

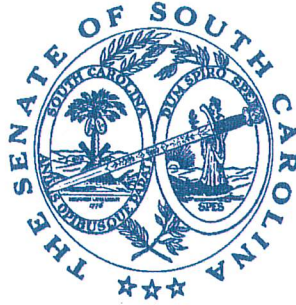
Michael Johnson

Senator

Senate District 16
Lancaster and York Counties

Committees:

Agriculture and Natural Resources
Education
Judiciary
Labor, Commerce and Industry
Rules



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July 24, 2026

Director Myra Reese
SC Department of Environmental Services
2600 Bull Street
Columbia, South Carolina 29201

Chairwoman Christi Cox
York County Council Members
6 South Congress Street
York, South Carolina 29745

Dear Director Reese, Chairwoman Cox and the Members of the York County Council:

For the past several years, York County has been embroiled in a dispute over whether Silfab Solar should be permitted to manufacture solar panels at its Fort Mill facility. During that time, taxpayers and private citizens have spent countless dollars litigating this issue while Silfab has continued to push forward with its operations. Throughout this process, Silfab has failed to meaningfully engage the surrounding community and, due to chemical incidents at its facility, has caused the evacuation of a nearby elementary school on two separate occasions.

On July 21, 2026, Circuit Court Judge William McKinnon issued an Order affirming the decision of the York County Board of Zoning Appeals in its entirety. In doing so, the Court concluded that the Board's determination that Silfab's manufacturing process is not a permitted use within the Light Industrial zoning classification is "a finding of fact supported by evidence in the record." The Court further held that the Board's interpretation of York County's zoning ordinance "is not influenced by any error of law," leaving no doubt that the Board acted properly in rejecting Silfab's interpretation.

Perhaps most importantly, Judge McKinnon recognized that this case is not merely an academic dispute over zoning classifications. The Court found that the Light Industrial classification "has a direct and material effect on Mr. Buchanan's (a Plaintiff) neighborhood, and the record contains substantial evidence of the off-site impacts of the use, including the projected

emission of toxic air pollutants.” In layman’s terms, people are being hurt and impacted by Silfab.

Judge McKinnon's Order also explains why Silfab's manufacturing process is fundamentally inconsistent with Light Industrial zoning. The Court noted that the York County Zoning Ordinance defines Light Industrial uses as those that “ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot,” while expressly excluding hazardous industrial processes. The Court further recognized that the record contains evidence regarding chemicals used by Silfab that “can irritate the eyes, nose, and respiratory tract” and “can cause death from an irregular heartbeat or from fluid buildup in the lungs.”

The Court also reaffirmed a basic principle of York County's zoning ordinance: “Any use not listed for an applicable zoning district in the Use Table is prohibited.” The Order further notes that Silfab itself acknowledged that “solar cell and panel manufacturing is not expressly listed in the use table.”

The concerns identified by the Court are not theoretical. The Fort Mill community has experienced two school evacuations, countless emergency medical responses to the facility, chemical releases requiring intervention by the South Carolina Department of Environmental Services (DES), and continuing concerns regarding the safety of nearby residents, students, teachers, and employees.

On May 9, 2024, I wrote to the Board of Zoning Appeals urging its members to listen to the community and determine whether Silfab's activities complied with the Light Industrial zoning designation. That Board found they did not. Earlier this year, Senator Wes Climer and I publicly called upon DES to suspend Silfab's operations and urged York County to revoke all permits and licenses allowing Silfab to operate. In light of Judge McKinnon's Order, I renew those requests with even greater urgency.

To Director Reese and the Department of Environmental Services, I respectfully request that you:

1. Decline to enter into any consent agreement, settlement, or other arrangement that would authorize or expand Silfab's manufacturing operations in any manner.
2. Open a formal investigation into why Silfab was permitted to construct a 50-foot acid scrubber stack when the approved permits required a 70-foot stack, and determine whether any permitting violations occurred.

3. Pursue every legal avenue available to prevent Silfab from manufacturing – or preparing to manufacture – at the Fort Mill facility, including intervening at the Court of Appeals and other pending litigation where appropriate.
4. Issue a statement that the Order stays Silfab's chemical operations until such activities fully comply with future court directives.

The Court has now affirmed that there is substantial evidence in the record demonstrating off-site impacts from Silfab's operations, including the projected emission of toxic air pollutants. That finding should compel immediate action by the Department of Environmental Services.

To the Members of the York County Council, I respectfully request that you:

1. Provide every legal and financial resource necessary to defend the Board of Zoning Appeals against any appeal filed by Silfab following Judge McKinnon's Order.
2. Immediately revoke any manufacturing permits or authorizations issued to Silfab, issue a cease-and-desist order prohibiting manufacturing activities at the facility, and permanently prohibit manufacturing operations at that location unless and until such activities fully comply with applicable zoning and environmental laws.

York County has previously maintained that it lacks the authority to issue a cease-and-desist order. I respectfully disagree. The Attorney General of South Carolina has already concluded that the County possesses that authority, and Judge McKinnon's Order removes any remaining doubt that the County has both the legal authority and the legal obligation to enforce its own zoning ordinance. Government cannot selectively enforce the law. When a court has affirmed that a use is prohibited under the zoning ordinance, continued inaction is no longer a matter of policy – it is a failure to enforce the law.

Judge McKinnon's Order resolves the central legal issue in this matter. The Board of Zoning Appeals has been affirmed. The Court held that the Board's decision is supported by the evidence and is free from legal error. There is no longer a legitimate dispute over whether Silfab's current manufacturing operations are permitted as a Light Industrial use. The only remaining question is whether York County and the Department of Environmental Services will enforce the law with the same diligence expected of every citizen and every business operating within this state.

I do not write this letter lightly, nor do I write it merely to express disagreement with a policy decision. This is now an issue of enforcing the law. The Board of Zoning Appeals has ruled. A Circuit Court has affirmed that ruling. The Court found substantial evidence of off-site impacts, including the projected emission of toxic air pollutants. The facts have been developed. The legal issues have been decided. School resumes on August 6, 2026. Every day that passes

without enforcement unnecessarily prolongs a risk that the Court has already recognized is supported by substantial evidence in the record.

Government's obligation is no longer to study this matter or negotiate around it. Government's obligation is to enforce the law fairly, consistently, and without delay. Anything less sends the message that zoning laws apply only when they are convenient to enforce. The citizens of Fort Mill deserve better. The parents whose children attend nearby schools deserve better. Every business that complies with York County's zoning ordinance deserves better.

Lastly, as elected officials and public servants, we each swore an oath to uphold the laws of South Carolina. That oath requires us not merely to recognize unlawful conduct, but to take appropriate action when a court has confirmed that it exists. I respectfully request your immediate response and, more importantly, your immediate action to protect the citizens of Fort Mill.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael Johnson", with a stylized flourish at the end.

Michael Johnson
Senate District 16