the



1 parcel is not located in the 100-year floodplain.

2 The applicant has submitted a hurricane  
3 contingency plan to remove waste if a hurricane  
4 warning is issued.

5 As part of modifying the site plan, an updated  
6 coastal zone consistency determination is required.  
7 This process includes coordination with the  
8 Department of Natural Resources, which would  
9 identify the need for additional permit conditions  
10 related to bald eagle nesting sites. An updated  
11 application will be posted online once it is  
12 received.

13 So in addition to the updates provided, the  
14 following conditions are proposed to be added to  
15 the permit. Number 1, dead animals and putrescible  
16 waste are not allowed at the facility. If  
17 identified in the waste, they shall be removed from  
18 the operational area immediately and shall be  
19 stored in a manner to promote vector and odor  
20 control and removed from the facility within 24  
21 hours and taken to an appropriate solid waste  
22 management facility.

23 Number 2, based on the approved waste stream,  
24 an enclosed building is not required unless the  
25 permittee consistently fails to remove waste within

1           one week of its receipt.

2           Number 3, no material may be stored on the  
3           ground outside of the operational area except that  
4           material which is covered under the composting  
5           permit and subject to Regulation 61-107.4.

6           Number 4, if an evacuation of Hilton Head  
7           Island is issued, all waste and recyclable  
8           materials must be removed from the site and taken  
9           to an appropriate solid waste management or  
10          recycling facility.

11          Number 5, recyclable materials may be stored  
12          at the site for longer than one week as long as  
13          they have been separated from other waste and  
14          stored in a bin to be transported to an appropriate  
15          facility. This material is counted as part of the  
16          240-ton maximum storage limit at the site.

17          So this concludes the updates portion of  
18          tonight's public hearing. At this time, I'm going  
19          to turn it back over to Donna so that we can begin  
20          receiving your comments. If you wish to listen to  
21          the entire presentation, it is available on our  
22          website. Thank you.

23          MS. MOYE: Thank you, Justin. We do only have one  
24          person who preregistered to speak during this  
25          segment of the public hearing, and that is Gary

1 Higgins. Mr. Higgins, if you will press star-six  
2 to unmute your line, and please go ahead and state  
3 your comment for the record.

4 MR. HIGGINS: Thank you very much. My name is Gary  
5 Higgins, H-i-g-g-i-n-s. I want to thank you for  
6 the opportunity to express my concerns about the  
7 proposed ArborNature Transfer Station on -- on  
8 Summit Drive, and I have two major concerns that I  
9 would like to address today.

10 My first concern is that ArborNature is not a  
11 reputable company that can be trusted to follow  
12 community ordinances and regulations. It will have  
13 to be monitored very closely, but I do not believe  
14 that DHEC has the staff, the resources, nor the  
15 inclination to properly monitor ArborNature.  
16 DHEC's mission is to protect the health and welfare  
17 of South Carolina's citizens. So how do you  
18 consider allowing ArborNature to build a transfer  
19 station is protecting the health and welfare of  
20 Hilton Head Island residents?

21 Hilton Head Island residences suffered through  
22 very bad experiences with ArborNature in the past.  
23 They have shown a willful disregard for ordinances  
24 and regulations and they have proven that they have  
25 no regard for the health and wellbeing of Hilton

1 Head Island residents. Clearly, ArborNature is not  
2 a reputable company that DHEC should trust to  
3 follow their regulations.

4 As an example, during the first ArborNature  
5 virtual public meeting on September 10th of this  
6 year, I was stunned to hear from DHEC that  
7 ArborNature had not yet been issued a permit for  
8 tree grinding at their new site on Summit Drive. I  
9 tried to submit a question at that meeting, but was  
10 not able to get it through. What I was going to  
11 say is that approximately one week before that  
12 meeting, I was at the ArborNature site on Summit  
13 Drive. Tree grinding was in full swing, and there  
14 was a large pile of mulch.

15 And then a very large truck full of very large  
16 logs came down Summit Drive and pulled into the  
17 ArborNature property. Clearly, these logs were not  
18 from the clearing of the Summit Drive property, and  
19 trucks of this size usually come from off island,  
20 as I have seen very often in driving around. So  
21 I'm assuming that ArborNature was in full swing of  
22 grinding trees on Summit Drive but did not yet have  
23 a DHEC permit for doing so. Is that correct? If  
24 so, how can DHEC trust ArborNature to follow any  
25 regulations going forward?

1                   My second concern is that I don't understand  
2                   how DHEC can allow a waste transfer station to be  
3                   built in a flood zone. Do you really believe that  
4                   you can trust ArborNature to promptly remove all  
5                   debris from the transfer station in the case of a  
6                   hurricane evacuation? Is DHEC going to provide the  
7                   necessary on-site supervision during a -- this time  
8                   period of -- of ArborNature in the event of a  
9                   hurricane evacuation? Remember, ArborNature cannot  
10                  be trusted to do what is required. Also, as  
11                  previously noted by Paul Meehan, trucks hauling  
12                  debris will be adding to traffic congestion while  
13                  residents are evacuating.

14                  Now, on a personal note, we live in a -- the  
15                  Port Royal community around the corner from Arbor  
16                  -- the new ArborNature, as the crows fly -- crow  
17                  flies, we are about 200 -- 2500 feet from the  
18                  ArborNature site. The base of our house is 8 feet  
19                  above mean sea level, which is approximately the  
20                  same altitude as the ArborNature property. Our  
21                  house sits on Millers Pond, which is the headwater  
22                  of -- for Fish Haul Creek. Likewise, the  
23                  ArborNature Transfer Station sits on property next  
24                  to the airport that drains into Fish Haul Creek.  
25                  During Hurricane Matthew, our yard was under 3 feet

1 of water; 2 more feet and our house would've been  
2 flooded. After the hurricane, our yard was filled  
3 with all kinds of debris -- boat paddles, pieces of  
4 docks, driftwood, detritus of all kinds -- and that  
5 was without 240 tons of construction debris sitting  
6 next to us.

7 Has DHEC given any thought at all as to what  
8 will happen during the next hurricane, which will  
9 come, when 240 tons of debris is spread through the  
10 local area? What about the environmental damage to  
11 Fish Haul Creek? How will it ever be cleaned up?  
12 Who will clean it up? Is DHEC going to pay for the  
13 cleanup that will be required?

14 Just be forewarned, ArborNature will not  
15 remove the waste before a hurricane. If DHEC gives  
16 a permit to ArborNature for a transfer station, I  
17 am afraid you will be out of your league in trying  
18 to enforce regulations. Please deny the permit to  
19 ArborNature. They are not good citizens. Thank  
20 you.

21 MS. MOYE: Thank you, Mr. Higgins. As I stated before,  
22 Mr. Higgins is the only person who preregistered to  
23 comment during this segment of the public hearing.  
24 If there is anyone listening who would like to  
25 comment but did not preregister, you will have an

1 opportunity to speak during the evening session  
2 that begins at 6:30 p.m.

3 On behalf of DHEC, I would like to thank  
4 everyone for joining this public hearing to give us  
5 your comments. Please note, once again, that  
6 written comments may be submitted to the attention  
7 of Justin Koon by mail or e-mail through November  
8 5th, 2020. All written comments received on or  
9 before this date will be considered in DHEC's  
10 decision-making process.

11 Following the close of the public comment  
12 period, DHEC will review and consider all comments  
13 received and make a final decision on the draft  
14 permit. The permit decision and a summary response  
15 to all comments will be provided to everyone on our  
16 mailing list.

17 You have the right to request a final review  
18 of any permit decision made by DHEC. The final  
19 review request must be submitted in writing to  
20 DHEC's Clerk of the Board, along with a filing fee  
21 in the amount of \$100 within 15 days after notice  
22 of DHEC's permit decision has been mailed.

23 In consideration of this requirement, you will  
24 receive notification of DHEC's permit decision by  
25 standard US mail or e-mail. If you wish to be

1 notified of DHEC's decision by certified mail  
2 instead, please make your request in writing no  
3 later than November 5th, 2020. If you have not  
4 received an e-mail or postal mail directly from  
5 DHEC throughout this process, please go to our  
6 webpage and complete the online registration form  
7 for this hearing. This will let us know how to  
8 notify you of DHEC's final permit decision.

9 Finally, there is a link on our webpage to a  
10 public hearing feedback survey. We are interested  
11 in knowing your thoughts and suggestions about this  
12 public hearing teleconference and how DHEC can  
13 improve the way we communicate and share  
14 information with you. Please take a moment to  
15 share your feedback with us within the next couple  
16 of days.

17 On behalf of DHEC, I would again like to thank  
18 you for your attendance and comments during this  
19 segment of the public hearing. Please continue to  
20 protect yourself and others by wearing a mask and  
21 following local, state, and federal guidelines to  
22 minimize the spread of COVID-19. The next segment  
23 of this hearing will begin promptly at 4 p.m. You  
24 may remain on the line if you would like to listen  
25 to that segment. Thank you.



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(End of Hearing Segment 4.)

1 HEARING SEGMENT 5 - 4:00 p.m.

2 MS. MOYE: Hello and welcome. The time is now 4:01 p.m.  
3 on Thursday, October 22nd, 2020, and this segment  
4 of the public hearing will now begin. My name is  
5 Donna Moye, and I will serve as your hearing  
6 officer. On behalf of DHEC, I would like to thank  
7 you for taking the time to join us today.

8 This public hearing is being held by the South  
9 Carolina Department of Health and Environmental  
10 Control, also known as DHEC, to accept comments on  
11 the draft permit for the proposed ArborNature  
12 Construction and Demolition Debris Transfer Station  
13 at 26 Summit Drive in Hilton Head Island, Beaufort  
14 County, South Carolina.

15 This public hearing is being held by phone in  
16 keeping with DHEC's efforts to prevent the spread  
17 of COVID-19 by avoiding group gatherings. We are  
18 pleased to offer you a formal opportunity to  
19 provide your input in this safe and effective  
20 manner. While the business of our state must  
21 continue during this time, DHEC remains committed  
22 to upholding the value of listening to and  
23 receiving your comments, questions, and concerns in  
24 our permitting process.

25 DHEC has created a webpage for access to

1 information and documents pertaining to the  
2 proposed transfer station. A prerecorded  
3 presentation for this public hearing and a project  
4 update summary have been posted on the webpage. A  
5 recording of this hearing will be available on the  
6 webpage before the close of the public comment  
7 period as well. That webpage address is  
8 [www.scdhec.gov/ArborNature](http://www.scdhec.gov/ArborNature). A certified court  
9 reporter will prepare a written transcript of  
10 everything that is said during this public hearing.  
11 The transcript will be included in DHEC's official  
12 record for the permit decision.

13 This public hearing follows two previous DHEC  
14 public meetings held on September 10th and  
15 September 24th, respectively, where details about  
16 the proposed transfer station were discussed. The  
17 purpose of this public hearing is for DHEC to  
18 receive your comments formally and have them  
19 transcribed by a court reporter. Your comments are  
20 important to us and may provide our staff with  
21 additional things to consider when making a final  
22 permit decision.

23 A final decision on the draft permit has not  
24 yet been made and will not be made during this  
25 public hearing today. DHEC welcomes and encourages

1           your comments today and through the end of the  
2           public comment period on Thursday, November 5th,  
3           2020.

4           In order for this hearing to move forward in  
5           an efficient and timely manner, we will proceed as  
6           follows. Justin Koon with DHEC's Solid Waste  
7           Permitting Program will provide remarks about  
8           DHEC's permitting process for the proposed transfer  
9           station. Following Justin's remarks, I will call  
10          on those of you who indicated during  
11          preregistration that you would like to make a  
12          comment during this time segment. If you have  
13          decided that you no longer wish to speak when you  
14          are called on, you may decline at that time. After  
15          all preregistered commenters for this segment have  
16          been heard, I will make closing remarks and the  
17          public hearing will resume at the appointed time  
18          for the next segment.

19          As we proceed, I ask that you follow four  
20          ground rules. First, there will be no answers  
21          given during or after a comment. Second, in order  
22          to accommodate everyone, each commenter will have  
23          an equal opportunity to speak one time only for up  
24          to five minutes. A timer will sound, and I will  
25          interrupt you if you exceed the time limit. If you

1 are not able to complete your comments within the  
2 allotted time, we encourage you to submit them in  
3 writing before the end of the public comment  
4 period. Please be respectful to one another. And,  
5 finally, please do not interrupt or ask other  
6 participants to respond during or after your  
7 comments. Should any comments or actions begin to  
8 distract from the purpose of this hearing, the  
9 speaker may be muted or removed from the  
10 teleconference.

11 I will now call on Justin Koon with DHEC's  
12 Solid Waste Permitting Program. Justin?

13 MR. KOON: Welcome to today's public hearing. This is  
14 Justin Koon, manager of the Solid Waste Permitting  
15 and Monitoring Section. DHEC has prerecorded a  
16 presentation for the public hearing and has  
17 uploaded it to the website for this project.  
18 Throughout the permitting process, DHEC has  
19 received many comments and questions from community  
20 members who are interested in this proposed  
21 project. In response to the additional information  
22 provided, DHEC is sharing several updates  
23 concerning the project, as well as proposed permit  
24 conditions that may be added to the permit if it is  
25 issued. DHEC is continuing to evaluate information

1           and will consider all comments received throughout  
2           the public hearing and the end of the comment  
3           period before making a final decision regarding the  
4           application. I will now be sharing a few of the  
5           updates provided in the presentation in case you  
6           have not had an opportunity to view it.

7                         DHEC management from the Bureau of Land and  
8           Waste Management, the Bureau of Water, Ocean and  
9           Coastal Resource Management, the region, and the  
10          Environmental Affairs team met with the applicant  
11          on-site to discuss concerns and walk the property  
12          and adjacent areas on September the 30th. DHEC has  
13          received drawings from the Town of Hilton Head  
14          showing that the feature behind the site is manmade  
15          and was modified as part of a drainage improvement  
16          project for the airport in 2004. DHEC has  
17          determined, based on the plans and the site visit,  
18          that the feature is a drainage ditch.

19                        The applicant, though, has chosen to move the  
20          operational area. The new location will provide a  
21          200-foot buffer to the drainage ditch, which  
22          provides additional environmental protection.

23                        The FEMA FIRM maps are currently being updated  
24          for Hilton Head Island, and will be published in  
25          March of 2021. The new maps indicate that the

1 parcel is not located in the 100-year floodplain.

2 The applicant has submitted a hurricane  
3 contingency plan to remove waste if a hurricane  
4 warning is issued.

5 As part of modifying the site plan, an updated  
6 coastal zone consistency determination is required.  
7 This process includes coordination with the  
8 Department of Natural Resources, which would  
9 identify the need for additional permit conditions  
10 related to bald eagle nesting sites. An updated  
11 application will be posted online once it is  
12 received.

13 So in addition to the updates provided, the  
14 following conditions are proposed to be added to  
15 the permit. Number 1, dead animals and putrescible  
16 waste are not allowed at the facility. If  
17 identified in the waste, they shall be removed from  
18 the operational area immediately and shall be  
19 stored in a manner to promote vector and odor  
20 control and removed from the facility within 24  
21 hours and taken to an appropriate solid waste  
22 management facility.

23 Number 2, based on the approved waste stream,  
24 an enclosed building is not required unless the  
25 permittee consistently fails to remove waste within

1           one week of its receipt.

2           Number 3, no material may be stored on the  
3           ground outside of the operational area except that  
4           material which is covered under the composting  
5           permit and subject to Regulation 61-107.4.

6           Number 4, if an evacuation of Hilton Head  
7           Island is issued, all waste and recyclable  
8           materials must be removed from the site and taken  
9           to an appropriate solid waste management or  
10          recycling facility.

11          Number 5, recyclable materials may be stored  
12          at the site for longer than one week as long as  
13          they have been separated from other waste and  
14          stored in a bin to be transported to an appropriate  
15          facility. This material is counted as part of the  
16          240-ton maximum storage limit at the site.

17          So this concludes the updates portion of  
18          tonight's public hearing. At this time, I'm going  
19          to turn it back over to Donna so that we can begin  
20          receiving your comments. If you wish to listen to  
21          the entire presentation, it is available on our  
22          website. Thank you.

23          MS. MOYE: Thank you, Justin. We will now hear from the  
24          eight of you who indicated during preregistration  
25          that you would like to make a comment. All lines



1 will remain muted to minimize feedback and  
2 background noise. When I call your name, enter  
3 star-six on your phone to unmute your line and  
4 please remember to state and spell your name for  
5 the court reporter.

6 Our first speaker is Ainsley Tillman.  
7 Ms. Tillman, if you are joining us, you can  
8 enter --

9 MS. TILLMAN: Yes. Hello. Can you hear me?

10 MS. MOYE: Yes, we can. Thank you so much. Please  
11 state and spell your name for the court reporter,  
12 and then you can begin your comments.

13 MS. TILLMAN: Yes. My name is Ainsley Tillman. It is  
14 spelled A-i-n-s-l-e-y Tillman, T-i-l-l-m-a-n, and I  
15 am not speaking on behalf of myself, but rather I  
16 represent the Legends Horizontal Property Regime,  
17 and I am an attorney.

18 And my comments are on -- on behalf of my  
19 client, which has significant concerns, primarily  
20 with the procedure of this application, as well as  
21 with disregard of DHEC's regulatory scheme. First,  
22 as to the procedure. It is known to DHEC as well  
23 as to certain members of the public that the intent  
24 of this facility is not merely as a transfer  
25 station but it is also intended to be used as a

1 wood-grinding and wood-chipping facility, and the  
2 application as it has been submitted by ArborNature  
3 appears to be ever evolving. And I noticed that  
4 the most recent information from DHEC on its  
5 website does refer to the wood-composting facility  
6 aspect of -- of ArborNature's application. But  
7 nonetheless, the application as it has been  
8 submitted and disseminated to the public by DHEC  
9 does not specifically address the composting intent  
10 of the facility, nor the regulation that governs  
11 composting, which is 107.4 -- 61-107.4. And my  
12 understanding of that regulation is that it has  
13 more stringent requirements for the protection of  
14 wetlands nearby, which makes sense given the debris  
15 that is generated by composting activities.

16 Also, that regulation specifically vests DHEC  
17 with discretion, and our concern with regard to the  
18 processing of this permit application is that DHEC  
19 has consistently disregarded its discretion. And  
20 as an -- as an entity that is charged with the  
21 protection of the public and the safety of the  
22 environment, DHEC's ability to exercise its  
23 discretion in order to protect the nearby wetlands  
24 on this barrier island should be at the forefront  
25 of its consideration of this application rather --

1           rather than on the back burner.

2                   And it seems that DHEC has gone about it the  
3           other way, simply looking to see whether the  
4           application, which is only stated to be for a  
5           transfer station, is complying in a -- in a box-  
6           checking sort of way with that regulation, which is  
7           107.7 requirements, rather than with the  
8           requirements of 107.4 as well. And in -- in that  
9           regard, my client has concerns that DHEC is  
10          mistaken, as a matter of law, in ignoring the  
11          intent of the regulatory scheme, which is designed  
12          to thwart this -- this sort of application that --  
13          that has been submitted as to only one component of  
14          the operation.

15                   And so we -- we ask that DHEC would step back  
16          and look at the application as a whole for both --  
17          both a composting facility as well as a waste  
18          transfer station and consider the application as  
19          whole, give the opportunity to the public to  
20          comment on the application as a whole, with full  
21          knowledge of the intent of the operations rather  
22          than just half of the story, and -- and then  
23          exercise its discretion and also the intent of the  
24          regulatory scheme to couple those two regulations  
25          rather than looking at them individually.

1                   And the -- the other concern -- and this goes  
2                   back to procedural -- is that, again, this  
3                   application seems to be ever evolving, and even  
4                   today we heard from Mr. Koon that are some other  
5                   proposed contingencies that may be enforced. And,  
6                   while we're glad to hear that, the -- the concern  
7                   again is that the public has not been given the  
8                   opportunity to consider the application, to ask  
9                   questions about it, and to understand its full  
10                  import, particularly as it's not -- it is not yet  
11                  set in stone.

12                  So those are my client's concerns, and we ask  
13                  again that DHEC would consider them and keep open  
14                  the public comment period for long enough for the  
15                  public to comment on the entire application rather  
16                  than bits and pieces and non-finished parts of it.  
17                  And thank you very much for your time.

18                  MS. MOYE: Thank you so much, Ms. Tillman. Next on our  
19                  list of preregistered speakers is David Fingerhut.

20                  MR. FINGERHUT: Hello. Can -- hello? Can you hear me?

21                  MS. MOYE: Yes, sir, we can. Please state and spell --

22                  MR. FINGERHUT: Excellent.

23                  MS. MOYE: -- your name for the court reporter, and then  
24                  you can begin making your comments.

25                  MR. FINGERHUT: Sure. Sure. David, D-a-v-i-d,

1 Fingerhut, F-i-n-g-e-r-h-u-t.

2 It would be outrageous for DHEC to issue a  
3 permit for a C&D recycling and transfer station to  
4 ArborNature. The subject parcel that ArborNature  
5 is -- is seeking to operate this business on is on  
6 an ecologically sensitive barrier island. The  
7 traffic and pollution alone caused by the admitted  
8 ten trucks per hour, ten hours per day, trucks the  
9 size of 5 to 15 tons each, would be detrimental to  
10 the health and safety of the residents of Hilton  
11 Head Island and the environment.

12 This parcel, while it may not be in a 100-year  
13 floodplain, is clearly located adjacent to  
14 wetlands. The runoff from the various hazardous  
15 waste dumped at the site will drain into the  
16 wetlands, and by reason of the drainage ditch that  
17 we've been discussing and that has been now  
18 identified as just outside of the buffer will drain  
19 directly into Fish Haul Creek, and that will have  
20 severely detrimental effect on the environment and  
21 the people who live in it.

22 DHEC's own regulations permitted to propose  
23 additional requirements and procedures to protect  
24 human health and safety as well as the environment,  
25 and DHEC has broad discretion within its mandate to

1 protect the public and the environment. I urge  
2 DHEC to deny this permit or, in the alternative, to  
3 dramatically scale it back so the size and the  
4 scope of this operation will be something more akin  
5 to what might belong, if at all, on a sensitive  
6 barrier island.

7 Lastly, during some of the previous curious  
8 Q&A held on this application, I personally observed  
9 DHEC employees equate the citizens convenience  
10 center located directly adjacent to this site with  
11 a C&D transfer station. The citizens convenience  
12 center is used by members of the public to dispose  
13 of their personal waste into dumpsters that are  
14 periodically emptied by the county. Comparing this  
15 use to what the applicant is proposing is akin to  
16 creating (as spoken) a person mixing cement on  
17 their own property with a cement factory.

18 ArborNature wants to put a cement factory at the  
19 site. They are not a person -- person mixing a bag  
20 of cement. Frankly, it's an offensive comparison  
21 that I personally heard on more than one occasion  
22 and from more than one member of DHEC, and that  
23 ignores three -- the clear threat to the health and  
24 safety of the public and the environment and  
25 reveals a bias that this agency seems to have in

1 dereliction of its mandate. Once again, I urge the  
2 application be denied. Thank you.

3 MS. MOYE: Thank you, Mr. Fingerhut. Our next  
4 preregistered speaker is Tracy Dayton. Is that  
5 Tracy Dayton joining us? Okay. In consideration  
6 of the time that we have today, we will come back  
7 to Tracy Dayton and proceed on down our list for  
8 the time being.

9 Our next registered speaker is David Park.

10 MR. PARK: Can you hear me?

11 MS. MOYE: Yes, sir, we can. Please state and spell  
12 your name for the court reporter, and then you can  
13 begin your comments.

14 MR. PARK: Okay. My name is David Park, D-a-v-i-d  
15 P-a-r-k, and I live in Port Royal Plantation.  
16 Okay. So guess I'm starting now.

17 So the DHEC rules state that the transfer site  
18 shall be a few hundred feet away from surface  
19 waters. I have submitted documentation that this  
20 ArborNature site plan is misleading and does not  
21 (technical interruption) DHEC rules. I will note  
22 that ArborNature map, as presented, does not have  
23 markings indicating the site plan was produced by a  
24 certified engineer, as required by DHEC.

25 I submitted a copy of the EPA's Natural

1 Wetland Inventory of Surface Waters and Wetland Map  
2 of the transfer site area as captured on 10/7/2020  
3 to DHEC. There are two EPA -- two EPA-designated  
4 freshwater forest wetland areas according to the  
5 EPA map, one next to the airport just outside of  
6 the ArborNature site map area and the other next to  
7 the large apartment complex, which was only  
8 partially shown on the ArborNature map. EPA -- the  
9 EPA wetland area next to the apartments are much  
10 more extensive than those depicted in the  
11 ArborNature site map, and there is also EPA  
12 designated freshwater pond next to the apartments,  
13 which should have been marked on the ArborNature  
14 map.

15 There's an EPA-designated riverine -- riverine  
16 that brings the water from these two EPA wetland  
17 areas; note that according to the EPA a river --  
18 riverine is a cross between a river and a stream.  
19 The trench, as marked on the ArborNature site map,  
20 is marked as a EPA riverine on the EPA map, which I  
21 submitted to DHEC. So we really have a stream that  
22 is going to be polluted and not a trench.

23 I've personally inspected this stream and  
24 there are no signs of any manmade materials on the  
25 steam. I saw that there's natural slope on the



1 stream on both sides for over 100 feet with 30-foot  
2 trees on both sides of the stream. So this is a  
3 natural area. If somethings' been modified, I  
4 don't know what it was. It's still natural, and  
5 there's a stream there. I witnessed that there are  
6 fish and large turtles in this stream right next to  
7 the transfer site. I have videos of the fish and  
8 two big large turtles that I saw when I visited  
9 there.

10 I witnessed that the -- if -- if -- so we eat  
11 shellfish from here, and we need heavy metal tests  
12 of shellfish in -- in this area to see if they are  
13 within safe limits. Adding poisons from this site  
14 will poison not only the environment but us.

15 ArborNature nor DHEC has presented official  
16 Army Corps of Engineer EPA maps -- or EPA maps that  
17 -- that show that this site is not within the 200  
18 feet of the surface waters as required by DHEC.  
19 DHEC requires both the Army Corps of Engineers and  
20 EPA to approve the plan, not just -- just one to  
21 approve the plan.

22 I am a newbie in this process, but I was able  
23 to figure this out in 20 minutes. I provided a  
24 site map to the ArborNature site plan and overlaid  
25 this with the EPA map, so we have the site map with

1           the EPA map overlaid, and I provided that. Within  
2           this map, you can clearly see the transfer site has  
3           broken the DHEC 200-foot buffer rule to surface  
4           waters and wetlands in many areas.

5           Previously, DHEC successfully managed to  
6           transfer the site in Bluffton, solid waste appears  
7           to be spilling out of the site, running off into  
8           the streams and street -- and street. Solid waste  
9           is piled 50 feet high, garbage was burning on the  
10          site for months on end. People were warned to stay  
11          inside with their windows closed.

12          I know of three illegal transfer stations on  
13          Hilton Head Island, so then how -- that have not  
14          been approved or managed by DHEC. Why should we --  
15          why should this site be approved when DHEC does not  
16          have the manpower to control the pollution  
17          violations in Hilton Head and Bluffton already?

18          I have a video of this company running  
19          transfer operations on Union -- Union Cemetery Road  
20          within the last 30 days, as well as companies doing  
21          transfer work on this road, also. I did not see  
22          posted DHEC licensing on these operations. I also  
23          saw waste dump sites off of Dillon Road in this --  
24          in the same month.

25          Before DHEC approvals have to be made,

1 ArborNature has already cleared the transfer site  
2 and appears to be processing wood there, and on  
3 before -- and on and before October 7th, it looks  
4 like they have cleared some more land next to the  
5 stream, which I do not believe they own.

6 ArborNature did this before getting bald eagle  
7 waiver permit. Has DHEC -- DHEC enforced these  
8 regulations or these trespassings?

9 As I passed by the ArborNature site in my car,  
10 one of the workers came onto the road and shook his  
11 fist at me. We should be worried since it seems  
12 that the majority of the Town Council is supporting  
13 their move. They're hoping that we will not  
14 remember this betrayal. In summary --

15 MS. MOYE: Mr. Park --

16 MR. PARK: -- the DHEC is responsible for protecting the  
17 citizens of Hilton Head and keeping solid waste  
18 operations out of the hands of operators that have  
19 the documented track record of ignoring DHEC  
20 pollution regulations and laws --

21 MS. MOYE: Mr. Park --

22 MR. PARK: -- and keep the amount of DHEC-controlled  
23 sites down to a level where there's enough DHEC  
24 personnel available --

25 MS. MOYE: Mr. Park --

1 MR. PARK: -- to monitor these sites. This site is one  
2 of the most --

3 MS. MOYE: Mr. Park, excuse me.

4 MR. PARK: I'm almost done. This site is one of the  
5 most remote sites to DHEC. It is difficult to  
6 monitor and control. I demand that DHEC provide  
7 proof that they have earmarked funds and manpower  
8 to enforce regulations at this site. This is  
9 almost a certain superfund site that knowing we'll  
10 probably be talking about to the grandkids. Thank  
11 you.

12 MS. MOYE: Thank you, Mr. Park. And I just wanted to  
13 ask one quick clarification question: Were you --  
14 were you saying a riverine as in a r-i-v-e-r-i-n-e?

15 MR. PARK: Let me get the spelling. It's like "river"  
16 with i-v-n -- let's see -- i-e-n. So you -- EPA  
17 has a definition of that. It's a river or stream.

18 MS. MOYE: Okay. Thank you. I just wanted --

19 MR. PARK: They just -- they just use one word.

20 MS. MOYE: Okay. I wanted to make sure that it was  
21 clarified for the court reporter. Thank you so  
22 much for your comments.

23 MR. PARK: It's on the map. Take a look. It's  
24 available if they want it from me.

25 MS. MOYE: Okay.

1 MR. PARK: Port Royal Plantation. Look up --

2 MS. MOYE: Thank -- thank you, sir. We appreciate your  
3 comments today. Our next registered speaker is  
4 Patsy Brison.

5 MS. BRISON: Yes. This is Patsy --

6 MS. MOYE: Hi, Ms. Brison.

7 MS. BRISON: This is Patsy Brison.

8 MS. MOYE: You were -- you faded out --

9 MS. BRISON: Yes.

10 MS. MOYE: -- there for just a moment. So if you would  
11 just spell your name for the court reporter,  
12 please, and then you can begin your comments.

13 MS. BRISON: Yes, ma'am. P-a-t-s-y B-r-i-s-o-n. I'm  
14 speaking as an individual and not on behalf of  
15 anyone else. By my appearance today, I'm not  
16 waiving any procedural objections which I may make  
17 or which anyone else has made as part of all of the  
18 proceedings involving this permit.

19 My first procedural objection is echoing that  
20 of Ms. Tillman today in that the updated  
21 application dated October 15, 2020, was not  
22 provided to me prior to this hearing, and so I do  
23 not have adequate notice. Again, I'm not waiving  
24 that procedural defect.

25 Secondly, I incorporate, by reference, all of

1 the comments made in opposition to this permit  
2 during the two public hearings dated September 10  
3 and 24, 2020, and all of the written comments in  
4 opposition to this permit, no matter when they were  
5 received by DHEC.

6 Thirdly, DHEC is charged with the duty of  
7 protecting the public and the environment. Its  
8 duty and responsibility is not to assist an  
9 applicant in securing a permit as has been  
10 evidenced during the testimony today.

11 Next, the information today, which is new to  
12 us, indicates that the location of the site has  
13 been moved. On the site there are wetlands --  
14 wetland boundaries. The application and DHEC both  
15 fail to note that wetlands will be changed over  
16 time. Wetland accretion is not being considered.  
17 This permit has a life expectancy of 20 years.  
18 With sea level rise not just expected but  
19 scientifically proven, the failure to include  
20 wetland accretion in this consideration is a  
21 substantive and procedural error.

22 Next, the list of acceptable waste include  
23 asbestos, lead-based paint, asphalt, and concrete.  
24 In the list, there is a requirement that there be  
25 no petroleum products and that the concrete and

1 asphalt not contain any petroleum. There is no  
2 evidence as to how the asphalt and concrete  
3 disposed of at this site, even if it is  
4 transferred, will be inspected. Are there going to  
5 be daily inspections of those kind of substances?

6 In addition, it is scientifically proven that  
7 asbestos and lead-based paint can be discovered in  
8 water systems, and there is absolutely no evidence  
9 about testing of the groundwater and the  
10 transmission of asbestos and lead-based paint from  
11 this site throughout the groundwater.

12 Next, there is absolutely no evidence of any  
13 type of containment of any of these wastes on the  
14 site, whether or not it's a building or some sort  
15 of liner or other containment. There should be  
16 containment if this permit is granted.

17 In addition, based upon the poor prior  
18 performance of this applicant, most notably, the  
19 fired site -- the site with the fire in Okatie  
20 where the applicant was named as a defendant caused  
21 in excess of \$4.5 million for cleanup. For that  
22 reason and due to other poor -- poor prior  
23 performance of this applicant, a multimillion  
24 dollar performance bond should be required as a  
25 condition of this permit. I would suggest that it

1 be no less than \$5 million as a performance bond.

2 Based upon all of these failures and the  
3 environmental impact on this island, I respectfully  
4 request that this permit be denied. Thank you.

5 MS. MOYE: Thank you, Ms. Brison. I would like to  
6 clarify: In your comments you referenced the  
7 September 10th and 24th public hearings that DHEC  
8 held. Those were public meetings that were held.  
9 That is basically a formality, but I did want to  
10 just clarify that for the record. So thank you so  
11 much for your comments.

12 MS. BRISON: Well, I -- I would amend my comment to call  
13 them public meetings and not public hearings.

14 MS. MOYE: Thank you very much. Our next registered  
15 speaker is Roger Briney. Mr. Briney, if you are  
16 with us, you can press star-six on your phone to  
17 unmute your line. In the interest of time, we will  
18 come back to Mr. Briney as well. Our next  
19 registered speaker is Tamara Becker.

20 COUNCILWOMAN BECKER: Hello. Good evening. My name is  
21 Tamara Becker, T-a-m-a-r-a B-e-c-k-e-r. I am the  
22 Town of Hilton Head Island Ward 4 Councilwoman,  
23 though today I speak as -- to you as a concerned  
24 citizen of the -- of Hilton Head Island. Thank you  
25 for your careful attention and kind consideration



1 of all the concerned citizens who have spoken  
2 today, during the two comment opportunities in  
3 September, and the many who have written and called  
4 into your office with their concerns regarding the  
5 matter of permitting a construction and demolition  
6 transfer station on Hilton Head Island.

7 I too am going to quote the South Carolina  
8 Department of Health and Environment Control  
9 mission: "To improve the quality of life for all  
10 South Carolinians by protecting and promoting the  
11 health of the public and the environment." You are  
12 hearing from hundreds of us who have grave concerns  
13 about this application. Adding to that  
14 comprehensive evidence as to why this application  
15 should be absolutely denied, in addition to those,  
16 I listened to others during other meetings.

17 Today I learned that a new permit condition is  
18 that, in the event of an emergency evacuation from  
19 the island, additional trucks will be used to  
20 remove materials from the site to off island.  
21 Think that through. Say it out loud. A transfer  
22 station of this type on a barrier island with one  
23 way on and one way off and the idea that, during an  
24 emergency evacuation of our island residents, it's  
25 proposed to add additional trucks to our roads and

1 bridges. That makes no logistical sense and  
2 provides little to no comfort to those citizens who  
3 will be facing finding a safe and efficient  
4 emergency evacuation from their homes on those same  
5 roads and bridges and asked at the time to contend  
6 with added truck traffic to remove potentially  
7 hazardous debris from this site if it should be  
8 improved. I will emphasize, added truck traffic on  
9 our roads and bridges while we are trying to  
10 evacuate our citizens in the middle of an  
11 emergency, it's absurd.

12 An additional concern of mine is the  
13 opportunity for environmentally hazardous materials  
14 including but not limited to asbestos and lead that  
15 could be unwittingly accepted by employees at the  
16 transfer station. And by the way, what -- what are  
17 the training and certification requirements of  
18 employees to identify such debris? Who verifies  
19 their credentials? And if unwittingly accepted, in  
20 my opinion, it is highly likely that birds,  
21 animals, the wind will carry off some of those  
22 materials to be deposited elsewhere around Hilton  
23 Head Island and beyond.

24 Hilton Head Island's land and water is  
25 environmentally sensitive, hosting all sorts of

1 animals, plants, and waterways that must be a  
2 priority. It is for us. And it must truly be for  
3 the South Carolina DHEC, as it is stated in the  
4 mission.

5 Further, the idea of degrading materials left  
6 behind on any given day seeping into the  
7 surrounding land to be washed away with rain,  
8 storms, and the inevitable flooding. In fact, I  
9 learned today that while the 26 Summit Drive  
10 address was used to determine the flood zone, the  
11 site is actually located on a parcel yet to be  
12 individually addressed and that, when that is done,  
13 as I understand, the given address will be evidence  
14 of a current A7 zone and a revised moderate flood  
15 zone designation when the new maps are adopted.  
16 Still, though, a flood zone.

17 Further, the supplemental wetlands report  
18 indicates that there are indeed low-lying wetlands  
19 within the 50-foot southwest buffer. This is a  
20 known and expected possible disaster, and it is  
21 unconscionable that this permit would be approved,  
22 again, especially in light of the South Carolina  
23 DHEC's own mission of promoting the health of the  
24 public and environment.

25 This also relates to the idea of cleanup. A

1 bond of \$34,000 is well known by all to be wholly  
2 inadequate amount when a disaster happens and an  
3 attempt to find all materials, mitigate, and  
4 resolve all contamination issues is undertaken.

5 I also learned that an enclosed building will  
6 be required for the approved waste if the permittee  
7 consistently fails to remove the waste within one  
8 week of its receipt. Well, I'd like to learn more.  
9 Who monitors and can and will document and report  
10 this? Will it be done weekly on a Monday to Friday  
11 basis? Is there a DHEC official in charge weekly  
12 to confirm? Are the citizens of Hilton Head  
13 expected to be monitors and recorders? Is there  
14 self-monitoring? If self-recording is  
15 contemplated, in my opinion, red flags should be  
16 flying.

17 There is more than sufficient evidence on the  
18 record that indicates issues are almost guaranteed  
19 to arise and arise quickly. Then what? How can  
20 any of the evidence already provided by concerned  
21 citizens throughout these meetings lead anyone to  
22 conclude that the quality of life for all South  
23 Carolinians is improved if this permit is approved?  
24 It can't; it doesn't and it can't. Simply put:  
25 The safety and public welfare of the residents of

1 Hilton Head Island and, by virtue our world-  
2 renowned status as a vacation destination, in fact,  
3 all South Carolinians are in jeopardy if this  
4 permit is approved.

5 In closing, there is more than sufficient,  
6 clear, valid evidence presented for the record by  
7 others at this point to conclude and justify that  
8 denial of this permit by the South Carolina DHEC  
9 Bureau of Land and Waste Management is in the best  
10 interest of all. Rather than repeat the already  
11 eloquently and well important -- and more important  
12 factual points of evidence and cogent arguments  
13 made on this matter --

14 MS. MOYE: Ms. Becker?

15 COUNCILWOMAN BECKER: -- I'd like to -- one more  
16 sentence. I'd like to associate myself with them  
17 and strongly request on behalf of all concerned  
18 citizens that the Department of Health and  
19 Environmental Control deny this application. Thank  
20 you for your time and consideration.

21 MS. MOYE: Thank you, Ms. Becker. I would like to just  
22 remind everyone that we are trying to honor the  
23 five-minute time limit so that everyone has an  
24 equal opportunity to give their comments. So we  
25 appreciate you following that guideline for us.

1                   Our final registered speaker for this time  
2                   segment of the public hearing is Deborah Boyd.  
3                   Ms. Boyd, if you are on the line, you can star-six  
4                   to unmute your line.

5           MS. BOYD: Yes. My name is Deborah Boyd, D-e-b-o-r-a-h  
6           B-o-y-d. Good afternoon. I'm a full-time resident  
7           of Hilton Head Island, and I have been for 21  
8           years.

9                   I wanted to speak today, like others, because  
10                  of major concerns on numerous levels by a hazard  
11                  waste dump station on the island to be given the  
12                  permit. This transfer station would be an  
13                  environmental hazard on many, many levels. The  
14                  water table level is lower on the island than on  
15                  the mainland. There'd be damage to Fish Haul  
16                  Creek, the wildlife concerns, the wet life concerns  
17                  are very important, not to mention drainage and  
18                  fire risks.

19                  Residential and other business concerns are  
20                  noise with the dumping, grinding, etc.; drainage;  
21                  waste dust; pollution; there doesn't seem to be a  
22                  containment; roads and traffic; the buffer seat is  
23                  -- are not acceptable.

24                  As you know, the island has lots of flooding,  
25                  tropical storms, hurricanes, which presents a huge

1           problem. And DHEC is saying that they would  
2           require the debris and recycling to be moved off  
3           island during a hurricane warning. Well, what  
4           about a hurricane watch? That comes right before a  
5           warning, and it takes time to do anything during  
6           those times. It's very impossible and would create  
7           a traffic issue while thousands of residents try to  
8           evacuate safely to a place off island during a  
9           hurricane warning sometimes for sure and watch.  
10          Trucks or semi-trucks slow down the drive, block  
11          the traffic while evacuating. The hurricane  
12          contingency plan, in my opinion, would not work at  
13          all because of the nature of the beast and the  
14          timing to evacuate and to reassure the citizens  
15          that it would be a safe evacuation. It is not a  
16          good idea to permit this station.

17                 DHEC says that they will require them to move  
18          all waste one week, and how does that work to  
19          remove the recyclables and who would monitor it?  
20          Just as was presented before, would the citizens  
21          monitor this process? What are the credentials of  
22          the employees?

23                 Would DHEC allow dumpsters be dumped at this  
24          waste transfer station? Just the noise alone would  
25          be horrifying to the unexpected neighbors with

1 people around it, not to mention what it would do  
2 to the infrastructure having dumpster trucks coming  
3 and going plus ten trucks an hour.

4 The statement that the owner of ArborNature  
5 said, "Well, this will alleviate traffic going off  
6 island." It will cause more problems on the island  
7 than alleviate any traffic problems. That's going  
8 to happen anyway. People are going to leave the  
9 island to go home. I do not think this transfer  
10 station will do anything but harm the island. I  
11 respectfully request to have DHEC deny the request.  
12 And I thank DHEC for recognizing the community  
13 concerns.

14 MS. MOYE: Thank you, Ms. Boyd. We would like to now go  
15 back to Tracy Dayton. Tracy Dayton, if you are  
16 joining us by phone, you can press star-six to  
17 unmute your line at this time and provide your  
18 comment. Tracy Dayton. Okay. We will have the  
19 record reflect that Tracy Dayton was called on but  
20 did not attend during this segment of the public  
21 hearing.

22 We would also like to return to Roger Briney.  
23 Roger Briney. We will also let the record reflect  
24 that Roger Briney was called upon however was not  
25 in attendance during this segment of the hearing.



1           That concludes everyone who preregistered to  
2           comment during this segment of the public hearing.  
3           Please be -- please be reminded that anyone who  
4           would like to comment but did not preregister will  
5           be given an opportunity to speak during the evening  
6           session that begins at 6:30 p.m.

7           On behalf of DHEC, I would like to thank  
8           everyone for joining this public hearing to give us  
9           your comments. Please note, once again, that  
10          written comments may be submitted to the attention  
11          of Justin Koon by mail or e-mail through November  
12          5th, 2020.

13          Following the close of the public comment  
14          period, DHEC will review and consider all comments  
15          received and make a final decision on the draft  
16          permit. The permit decision and a summary response  
17          to all comments will be provided to everyone on our  
18          mailing list and posted on our webpage.

19          You have the right to request a final review  
20          of any permit decision made by DHEC. The final  
21          review request must be submitted in writing to  
22          DHEC's Clerk of the Board, along with a filing fee  
23          in the amount of \$100 within 15 days after notice  
24          of DHEC's permit decision has been mailed.

25          In consideration of this requirement, you will

1 receive notification of DHEC's permit decision by  
2 standard US mail or by e-mail. If you wish to be  
3 notified of DHEC's decision by certified mail  
4 instead, please make your request in writing no  
5 later than November 5th, 2020. If you have not  
6 received an e-mail or postal mail directly from  
7 DHEC throughout this process, please go to our  
8 webpage and complete the online registration form  
9 for this hearing. This will let us know how to  
10 notify you of DHEC's final permit decision.

11 Finally, there is a link on our webpage to a  
12 public hearing survey. We are interested in  
13 knowing your thoughts and suggestions about this  
14 public hearing teleconference and how DHEC can  
15 improve the way we communicate and share  
16 information with you. Please take a moment to  
17 share your feedback with us within the next couple  
18 of days.

19 On behalf of DHEC, I would again like to thank  
20 you for your attendance and comments during this  
21 segment of the public hearing. Please continue to  
22 protect yourself and others by wearing a mask and  
23 following local, state, and federal guidelines to  
24 minimize the spread of COVID-19. The -- the final  
25 segment of this hearing will begin promptly at



1 HEARING SEGMENT 6 - 6:30 p.m.

2 MS. MOYE: Hello and welcome. The time is now 6:30 p.m.  
3 on Thursday, October 22nd, 2020, and this segment  
4 of the public hearing will now begin. My name is  
5 Donna Moye, and I will serve as your hearing  
6 officer tonight. On behalf of DHEC, I would like  
7 to thank you for taking the time to join us.

8 This public hearing is being held by the South  
9 Carolina Department of Health and Environmental  
10 Control, also known as DHEC, to accept comments on  
11 the draft permit for the proposed ArborNature  
12 Construction and Demolition Debris Transfer Station  
13 at 26 Summit Drive in Hilton Head Island, Beaufort  
14 County, South Carolina.

15 This public hearing is being held by phone in  
16 keeping with DHEC's efforts to prevent the spread  
17 of COVID-19 by avoiding group gatherings. We are  
18 pleased to offer you a formal opportunity to  
19 provide your input in this safe and effective  
20 manner. While the business of our state must  
21 continue during this time, DHEC remains committed  
22 to upholding the value of listening to and  
23 receiving your comments, questions, and concerns in  
24 our permitting process.

25 DHEC has created a webpage for convenient

1 access to information and documents pertaining to  
2 the proposed transfer station. A prerecorded  
3 presentation for this public hearing and a project  
4 update summary have been posted on the webpage. A  
5 recording of this hearing will be available on the  
6 webpage before the close of the public comment  
7 period as well. That webpage address is  
8 [www.scdhec.gov/ArborNature](http://www.scdhec.gov/ArborNature). A certified court  
9 reporter will prepare a written transcript of  
10 everything that is said during this public hearing.  
11 The transcript will be included in DHEC's official  
12 record for the permit decision.

13 This public hearing follows two previous DHEC  
14 public meetings held on September 10th and  
15 September 24th, respectively, where details about  
16 the proposed transfer station were discussed. The  
17 purpose of this public hearing is for DHEC to  
18 receive your comments formally and have them  
19 transcribed by a court reporter. Your comments are  
20 important to us and may provide our staff with  
21 additional things to consider when making a final  
22 permit decision.

23 A final decision on the draft permit has not  
24 yet been made and will not be made during this  
25 public hearing. DHEC welcomes and encourages your

1           comments tonight as well as through the end of the  
2           public comment period on Thursday, November 5th,  
3           2020.

4           In order for this hearing to move forward in  
5           an efficient and timely manner, we will proceed as  
6           follows. Justin Koon with DHEC's Solid Waste  
7           Permitting Program will provide remarks about  
8           DHEC's permitting process for the proposed transfer  
9           station. Following Justin's remarks, I will call  
10          on those of you who indicated during  
11          preregistration that you would like to make a  
12          comment during this time segment. If you have  
13          decided that you no longer wish to speak when you  
14          are called on, you may decline at that time. After  
15          all preregistered commenters have been heard, we  
16          will hear from those who did not preregister to  
17          comment, in random order.

18          As we proceed tonight, I will ask that you  
19          follow four ground rules. First, there will be no  
20          answers given during or after a comment. Second,  
21          in order to accommodate everyone, each commenter  
22          will have an equal opportunity to speak one time  
23          only for up to five minutes. A timer will sound,  
24          and I will interrupt you if you exceed the time  
25          limit. If you are not able to complete your

1           comments within the allotted time, we encourage you  
2           to submit them in writing before the end of the  
3           public comment period. Third, please be respectful  
4           to one another. And, fourth, please do not  
5           interrupt or ask other participants to respond  
6           during or after your comments. Should any comments  
7           or actions begin to distract from the purpose of  
8           this hearing, the speaker may be muted or removed  
9           from the teleconference.

10                   I will now call on Justin Koon with DHEC's  
11           Solid Waste Permitting Program. Justin?

12           MR. KOON: Welcome to today's public hearing. This is  
13           Justin Koon, manager of the Solid Waste Permitting  
14           and Monitoring Section. DHEC has prerecorded a  
15           presentation for the public hearing and has  
16           uploaded it to the website for this project.  
17           Throughout the permitting process, DHEC has  
18           received many comments and questions from community  
19           members who are interested in this proposed  
20           project. In response to the additional information  
21           provided, DHEC is sharing several updates  
22           concerning the project, as well as proposed permit  
23           conditions that may be added to the permit if it is  
24           issued. DHEC is continuing to evaluate information  
25           and will consider all comments received throughout

1 the public hearing and the end of the comment  
2 period before making a final decision regarding the  
3 application. I will now be sharing a few of the  
4 updates provided in the presentation in case you  
5 have not had an opportunity to view it.

6 DHEC management from the Bureau of Land and  
7 Waste Management, the Bureau of Water, Ocean and  
8 Coastal Resource Management, the region, and the  
9 Environmental Affairs team met with the applicant  
10 on-site to discuss concerns and walk the property  
11 and adjacent areas on September the 30th. DHEC has  
12 received drawings from the Town of Hilton Head  
13 showing that the feature behind the site is manmade  
14 and was modified as part of a drainage improvement  
15 project for the airport in 2004. DHEC has  
16 determined, based on the plans and the site visit,  
17 that the feature is a drainage ditch.

18 The applicant, though, has chosen to move the  
19 operational area. The new location will provide a  
20 200-foot buffer to the drainage ditch, which  
21 provides additional environmental protection.

22 The FEMA FIRM maps are currently being updated  
23 for Hilton Head Island, and will be published in  
24 March of 2021. The new maps indicate that the  
25 parcel is not located in the 100-year floodplain.



1                   The applicant has submitted a hurricane  
2                   contingency plan to remove waste if a hurricane  
3                   warning is issued.

4                   As part of modifying the site plan, an updated  
5                   coastal zone consistency determination is required.  
6                   This process includes coordination with the  
7                   Department of Natural Resources, which would  
8                   identify the need for additional permit conditions  
9                   related to bald eagle nesting sites. An updated  
10                  application will be posted online once it is  
11                  received.

12                  So in addition to the updates provided, the  
13                  following conditions are proposed to be added to  
14                  the permit. Number 1, dead animals and putrescible  
15                  waste are not allowed at the facility. If  
16                  identified in the waste, they shall be removed from  
17                  the operational area immediately and shall be  
18                  stored in a manner to promote vector and odor  
19                  control and removed from the facility within 24  
20                  hours and taken to an appropriate solid waste  
21                  management facility.

22                  Number 2, based on the approved waste stream,  
23                  an enclosed building is not required unless the  
24                  permittee consistently fails to remove waste within  
25                  one week of its receipt.

1                   Number 3, no material may be stored on the  
2                   ground outside of the operational area except that  
3                   material which is covered under the composting  
4                   permit and subject to Regulation 61-107.4.

5                   Number 4, if an evacuation of Hilton Head  
6                   Island is issued, all waste and recyclable  
7                   materials must be removed from the site and taken  
8                   to an appropriate solid waste management or  
9                   recycling facility.

10                  Number 5, recyclable materials may be stored  
11                  at the site for longer than one week as long as  
12                  they have been separated from other waste and  
13                  stored in a bin to be transported to an appropriate  
14                  facility. This material is counted as part of the  
15                  240-ton maximum storage limit at the site.

16                  So this concludes the updates portion of  
17                  tonight's public hearing. At this time, I'm going  
18                  to turn it back over to Donna so that we can begin  
19                  receiving your comments. If you wish to listen to  
20                  the entire presentation, it is available on our  
21                  website. Thank you.

22                  MS. MOYE: Thank you, Justin. We will now hear from the  
23                  six people who indicated during preregistration  
24                  that they would like to make a comment. All lines  
25                  will remain muted to minimize feedback and

1 background noise. When I call your name, enter  
2 star-six on your phone to unmute your line and  
3 please state and spell your name for the court  
4 reporter before speaking.

5 Our first registered speaker is Kathleen  
6 McDonald. Ms. McDonald, if you have joined us,  
7 please enter star-six on your phone to unmute your  
8 line. Kathleen McDonald. Okay. In the interest  
9 of time, we will proceed to the next registered  
10 commenter, and we will come back to Ms. McDonald  
11 before we conclude with the registered speakers.

12 So our next speaker is Larry Landry.

13 MR. LANDRY: Larry --

14 MS. MOYE: Hello, Mr. Landry. Yes, we can hear you.

15 MR. LANDRY: Larry --

16 MS. MOYE: Please spell your name before speaking.

17 MR. LANDRY: Larry, L-a-r-r-y, Landry, L-a-n-d-r-y.

18 MS. MOYE: Thank you. Please go ahead.

19 MR. LANDRY: Okay. As you've heard from many other  
20 people, this is an inappropriate site. It doesn't  
21 have adequate transportation. It -- it is a result  
22 of a lawsuit settlement on a different issue.  
23 Although, it is technically within the zoning, it  
24 is right next to other historic Gullah  
25 neighborhoods.

1           In addition, although I'm retired, but having  
2           been a regulator, I ask you in your regulation to  
3           use the Hippocratic oath, in other words do no  
4           harm. The harm -- the harm can -- should not be  
5           here but can be mitigated if you add further  
6           stipulations consistent with your statutes that  
7           allow you to protect the environment.

8           Number 1, because lead-based paint is  
9           permitted, you should insist on a state-of-the-art  
10          liner technology on the base of the -- the site.  
11          That way it will protect materials from going into  
12          the groundwater.

13          Number 2, daily spraying should occur for both  
14          dust and vector control. For dust it should begin  
15          before the day starts, in the middle and at the  
16          end.

17          Number -- Number 3, all loads should be --  
18          that come to and from the transfer station should  
19          be tarped and tied down so materials don't fall off  
20          and get into the neighborhood.

21          Once again, I would stress this is a terrible  
22          site, but you -- if you feel you must approve it,  
23          please put in further environmental protections to  
24          protect the neighborhoods and the community. Thank  
25          you very much.

1 MS. MOYE: Thank you, Mr. Landry.

2 MR. LANDRY: Okay.

3 MS. ELLENBERG: Donna, I believe you're muted.

4 MS. MOYE: Thank you. It's been a long day.

5 Our next registered speaker is Kenneth Rogers.

6 Mr. Rogers, if you are with us, you can press star-  
7 six on your phone to unmute your line. Kenneth  
8 Rogers. Once again, in the interest of time, we  
9 will move on to our next registered commenter and  
10 come back to Mr. Rogers.

11 Our next registered commenter is Lynn Wiggins.

12 MS. WIGGINS: Can you hear me?

13 MS. MOYE: Hi, Ms. Wiggins. Yes, we can. Thank you.

14 If you'll just spell your name, please, for the  
15 court reporter, and then you can begin your  
16 comments.

17 MS. WIGGINS: Okay. My name is Lynn Wiggins. It's  
18 L-y-n-n W-i-g-g-i-n-s. And I am speaking tonight  
19 against the ArborNature Transfer Station.

20 Today I've heard many excellent comments  
21 relating to environmental concerns, the operator's  
22 reputation, the lack of reasonable time for us to  
23 review the revised permit application, and the  
24 rightful concern of residents in the surrounding  
25 area all requesting denial of the ArborNature

1           Transfer Station permit, all of which I  
2           wholeheartedly agree and to which my comments will  
3           probably pale in comparison.

4           Tonight I would like to focus my comments on  
5           what I have perceived to be statements from the  
6           operator, DHEC, and others that there will be  
7           benefits of the transfer station to Hilton Head  
8           Island arising from the disposal of construction  
9           and demolition waste generated on the island. I  
10          believe that any such benefits are illusory and  
11          defy common sense. Most would agree that waste  
12          management is integral to the current functioning  
13          and further development of the Lowcountry.  
14          Locating a C&D waste transfer station on a barrier  
15          island in what is currently considered a floodplain  
16          on a site surrounded by wetlands and other surface  
17          water is not a reasonable way to undertake waste  
18          management. Bringing debris from the mainland to a  
19          barrier island only to transfer that same debris  
20          onto larger trucks so that it can be transported  
21          back to the mainland defies reason.

22          Statements made by Adam Congrove, the founder  
23          and president of ArborNature, and others to justify  
24          the transfer station location by citing a benefit  
25          to Hilton Head Island imply that most of the C&D

1 waste will originate on Hilton Head Island and that  
2 there is an advantage by "fitting ten trucks' worth  
3 of garbage into one truck leaving the island."  
4 Even "The Island Packet" seems to support this idea  
5 by stating that the transfer station is "for use by  
6 construction demolition companies to dispose of  
7 waste while they're completing projects on the  
8 island." These statements are all disingenuous at  
9 best.

10 Much, if not the vast majority, of the C&D  
11 debris entering the transfer station is likely to  
12 come to Hilton Head from the mainland only to be  
13 sorted and then transported back to the mainland.  
14 Adam Congrove, the president and founder of  
15 ArborNature, is also the president and founder of  
16 Tropical Trash, a company which provides  
17 construction and demolition waste management  
18 services through the leasing of portable toilets  
19 and, most relevant here, dumpsters for the  
20 collection and disposal of construction and  
21 demolition debris. The Tropical Trash website  
22 advertises a service area extending south to Tybee  
23 Island; west to Port Wentworth, Georgia; and  
24 northward to north of Lady's Island, an area of  
25 which Hilton Head Island is only a small barrier

1 island located at the far southeastern edge of the  
2 service area and connected by a single small  
3 bridge.

4 As Hilton becomes increasingly built out and  
5 therefore the amount of debris generated on the  
6 island decreases, as well as what I believe will be  
7 a push by the concerned residents of Hilton Head to  
8 do what they can to boycott his businesses,  
9 Congrove will increasingly be forced to expand this  
10 waste collection business to the mainland, as well  
11 as solicit additional mainland C&D waste from other  
12 companies.

13 Remember, her -- his permit allows ten trucks  
14 an hour, that's ten (as spoken) trucks a day based  
15 on an eight-hour day and 400 trucks during a normal  
16 work week to bring trash onto the island and into  
17 the transfer station only to be transported back to  
18 the mainland. To think that this is -- in any way  
19 will benefit Hilton Head Island makes -- much less  
20 even partially offsets any environmental and public  
21 detriment is simply ludicrous.

22 Thank you for allowing me the opportunity to  
23 comment, and as other presenters have done, I'd  
24 like to thank DHEC for involving the community in  
25 the ArborNature permitting process and DHEC's



1           responsiveness to our concerns and suggestions.

2           Thank you.

3           MS. MOYE: Thank you, Ms. Wiggins. Our next registered  
4           speaker is Jeanne Befano. I hope I'm pronouncing  
5           that correctly.

6           PASTOR BEFANO: Hello. Can you hear me?

7           MS. MOYE: Yes, we can hear you. Thank you so much. If  
8           you will state and spell your name for the record,  
9           and then you can begin your comments.

10          PASTOR BEFANO: Absolutely. And you did pronounce it  
11          very well, so thank you. My name is Jeanne Befano,  
12          and it's spelled J-e-a-n-n-e B-e-f-a-n-o. Was that  
13          everything?

14          MS. MOYE: Yes, ma'am. Please go ahead.

15          PASTOR BEFANO: All right. I am a retired Lutheran  
16          pastor living on -- in the Port Royal community  
17          here on the island, and I am stating my adamant  
18          displeasure and -- about building a transfer  
19          station on Hilton Head Island.

20                    I've been to a lot of planning and zoning  
21          meetings where people asked -- you know, asked them  
22          -- asked people not to build in their backyard.  
23          They're called "NIMBYs." You probably have heard  
24          of that. I am one of those people. I live, as I  
25          said, in Port Royal, and the transfer station would

1           be in my backyard. It shouldn't be permitted, and  
2           here's my reasons why.

3           A transfer station should be located in a  
4           place other than a barrier island. It belongs  
5           somewhere else. It belongs somewhere other than a  
6           floodplain. It doesn't belong on a tiny 4-mile (as  
7           spoken) piece of property that's surrounded by  
8           floodplains, and it belongs in a place with  
9           significantly less risk to our precious waterways.  
10          We need to be more environmentally conscious and  
11          have a more environmentally conscious plan.

12          As people have mentioned, the truck traffic  
13          would be at least doubled. To be sure, ArborNature  
14          would not only be taking construction waste from  
15          our island, but they'd also be importing as much as  
16          waste as they could so that they could earn a  
17          profitable margin. As reported earlier, ten trucks  
18          an hour on our roads is too much truck traffic for  
19          our already congested roads and our bridges.

20          None of us can predict with accuracy when a  
21          floodplain would flood, and I'm really concerned  
22          about the potential for the waste to contain toxic  
23          materials. Policing what is being dumped is really  
24          difficult, I think, to do because, while asbestos  
25          and other materials may be banned, it's

1           preposterous to see clear down to the bottom of  
2           these huge construction dumpsters and find a piece  
3           of insulation that might be buried there. Builders  
4           shouldn't put banned materials into the dumpster,  
5           but they will because they can hide it in the  
6           bottom.

7                     And ArborNature says that they won't accept  
8           these substances, but they have no real incentive  
9           to do so. Maybe they'll get a fine; let's hope at  
10          least that they would get the requirement to build  
11          a containment center.

12                    But I suggest that we build that containment  
13          building now, have them build that before the  
14          beginning of even taking the first materials. Yes,  
15          Larry Landry, we should be doing no harm. We need  
16          a containment building. It should be required  
17          because we need to and we're called to become and  
18          -- and be environmentally conscious. And that ends  
19          my statements.

20          MS. MOYE: Thank you, Pastor Befano. Our final  
21          registered commenter for this evening is Bob Mann  
22          (as spoken). And I'm not sure if I'm pronouncing  
23          that correctly.

24          UNKNOWN: Yeah. (Inaudible.)

25          MR. MANNE: Hello, Donna.

1 MS. MOYE: Hello?

2 UNKNOWN: You read it just like you read a sermon.

3 MR. MANNE: Hello.

4 MS. MOYE: Hi. Yes, sir. We can hear you.

5 MR. MANNE: Good. Just for the record, it's Manne, and  
6 it's spelled M-a-n-n-e. First name Bob. That  
7 should not be a problem.

8 MS. MOYE: Thank you so very much.

9 MR. MANNE: Okay.

10 MS. MOYE: Please go ahead with your comments.

11 MR. MANNE: First, I'd like to express my concern and  
12 dissatisfaction with the idea of this kind of  
13 facility on a fragile barrier island with  
14 significant ecological issues, including saltwater  
15 intrusion. I'll cover several items on this call.

16 The first subject has to do with this drainage  
17 ditch versus the idea of a riverine. The map  
18 legend of drainage ditch conflicts with the South  
19 Carolina Watershed Atlas, which describes the area  
20 marked "drainage ditch" as a riverine. United  
21 States Fish and Wildlife Service National Wetlands  
22 Inventory also confirms the designation as  
23 riverine. There are no exceptions for riverine  
24 habitat in DHEC's Reg 61-107.7.

25 Now, riverine means "related to, formed by, or

1           resembling a river, including tributaries, stream,  
2           brook, etc." And that comes from the emergency  
3           management FEMA document dealing with hazard  
4           mitigation, 44 CFR Section 59.1. The source of the  
5           riverine habitat begins in a protected wetlands  
6           site on or near the airport property and connects  
7           to another protected wetland property approximately  
8           a quarter mile away. This second protected  
9           wetlands connects to Fish Haul Creek, which  
10          connects to the Port Royal Sound. The Port Royal  
11          Sound is less than one mile away and experiences  
12          exceptionally high tides according to The  
13          Lowcountry Institute.

14                 Now, from a hurricane and storm point of view,  
15          historically, Hilton Head Island encounters a  
16          tropical storm or hurricane every 2 1/2 years.  
17          According to HurricaneCity.com, these storms range  
18          from 75 to 138 miles an hour. In 2016, Hurricane  
19          Matthew hit the island with 105 mile an hour,  
20          dumped 11 inches of rain, and generated widespread  
21          flooding and tornadoes. When a hurricane is  
22          coming, there is little time to evacuate and the  
23          roads and bridges are wall-to-wall cars. I  
24          remember our first evacuation in 1996 took 16 hours  
25          to go from Hilton Head to Columbia. I seriously

1           doubt that ArborNature could effectively evacuate  
2           the transfer station material off island to a  
3           secure site.

4           All of the other permitted DHEC transfer  
5           stations are located well inland and don't have a  
6           storm issue or ecological issue to deal with.  
7           Folks, this is a bad move for a barrier island.  
8           Just picture the transfer station materials  
9           floating in the Port Royal Sound after a flood or  
10          hurricane. All of us who went through Matthew know  
11          what that looks like.

12          Even without debris pollution in the sound as  
13          the result of a hurricane, we can at least expect  
14          that leachate from the ArborNature site will rub  
15          off -- run -- excuse me -- run off from the above  
16          materials, flow into the nearby riverine habitat,  
17          and contaminate the protected wetlands, Fish Haul  
18          Creek, and the Port Royal Sound. Although the  
19          application states there is no leachate on the  
20          site, the EPA states that "when runoff contacts  
21          waste, it is considered potentially contaminated  
22          and is known as 'leachate.'" There will be runoff  
23          from rain or floodwaters; therefore, there will be  
24          leachate from the materials entering protected  
25          wetlands and waterways. Allowing the ArborNature

1 property leachate runoff and floodwaters to  
2 contaminate the protected waterways does not seem  
3 to be in keeping with the spirit of the regulations  
4 to protect the environment.

5 Locating a transfer station and wood-grinding  
6 composting facility on a barrier island with a  
7 history of high-risk hurricanes and major flooding  
8 disasters in a designated floodplain adjacent to  
9 and surrounded by designated wetlands and waterways  
10 will environmentally damage Fish Haul Creek and the  
11 Port Royal Sound and, perhaps, permanently.

12 The second subject I'd like to address is the  
13 ownership of the site, and this is much shorter.  
14 According to the settlement agreement between the  
15 Town of Hilton Head Island of June 14th of '17, the  
16 Town agreed to make available a 4-acre parcel on  
17 Summit Drive for ArborNature to move their wood-  
18 chipping operation off of the Leg O Mutton site.  
19 The terms of that agreement involved a one-year  
20 lease for the property for a buck and the closing  
21 on the land to occur on or before one year from the  
22 date that the lease was signed, which was April  
23 23rd of 2019.

24 Now, Beaufort County uses a specific approach  
25 to identify property and the owners of same. In

1           this case, the properties start out with a R510  
2           indicator. Consulting the Beaufort County real  
3           property indicators, there are only two properties  
4           with ties to Congrove, one referring to the Leg O  
5           Mutton site owned by Dennis Congrove, and another  
6           property on Matthews Drive owned by Adam Congrove.  
7           There is no owner of record for the 4-acre site on  
8           Summit Drive other than the Town of Hilton Head  
9           Island. It would appear to me that there is not a  
10          legitimate owner to whom a permit could be issued.

11                 The third subject, if you will permit me,  
12          which is about as short as the second, was the  
13          wood-chipping permit application. In their  
14          registration report, they talk about an irrigation  
15          well that would be constructed on the property near  
16          the operations area, and I will tell you that I am  
17          commissioner for 17 years on the local water  
18          utility that effects this area, and DHEC has  
19          prohibited any well to be drilled on the island  
20          into the upper Floridan aquifer. This is in place  
21          because of the significant saltwater intrusion on  
22          the north end of the island, which is where the  
23          transfer station is. Withdrawing water from the  
24          upper Floridan aquifer involves contractually  
25          determined and permitted withdrawal capacity



1 rights. The only options available for the  
2 applicant are these: Number 1, drill a well into  
3 the surficial aquifer, which ranges from 5 foot  
4 below the surface to 40 feet below the surface or,  
5 two, contact the local water provider asking for a  
6 metered water line to be installed.

7 In conclusion, I have not touched on many  
8 other issues which have been articulated by other  
9 speakers which are also very germane. I recommend  
10 that this permit for the transfer station be denied  
11 for a whole variety of reasons. Thank you for  
12 letting me speak.

13 MS. MOYE: Thank you so much, Mr. Manne. That concludes  
14 the preregistered speakers for tonight's segment of  
15 the public hearing. I would like to circle back to  
16 Kathleen McDonald if she has joined us. Kathleen  
17 McDonald. The record will reflect that  
18 Ms. McDonald was called on and not in attendance.  
19 We would also like to circle back to Mr. Kenneth  
20 Rogers. Kenneth Rogers. The record will also  
21 reflect that Mr. Rogers was called upon and not in  
22 attendance at the hearing during this segment.

23 That concludes our registered speakers for  
24 this time segment of the public hearing. We will  
25 now move on to hearing from those who decided to

1 comment but did not preregister. In the process of  
2 unmuting and muting lines, you will hear a brief  
3 message as part of our teleconference system. So  
4 that the message does not interfere with your  
5 ability to hear the comments of others, we will  
6 routinely pause the proceedings to allow you to  
7 unmute your phone indicating that you would like to  
8 make a verbal comment.

9 Our tech team will remute your line once we  
10 have added you to the list to be called upon to  
11 comment. We ask that you remain muted until you  
12 are called on. And, again, this portion is for  
13 those who have not had an opportunity to comment  
14 during the public hearing today. If you have not  
15 had the opportunity to comment and would like to do  
16 so now, please unmute your line by using star-six  
17 on your phone.

18 Again, as you unmute your line, you are being  
19 added to a list and will be called upon using the  
20 last four digits of your phone number. It appears  
21 that we have two people who have indicated that  
22 they would like to speak. We will begin with the  
23 phone number ending in 8050. Please unmute your  
24 line by pressing star-six on your phone.

25 MS. TOBESON: Yes. This is the person with the phone

1 8050.

2 MS. MOYE: Yes, ma'am. Hello. Please state your name  
3 and spell it for the court reporter, and then you  
4 can begin your comments.

5 MS. TOBESON: My name is Linda, L-i-n-d-a. Last name is  
6 Tobeson, T, as in "Tom," o-b, as in "boy," e-s-o-n.  
7 I would like to thank DHEC for giving me the  
8 opportunity to speak against the permitting being  
9 issued to ArborNature for the C&D waste station.

10 As a chemist and microbiologist, I am very  
11 concerned about the lack of any real-time  
12 monitoring of water and soil. Given the types of  
13 materials at this site, there's a great possibility  
14 of leachates entering the groundwater system via  
15 both through the soil and any runoff going through  
16 the drainage ditch. I am also very concerned about  
17 the potential exposure of asbestos-containing  
18 materials at this site. Microscopic fibers need to  
19 be monitored in the air and the soil, as these are  
20 carcinogenic materials. In my opinion, this site  
21 on Hilton Head Island is not going to be  
22 appropriately monitored so that any environmental  
23 issues could be quickly mitigated. Thank you for  
24 your time.

25 MS. MOYE: Thank you, Ms. Tobeson. Okay. We also see

1           that someone with the phone ending in 2048 would  
2           like to comment at this time. 2048.

3           MR. KERKHOF: Hello. This is Kent Kerkhof, K-e-n-t.  
4           Last name is K-e-r-k-h-o-f. First of all, I -- I  
5           would like to thank DHEC for this opportunity.  
6           This is certainly a real exercise in democracy to  
7           be able to hear from the -- the people that are  
8           concerned about this issue. And -- and also I -- I  
9           would like to recognize this sort of difficult  
10          situation that Justin and his team are in while  
11          trying to follow 1993 regulations without having  
12          the ability to really recognize people's concerns  
13          and environmental issues and so forth.

14                 On -- on -- on the other hand, I -- I know  
15          people have repeated this before, but I -- I would  
16          like to restate the DHEC mission to improve the  
17          quality of life for all South Carolinians by  
18          protecting and promoting the health of the public  
19          and the environment. Unfortunately, despite my  
20          positive comments about Justin and his team, they  
21          seem focused really on helping ArborNature rather  
22          than fulfilling their mission. So I -- I would  
23          really, really encourage the board, who can  
24          overrule Justin and his team, to deny this permit.

25                 Just a couple of -- couple of comments that

1           this proposed operation clearly is within range of  
2           the drainage ditch or the creek or whatever we want  
3           to call it; that is, in fact, a tidal body of water  
4           that flows into the Fish Haul Creek and ultimately  
5           into the ocean.

6                     Hilton Head's really just too small and this  
7           ArborNature site too close to many residences to  
8           allow this kind of operation. It's a fragile  
9           ecosystem with important nature preserves already  
10          under environmental pressure from our growing  
11          population and development. It's a South Carolina  
12          barrier island, which should be very, very  
13          carefully developed.

14                    There are numerous animals like deer, otters,  
15          and even several bald eagles that live in the area  
16          surrounding the Summit Drive location.

17          Furthermore, this -- the use of this land would be  
18          a potential violation of the Bald Golden Eagle  
19          Protection Act and the Migratory Bird Treaty Act,  
20          which protects these birds from such action, and  
21          would disturb them.

22                    Now DHEC management has asserted that this C&D  
23          waste management whatever/garbage dump is needed on  
24          Hilton Head Island due to our extensive development  
25          and, therefore, they think the permit should be

1 granted. This island has been in development for  
2 seven decades without such a facility and is  
3 substantially built out. There is quite simply no  
4 need for a construction and demolition waste  
5 transfer station on Hilton Head Island. There are  
6 many suitable alternatives.

7 Now, the other thing DHEC says is that they  
8 don't think it's necessary to require this site to  
9 have a liner on the operating pad to minimize  
10 groundwater contamination or a substantial height  
11 barrier around the operating area to prevent waste  
12 from washing into the adjacent wetlands or other  
13 environmental mitigation. As previously noted, the  
14 proposed operation is close, 200 feet/400  
15 feet/whatever we want to say, to a -- to a tidal  
16 body of water that follows into or drains into Fish  
17 Haul Creek, which flows into Port Royal Sound.

18 As to the environmental stormwater and  
19 floodplain issues, it was stated that "whenever  
20 possible transfer station shall not be constructed  
21 in a 100-year floodplain." This site -- this 4-  
22 acre site is surrounded by a floodplain.

23 Now, let me finally -- finally comment on the  
24 amount of traffic. These little dinky roads that  
25 run back to this 4-acre site are well, well

1 undersized for the amount of traffic, too many  
2 curves for this large volume of trucks.

3 And as to Justin and the committee's -- this  
4 is my final comment -- as to their solution to  
5 hurricanes, this solution creates a problem, which  
6 would be all these trucks running in and out of  
7 this dinky little site across the 278 bridge while  
8 thirty or forty thousand residents are trying to  
9 escape.

10 So I completely -- completely appeal to you to  
11 deny the application for a permit to DHEC for  
12 ArborNature to open a construction and demolition  
13 waste transfer station on this 4-acre site. Thank  
14 you very much. Appreciate your time.

15 MS. MOYE: Thank you, Mr. Kerkhof. And we do appreciate  
16 your kind comments. I hated to cut you off, but we  
17 do want to honor allowing everyone an equal  
18 opportunity to comment this evening. So thank you  
19 for wrapping up your comments.

20 I do not see yet where there is anyone else  
21 who has indicated that they would like to make a  
22 comment, so we will pause for just a moment to give  
23 you a second to unmute your line so that our tech  
24 team can note your name or -- or note your number  
25 for us to call on you. This is quite a production

1 behind the scenes, and so we want to make sure that  
2 we are allowing everyone who would like to comment  
3 tonight the opportunity to do so. So please, if  
4 you are joining us and would like to make a  
5 comment, simply press star-six on your phone and we  
6 will note that you are waiting.

7 We do appreciate your participation here  
8 tonight and certainly the participation of everyone  
9 since we began this hearing at twelve o'clock  
10 earlier today. This was a -- a -- a new way of --  
11 of holding a public hearing in light of the  
12 conditions that we are under with COVID-19, and I  
13 hope that it has been a favorable experience to  
14 each of you. We have had good attendance all  
15 throughout the afternoon, and we do appreciate that  
16 very much.

17 So, again, if you would like to make a  
18 comment, press star-six on your phone, and we'll be  
19 glad to hear from you.

20 I will remind you, also, that all comments  
21 that have been made up until this point as well as  
22 those that will be made up until November 5th will  
23 be included in the official record that DHEC  
24 maintains for this permit decision, that includes  
25 the -- the comments that have been submitted in



1 writing as well as the many comments that we heard  
2 during the -- the two public meetings that were  
3 held regarding this proposed transfer station.

4 If anyone has not had the opportunity to  
5 comment and would like to do so now, please star-  
6 six on your phone. I know we have a presidential  
7 debate coming on tonight, and I want to be mindful  
8 of everyone's time. Certainly want to make sure  
9 that everyone has had the opportunity to comment  
10 formally for the record. So one last call: If  
11 anyone is on the line and would like to make a  
12 comment formally for the record, you can simply  
13 press star-six on your phone to be called on.

14 Okay. My tech team is saying that we have no  
15 other attendees who have indicated that they would  
16 like to make a comment; therefore, the comment  
17 portion of tonight's public hearing is now  
18 concluded.

19 On behalf of DHEC, I would like to thank  
20 everyone for joining this public hearing to give us  
21 your comments. Please note, once again, that  
22 written comments may be submitted to the attention  
23 of Justin Koon by mail or e-mail through November  
24 5th, 2020. Following the close of the public  
25 comment period, DHEC will review and consider all

1           comments received and make a final decision on the  
2           draft permit. The permit decision and a summary  
3           response to all comments will be provided to  
4           everyone on our mailing list and posted on our  
5           webpage.

6           You have the right to request a final review  
7           of any permit decision made by DHEC. The final  
8           review request must be submitted in writing to  
9           DHEC's Clerk of the Board, along with a filing fee  
10          in the amount of \$100 within 15 days after notice  
11          of DHEC's permit decision has been mailed.

12          In consideration of this requirement, you will  
13          receive notification of DHEC's permit decision by  
14          standard US mail or e-mail. If you wish to be  
15          notified of DHEC's decision by certified mail  
16          instead, please make your request in writing no  
17          later than November 5th, 2020. If you have not  
18          received an e-mail or postal mail directly from  
19          DHEC throughout this process, please go to our  
20          webpage and complete the online registration form  
21          for this hearing. This will let us know how to  
22          notify you of DHEC's final permit decision.

23          Finally, there is a link on our webpage to a  
24          public hearing feedback survey. We are interested  
25          in knowing your thoughts and suggestions about this

1 public hearing teleconference and how DHEC can  
2 improve the way we communicate and share  
3 information with you. Please take a moment to  
4 share your feedback with us within the next couple  
5 of days.

6 On behalf of DHEC, I would again like to thank  
7 you for your attendance and comments during this  
8 segment of the public hearing. Please continue to  
9 protect yourself and others by wearing a mask and  
10 following local, state, and federal guidelines to  
11 minimize the spread of COVID-19.

12 This public hearing will now be adjourned, and  
13 you may disconnect from the line. Thank you.

14 (End of Hearing Segment 6.)

15 (End of recording.)

16 (\*This transcript may contain quoted material.  
17 Such material is reproduced as read or quoted  
18 by the speaker.)

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