

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

**J.C. BAKER & SON, INC.
and BAKER OIL COMPANY,**

Appellants,

v.

Appeal No. 22-03-EQB

**KATHERYN EMERY, P.E., DIRECTOR,
DIVISION OF WATER AND WASTE
MANAGEMENT, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee.

NOTICE OF PREHEARING STATUS CONFERENCE

Appeal No. 22-03-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on May 31, 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 September 8-9, 2022.

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 **August 25, 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 said prehearing will be conducted at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. 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:

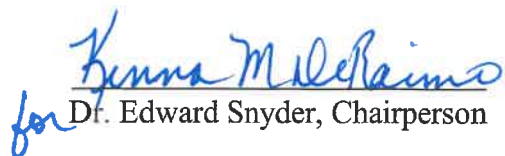
- (1) Presentation and consideration of preliminary legal issues;
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other 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 7th day of June, 2022.

Environmental Quality Board


for 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 7th day of June, 2022, served a true copy of the foregoing **NOTICE OF PREHEARING STATUS**

CONFERENCE to the following:

R. Terrance Rodgers, Esq.
KAY CASTO & CHANEY PLLC
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*Counsel for Appellants
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*Via Certified U.S. First Class Mail
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Counsel for WVDEP

Via Interdepartmental Mail

Katheryn Emery, P.E., Director
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WV Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk