

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

**DD OIL COMPANY,
A WEST VIRGINIA CORPORATION,**

Appellant,

v.

Appeal No. 22-01-EQB

**STATE OF WEST VIRGINIA, EX REL.,
HAROLD D. WARD, CABINET SECRETARY,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee.

**NOTICE OF EVIDENTIARY HEARING
AND PREHEARING STATUS CONFERENCE**

Appeal No. 22-01-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on March 24, 2022. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning the matters more fully set forth in the Notice of Appeal is scheduled for **April 14, 2022**. The hearing will commence at 8:30 a.m. at the Board’s offices located at 601 57th Street, S.E., Charleston, Kanawha County, West Virginia 25304.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a Prehearing Status Conference will be held on **March 31, 2022**, at 10:00 a.m. before the Board’s Chairman and/or legal counsel. Parties may appear in person or by telephone. If appearing in person, the prehearing will be conducted at the Board’s offices. If appearing by telephone, dial 1-800-309-2350. After the welcome message, dial the conference ID 78252 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 25th day of March, 2022.

Environmental Quality Board

for Kenna M. DeBaino
Dr. Edward Snyder, Chairperson

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CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 25th day of March, 2022, served a true copy of the foregoing **Notice of Evidentiary Hearing** and **Prehearing Status Conference** via Electronic Mail and Certified U.S. First-Class Mail or Interdepartmental Mail to the following:

J. Morgan Leach, Esq.
W. Va. State Bar ID 13124
Post Office Box 5518
Vienna, WV 26105

*Via Electronic Mail and
Certified U.S. First Class Mail
9489 0090 0027 6402 6160 81*

Ryan J. Umina, Esq.
W. Va. State Bar ID 13056
133 Greenbag Road
Morgantown, WV 26501

*Via Electronic Mail and
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9489 0090 0027 6402 6160 74*

Charles S. Driver, Esquire
Jeffrey O. Dye, Esq.
Office of Legal Services
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304

*Via Electronic Mail and
Interdepartmental Mail*


Kenna M. DeRaimo, Clerk