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PROMOTE PROTECT PROSPER

C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

PUBLIC NOTICE OF APPEAL

TO: All Interested Parties

FROM: S.C. Department of Health and Environmental Control

SUBJ: James Cates & Richard McWhorter, OCRM-08-928-G

DATE: February 19, 2009

The Department has issued the above referenced permit for the construction of a private, recreational use dock on and adjacent to the Pocotaligo River at Lots 163 & 164 The Settings Of Mackay Point, Yemassee, Jasper County.

Scott McNair has requested a contested case hearing before the Administrative Law Court.

Intervenors: A motion for leave to intervene, with the $25 filing fee, shall be filed with the South Carolina Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201, (telephone 734-0550) and served on all parties and shall state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of the intervention on the proceedings. A proposed answer or position in intervention shall be attached to the motion.

Any person may intervene in any pending contested case hearing upon a showing that:

(1) the movant will be aggrieved or adversely affected by the final order;

(2) the interests of the movant are not being adequately represented by existing parties, or that it is otherwise entitled to intervene;

(3) that intervention will not unduly prolong the proceedings or otherwise prejudice the rights of existing parties.

The motion for leave to intervene shall be filed as early in the proceedings as possible to avoid adverse impact on the existing parties or the disposition of the proceedings. Unless otherwise ordered by the administrative law judge, the motion to intervene shall be filed at least twenty (20) days before the hearing. Any later motion shall contain a statement of good cause for the failure to intervene earlier.

A person granted leave to intervene is a party to the proceeding. The intervenor shall be bound by any agreement, arrangement or other matter previously determined in the case. The order granting intervention may restrict the issues to be raised or otherwise condition the intervenor's participation in the proceeding. If appropriate, the administrative law judge may order consolidation of petitions and briefs and limit the number of representatives allowed to participate in the proceedings.

Davis Whitfield-Cargile
Staff Attorney