

**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.

IN RESPONSE TO JULY 25, 2019 PRE HEARING SCHEDULED MEETING

**MOTION TO DENY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S MOTION
TO DISMISS APPELLANT'S MOTION TO HAVE HEARING IN JEFFERSON COUNTY
(CHANGE OF VENUE)**

Now comes Appellant, David Tabb, on the July 25, 2019 pre hearing scheduled hearing with concerns that the Department of Environmental Protection's attorney had a problem with the change of venue under W. Va. Code §22B-1-7. The Department of Environmental Protection (hereafter DEP) and the Environmental Quality Board (hereafter EQB) allowed the same intervention under the same W. Va. Code §22B-1-7 for the Jefferson County Development Authority (hereafter JCDA).

Appellant is concerned of double standards to assist the DEP, not the Appellant to preserve the well-being of the county residents. There is a reason why W. Va. Code §22B-1-7 exists and the EQB has overwhelmingly assisted the DEP with the Appellant's concerns of bias.

Therefore, with the reasons list above Appellant motions to deny DEP's motion to deny Appellant's requested change of venue. If the EQB denies change of venue, Appellant has no problem as

long as the JCDA Case # 19-08 EQB is denied their participation so that all parties are treated equally within the W. Va. Code §22B-1-7.



David Tabb

CERTIFICATE OF SERVICE

I, David Tabb, do hereby certify that I, on this 25th day of July, 2019 served the attached *In Response to July 25, 2019 rehearing scheduled meeting and Motion to Deny Department of Environmental Protection's Motion to Dismiss Appellants' Motion to Have Hearing in Jefferson County (Change of Venue)* 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 57th Street, SE
Charleston, WV 25304

First Class Mail

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

First Class Mail

Harold Ward, Deputy Secretary for Operations
DEP, Water and Waste Management
601 57th 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 Tabb

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

Via – Email
Vyas.himanshu@epa.gov

19-08 EQB
Witness & Testimony

Daniel Lutz – Eastern Panhandle Conservation District Supervisor

Nick Deal – past JCDA director

Jefferson County Engineer Department –
Becky Burns

Jefferson County Development Authority - Board & Current Director

- **Neil McLaughlin, Vice President, Citizen Representative**
- **Andy Blake, Secretary/Treasurer, City of Ranson**
- Dave Dinges, Labor Representative
- Sean Feigo, Citizen Representative
- Chris Gaidrich, Citizen Representative
- James Gatz, Town of Shepherdstown
- Bob Gillette, Citizen Representative
- Christy Huddle, Town of Harpers Ferry
- Gary Kable, Education Representative
- Greg Mason, Industry Representative
- Robert McEachern, Town of Bolivar
- Patsy Noland, Jefferson County Commission
- Michelle Sudduth, Business Representative
- Mike Tolbert, City of Charles Town
- Julia Yuhasz, Citizen Representative
- Jane Jones, Administrative Assistant
- Lyn Goodwin, Program Manager
- Matthew Coffey, Business Coach

Jefferson County Commission

Patsey Noland, President

Jane Tabb, Vice President

Josh Compton, Commissioner

Caleb Wayne Hudson, Commissioner

Ralph Lorenzetti, Commissioner

Tommy George – DEP Inspector with list of violations, if any.

Who paid for permit?

Who is libel for fines and or renewal?

Is the permit WV0111457 or Registration # WV6611874

What determines ownership Permit# Registration#?

Permit # WV0111457 Expired Feb 28, 2019

Notice Letter expires Aug 31, 2019