

6/25/2015

Homeland Park Restoration Committee

The Honorable Nikki R. Haley
Office of the Governor
1205 Pendleton Street
Columbia, SC 29201

References:

- a. SC DHEC Air Pollution Regulations and Standards 61-62.2, December 27, 2013
- b. DHEC R 61-107.3 SWM: Waste Tires of April 23, 1993 (Ord. No. 03-007, § 1, 4-15-03)
- c. *Anderson County Codes/Code of Ordinances*, Chapter 38, Division 6; Section 38-201 (Ord. No. 03-007, § 1, 4-15-03)
 1. Article III; Division 6; Junkyards and Open Storage; Sec. 42-182. - Location. (Ord. No. 150, § II-1, 12-4-84; Ord. No. 211, § 3, 10-24-86; Ord. No. 289, § II-1, 9-19-89)
 2. Sec. 42-184. - Screening.
 3. Sec. 42-189. - Permits.
- d. SC DHEC Regulation 61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-contained Toilets.

Dear Govenor:

I am writing you on behalf of our small community of Homeland Park which is located in the upstate of South Carolina , 29624 zip code. Homeland Park is 4.7 square miles with approximately 1400 people per square mile. We ask for your assistance in resolving some problems we have tried to rectify in our community. The doors have been closed in our face for years, trying to get help in South Carolina.

We have noticed that during spring and fall, resident's burn large piles of leaves and underbrush. Some residents believe this is a free burn area and have burned vinyl and trash as well. We have serious problems with DHEC and Fire Departments using only open burning laws and even testing for air quality of excessive emissions.

The problem develops with open burning, smoke and odors which is so thick that elderly and young children become ill. Many people have breathing difficulty and have to seek medical attention or leave their homes for 4 or more hours. This exacerbates their medical problems. Our children and older seniors in Homeland Park with medical breathing problems don't deserve to live in these conditions. Some of the older seniors have no help or places to go when this happens.

We have approached both the Fire Department and DHEC locally but they refuse to help and actually get rude rather than try to seek a remedy. The State of South Carolina, DHEC permits this terrible cloud of smoke to damage our health, environment and ozone. The smoke is so excessive you can't see the roads late in the evenings. We have attorneys who are working with Real Estate companies who are actually telling people

they can burn trash, plastics, rubber or whatever they want in this community. Which is in direct violation of SC DHEC Air Pollution Regulations and Standards 61-62.2, December 27, 2013? This regulation clearly states the exception for private residence is that "Open burning of leaves, tree branches or yard trimmings on the premises of private residences and burned on those premises." Not processed wood, not buildings, not household trash, tires, plastics and the other items currently being burned. It also is very clear about when they can burn. Section 1, Para E,6. "The initial burning must be started only between the hours of 9:00 a.m. and 3:00 p.m.; no combustible material may be added to the fire between 3:00 p.m. one day and 9:00 a.m. the following day."

We seem to be on the bottom of everyone's "concern" list; even our contacts with public Elected Officials and the Fire Department who obviously is unaware of the laws they are here to enforce, have achieved no results in stopping these health issues in our area. Each agency wants to blame other agencies. No one will stop pointing fingers long enough to rectify these terrible issues in our unincorporated area of Homeland Park Water and Sewer Company established in 1950.

It's actually a running joke around town that you know you're in Homeland Park by the large ball of smoke covering the sky and the smell.

We have a problem finding anyone who will enforce tires to be covered to prevent breeding of mosquitoes. We have ranked very high on the list for West Nile Virus each year, yet no one wants to help eliminate the problem. Tires are regulated by the Federal Government and must be in a building or covered with tarps to prevent the collection of water which mosquitoes breed in. Why are these laws not enforced in South Carolina? The mosquito problem has jumped tremendously as tires are allowed to be stored in the open with no regard to mosquitoes or the people who live nearby. Violations of DHEC R 61-107.3 SWM: Waste Tires of April 23, 1993.

We all know that "smell" is an ingestion of tiny particles of the items we are smelling. Not bad when your smelling a juicy steak on a grill, but imagine yourself sitting down to dinner and smelling human waste. We thought we were working with the State EPA on the raw sewage be dumped illegally in our community but once again, we are making no headway. Mr. Dennis Chastain started a porta pottie/septic tank and an air conditioner business several years ago and has deceived DHEC into believing he is "grandfathered". DHEC gave him a warning 5 years ago, and never followed up, needless to say, neither did Mr. Chastain. Now another warning with no results as Mr. Chastain has been dumping raw sewage and releasing Freon on the ground/air for years and still is. Recent activities have been photographed and forwarded to DHEC for action but nothing has been done. This activity is also in violation of *Anderson County Codes/Code of Ordinances*, Chapter 38, Division 6; Section 38-201 Odor; which have no "grandfathering" clauses and which states:

"Sec. 38-201. - Odor.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such

odor shall be provided with both a primary and a secondary safeguard system so that control shall be maintained in the event of failure of the primary safeguard system.

(Ord. No. 03-007, § 1, 4-15-03) and; Sec. 38-205. - Toxic matter.

The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in the listing, the applicant shall satisfy the land use commission that the proposed levels will be safe to the general population.

(Ord. No. 03-007, § 1, 4-15-03)

We ask that this practice be stopped immediately; that testing be done strategically on all properties owned by Mr. Dennis Chastain located at 3553 Keys Street, Anderson, SC and that the Assay results be made available to the public. The air conditioners, above ground tanks and open storage of old porta potties are dumped in a lot in back of his office breeding mosquitoes and rats. There is seldom a day that goes by when the cat doesn't drag over a rat which is usually more than 6-8 inches long (not including the tail). This is a blatant violation of Article III; Division 6; Junkyards and Open Storage which states:

Sec. 42-182. - Location.

Junkyards and open ~~storage~~ areas shall be permitted to be located no closer than 1,000 feet from the nearest edge of the right-of-way of any state or federal system highway. Junkyards and open ~~storage~~ areas shall be permitted to be located no closer than 1,000 feet from the nearest edge of the right-of-way of any county, private or other road. Junkyards and open ~~storage~~ areas must be located or screened so as not to be visible from the main traveled way. Junkyards and open ~~storage~~ areas shall be permitted to be located no closer than 1,000 feet from the nearest residence.

(Ord. No. 150, § II-1, 12-4-84; Ord. No. 211, § 3, 10-24-86; Ord. No. 289, § II-1, 9-19-89) and;
Sec. 42-184. - Screening.

Junkyards and open ~~storage~~ areas which are visible from the main traveled way must be blocked from public view. This shall be made possible by enclosing all such junkyards and open ~~storage~~ areas with a continuous visual screen provided and maintained by the owner of such property along the property line. The screen shall be a wall or fence or a combination of fence and shrubbery at least eight feet in height. A non-seasonal coniferous wall may be planted and maintained, if at maturity these trees will form a barrier which would be defined as static. However, where topography is such that the required screen will not achieve the stated purposes of this section, then a screening plan shall be prepared and submitted to the regulatory compliance officer.

(Ord. No. 150, § II-3, 12-4-84)

Sec. 42-189. - Permits.

(a)

No junkyard or open ~~storage~~ area shall be located on an individual lot, parcel or site in the county without a permit therefore issued by the county litter control department. The regulatory compliance officer will conduct an on-site inspection of the proposed junkyard upon a request for a permit.

(b)

A state permit shall also be required for any junkyard or open ~~storage~~ area located on any state or federal highway.

(Ord. No. 150, § IV-1, 12-4-84; Ord. No. 211, § 1, 10-24-86; Ord. No. 243, § IV-1, 2-16-88)

He dumps his sewage collections from one tank to another (so he says) in the yard across from his office (converted home), and he cleans the portable toilets in the front yard of his office which is where the residue just goes into the ground and air and eventually into the Broadway Lake and Lake Session (which are drinking reservoirs). Even after the warnings from DHEC, he was seen cleaning the porta potties on the front lawn and the residue flowing onto the ground. He is careful to do this after 4:30 pm usually on Fridays and weekends. (The latest cleaning only last Friday at 4:30 pm, 19 June 2015.) Clearly in violation of SC DHEC Regulation 61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-contained Toilets. He has made an eyesore of the properties in this residential area which has these potties lined up all over the front and sides of the property, clearly visible from 2 streets and is located in the middle of a highly residential area. (Which violates an Anderson Statute which states the unsightly storage must be in a building or so that it cannot be visible from the street. Furthermore, he has become seriously sick. No protective measures have been taken and we have noticed his skin is latterly falling off. Is this a fate we will all be facing soon? What about our children, should they also be subjected to whatever disease he has contracted?

These are just a few of the violations we have to put up with daily. If we do not enforce the laws we already have on the books, what is the purpose for them at all, or the agencies who are there to enforce them? It is time to take back South Carolina from the few who would destroy it for the many. Please help us to enforce these laws that were put here to South Carolina's residents and land.

We who live in this small community hope you can help us make this a better place to live. Thank for your time and please keep us informed of any progress.


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