

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 RESCHEDULE AUGUST 8-9, 2019 HEARING
MOTION TO RECONSIDER PROPOSTED ORDER TO DENY "CHANGE OF VENUE"**

Now comes Appellant, David Tabb, and Motions to Reschedule the August 8-9, 2019 hearing. Appellant motion to the Environmental Quality Board (EQB) "Change of Venue" on July 25, 2019 to date there has been no response from the WVDEP or JCDA nor TeMa.

Only July 29, 2019 at 2:29 p.m., the EQB clerk, Ms. Shultz, posted an email "...the Board denies Mr. Tabb's request..." of "change of venue". No Order of denying "change of venue" has been posted and or received.

Appellant believes a hearing to address the above listed issues is required prior to any other hearings. Furthermore, one of my key witness now has be out of town.

Therefore, with the statement above, with no opposition from Appellees to Change of Venue, Appellant, David Tabb, Motions the EBQ to reconsider the proposed denied order "Change of Venue" and Motions to Reschedule August 8-9, 2019 hearing.



David Tabb

CERTIFICATE OF SERVICE

I, David C. Tabb, do hereby certify that I, on this 31th day of July, 2019 served the attached *Motion to Reschedule August 8-9, 2019 hearing and Motion to Reconsider Proposed Order to Deny "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 Steele 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