

**ENVIRONMENTAL QUALITY BOARD**

**DAVID C. TABB,**

**Appellant,**

**v.**

**Appeal No. 19-08-EQB**

**HAROLD D. WARD, DEPUTY SECRETARY  
FOR OPERATIONS, DIVISION OF WATER  
AND WASTE MANAGEMENT, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,**

**Appellee.**

**NOTICE OF PREHEARING CONFERENCE**

Appeal No. 19-08-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on April 29, 2019. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning the matters set forth in the Notice of Appeal is scheduled for August 8-9, 2019.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a Prehearing Conference will be held on **July 25, 2019**, at 10:00 a.m. before the Board’s legal counsel. Parties may appear in person or by telephone. If appearing in person, the said prehearing will be conducted at the Board’s offices located at 601 57<sup>th</sup> Street, Charleston, Kanawha County, West Virginia 25304. If appearing by telephone, dial 1-877-302-0757. After the welcome message, dial the conference ID (8855847) followed by the pound (#) key.

The proceedings will be recorded and transcribed at a later date if necessary. The following will be discussed at the prehearing:

- (1) Presentation and consideration of preliminary legal issues;

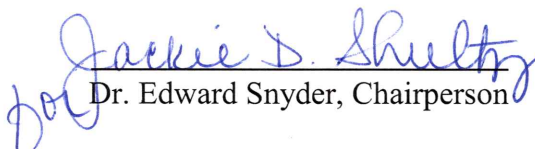
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious  
conduct of the hearing.

It is further ordered that each counselor representative attending the prehearing conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have full authority from the party represented and any law firm with which associated to take such action as may be necessary to comply with this order.

It is further ordered that at the conclusion of the conference, either orally for the record or by separate writing, an order will be entered which recites any action taken and agreements reached by the parties. The order will take the place of all that has gone before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

**ORDERED** and **ENTERED** this 1st day of May, 2019.

**Environmental Quality Board**

  
Dr. Edward Snyder, Chairperson

**ENVIRONMENTAL QUALITY BOARD**

**DAVID C. TABB,**

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**Appellee.**

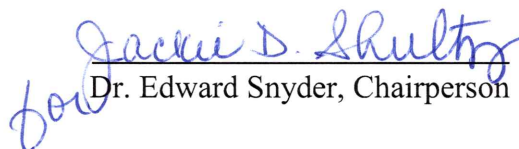
**ORDER FOR CONTINUANCE AND NOTICE OF HEARING**

Appeal No. 19-08-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on April 29, 2019. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning matters as more fully set forth in the Notice of Appeal filed in Appeal No. 19-08-EQB is scheduled for May 23, 2019.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 19-08-EQB shall be continued until the **August 8-9, 2019**, Board meeting. Said hearing will begin at 8:30 a.m. at the Board’s offices located at 601 57<sup>th</sup> Street, Charleston, Kanawha County, West Virginia 25304.

It is so **ORDERED** and **ENTERED** this 1st day of May, 2019.

**Environmental Quality Board**

  
Dr. Edward Snyder, Chairperson

ENVIRONMENTAL QUALITY BOARD

DAVID C. TABB,

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Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Jackie D. Shultz, Clerk for the Environmental Quality Board, have this day, the 1st day of May, 2019, served a true copy of the foregoing **Order For Continuance And Notice Of Hearing and Notice Of Prehearing Conference** via certified United States mail, postage pre-paid, or via personal service, to the following:

*via certified US Mail:*

Christian J. Riddell, Esquire  
Stedman & Riddell  
329 S. Queen Street  
Martinsburg, WV 25401

91 7199 9991 7038 4218 7105

Mr. David Tabb  
107 Tabb Lane  
Harpers Ferry WV 25425

91 7199 9991 7038 4218 7099

TeMa North America, LLC  
c/o Cogency Global, Inc.  
1627 Quarrier Street, E.  
Charleston, WV 25311

91 7199 9991 7038 4218 7082

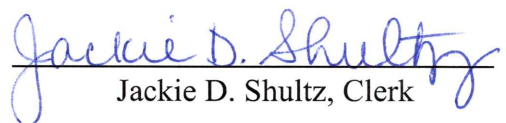
Jefferson County Development Authority  
1948 Wiltshire Road, Suite 4  
Kearneysville WV 25430

91 7199 9991 7038 4218 7075

*via personal service:*

Jason E. Wandling, Esquire  
Office of Legal Services  
WV Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304

Harold D. Ward, Deputy Director  
Division of Mining and Reclamation  
WV Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304

  
Jackie D. Shultz, Clerk