

OR

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA**

David Tabb,

Appellant,

v. Harold Ward,  
Deputy Secretary for Operations, Division of  
Water and Waste Management  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Appeal No. 19-08 EQB

Jefferson County Development Authority,

TeMa USA, LLC.,

Appellee.

**MOTION TO HAVE A HEARING IN JEFFERSON COUNTY**

Now comes Appellant, David Tabb, and Motions the Environmental Quality Board (hereafter, EQB) to hold the hearing of the above listed appeal in the County of which the permit is held.

In accordance with W. Va. Code §22B-1-7 "...the county wherein the source, activity or facility is located...", the Appellant, is requesting the hearing be held in the County of Jefferson were the permit/project/facility is located.

The majority of participants are in Jefferson County. The permit holder: Jefferson County Development Authority; the permit user: TeMa USA, LLC; the authority to apply for the permit: The Jefferson County Commission and the Jefferson County Engineering Department; the Appellant; the Department of Environmental Protection: the inspector; the EQB Chairman; the Eastern Panhandle Conservation District Supervisor.

Therefore, with all the reasons listed above I hereby request that the hearing be held in Jefferson County in accordance with W. Va. Code §22B-1-7.

David Tabb

## CERTIFICATE OF SERVICE

I, David C. Tabb, do hereby certify that I, on this 25<sup>th</sup> day of July, 2019 served the attached *Motion to have a hearing in Jefferson County* to all parties in Appeal no. 19-08EQB as follows:

By United States Mail, postage prepaid:

Jackie Shultz, Clerk, Original and 6 copies  
Environmental Quality Board  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

First Class Mail

Jason Wandling and distributed parties  
WVDEP – Office of Legal Services  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

First Class Mail

Harold Ward, Deputy Secretary for Operations  
DEP, Water and Waste Management  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

First Class Mail

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

First Class Mail

TeMa USA, LLC  
Jefferson County Facility  
395 Steeley Way  
Kearneysville, WV 25430

First Class Mail



David C. Tabb

cc:  
EPA – Region III  
1650 Arch St  
Philadelphia, PA 19103

Via – Email  
Vyas.himanshu@epa.gov

**Shultz, Jackie D**

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**From:** David Tabb <sssi27@yahoo.com>  
**Sent:** Thursday, July 25, 2019 9:17 AM  
**To:** Shultz, Jackie D  
**Subject:** [External] 19-08 EQB Motion to Have Hearing in Jefferson County

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App

Deputy Secretary for Operations, Division of  
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