

# The South Carolina Court of Appeals

Blue Ridge Environmental Defense League, Appellant,

v.

South Carolina Department of Health and Environmental  
Control and Dominion Energy, Respondents.

Appellate Case No. 2023-001351

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## ORDER

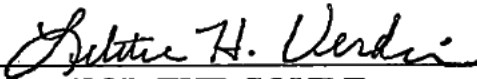
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On August 23, 2023, the Blue Ridge Environmental Defense League (BREDL) filed a notice of appeal from a final order of the administrative law court (ALC), finding BREDL failed to show by a preponderance of the evidence that the South Carolina Department of Health and Environmental Control (SCDHEC) should not issue a Section 401 Water Quality Certification to Dominion Energy (Dominion) related to the construction of a gas pipeline. On January 10, 2024, this court remanded BREDL's emergency petition for writ of supersedeas to the ALC for consideration. *See* Rule 241(d)(1), SCACR ("Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal."). On April 2, 2024, the ALC denied BREDL's petition for a writ of supersedeas.

On April 15, 2024, BREDL renewed its petition for writ of supersedeas with this court. SCDHEC filed a return, taking no position as to whether a supersedeas should be granted or denied. Dominion filed a return, requesting this court deny the emergency petition for writ of supersedeas. BREDL filed a reply to the return.

After careful consideration of the petition, SCDHEC's return, Dominion's return, and the reply, we find supersedeas is necessary to prevent contested issues from becoming moot. Thus, the petition for supersedeas is granted. *See* Rule 241(c)(2), SCACR ("In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the

appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot."). Further, we deny Dominion's request for imposition of a bond of at least \$5.3 million. *See* Rule 241(c)(3), SCACR ("The granting of supersedeas . . . under this Rule may be conditioned upon such terms, including but not limited to the filing of a bond or undertaking, as the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may deem appropriate.").

  
FOR THE COURT

Columbia, South Carolina

cc:

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**FILED**  
**May 13 2024**