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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III
Administrative Law Judge

Appellate Case No. 2023-001351

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE, APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL
CONTROL AND DOMINION ENERGY, RESPONDENTS.

**MOTION TO SUBSTITUTE THE SOUTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL SERVICES
AS RESPONDENT**

Pursuant to Rule 265(c), SCACR, the Respondent through the undersigned counsel respectfully moves this Court to substitute the South Carolina Department of Environmental Services (“SCDES”) as Respondent in this matter in place of the South Carolina Department of Environmental Control (“SCDHEC”).

Pursuant to Act No. 60, 2023 S.C. Acts 302, SCDHEC was abolished and all of its functions, powers, and duties were transferred to and incorporated in SCDES, effective July 1, 2024. *See* S.C. Code Ann. §§ 1-30-140 and 48-6-20(A).

Accordingly, the undersigned request that the Court enter an order granting this Motion and substituting SCDES as Respondent in this matter.

Respectfully Submitted,

/s/ Bennett W. Smith

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South Carolina Department of
Environmental Services
2600 Bull Street
Columbia, South Carolina 29201

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SOUTH CAROLINA DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL AND DOMINION ENERGY, RESPONDENTS.

PROOF OF SERVICE

I, the undersigned, certify that I have served the Motion to Substitute the South Carolina Department of Environmental Services as Respondent via electronic mail on Counsel for Respondent Dominion Energy, Elizabeth B. Partlow, Esq., at her AIS-designated email address (beth@partlowlaw.com) and Brooks M. Smith, Esq., at his designated email address (brooks.smith@troutman.com), and Counsel for Appellant, Blue Ridge Environmental Defense League, Stephen A. Spitz, Esq., (stephenspitz994@gmail.com), and Jesse Sanchez, Esq., (jesse@jessesanchezlaw.com), at their respective AIS-designated email addresses on August 20, 2024.

[Signature Page Follows]

Respectfully Submitted,

/s/ Bennett W. Smith

Bennett Smith

Assistant General Counsel

S.C. Bar No. 102894

bennett.smith@des.sc.gov

South Carolina Department of

Environmental Services

2600 Bull Street

Columbia, South Carolina 29201

August 20, 2024



SC DEPARTMENT of
**ENVIRONMENTAL
SERVICES**

S.C. Dept. of Environmental Services
Environmental Quality Control
2600 Bull Street
Columbia, SC, 29201-1708

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SC Court of Appeals

Via e-mail (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: Blue Ridge Environmental Defense League v. SCDHEC and Dominion Energy
Appellate Case No. 2023-001351

Dear Ms. Kitchings:

Please find the following documents attached via email for filing with the Court:

- 1. Motion to Substitute the South Carolina Department of Environmental Services as Respondent; and**
- 2. Proof of Service (via email).**

Thank you for your assistance with this matter. Please freely contact me with any questions or concerns.

Sincerely,

s/ Bennett W. Smith
Assistant General Counsel
South Carolina Department of
Environmental Services

Email copies: Jesse Sanchez, Esq.
Stephen A. Spitz, Esq.
Elizabeth B. Partlow, Esq.
Brooks M. Smith, Esq.
Christopher P. Whitehead, Esq.
Sara V. Martinez, Esq.