

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

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

Appellants,

v.

Appeal No. 22-03-EQB

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

Appellee.

**AGREED ORDER GRANTING “APPELLANTS’ MOTION FOR STAY OF ‘ORDER  
ISSUED UNDER THE UNDERGROUND STORAGE ACT WEST  
VIRGINIA CODE CHAPTER 22, ARTICLE 17 - ORDER NO: UST-22-005’”  
AND STAYING “ORDER ISSUED UNDER THE UNDERGROUND STORAGE  
ACT VIRGINIA CODE CHAPTER 22, ARTICLE 17 - ORDER NO: UST-22-005”**

Come now appellants J. C. Baker & Son, Inc. (“J. C. Baker”) and Baker Oil Company (“Baker Oil”) (J.C. Baker and Baker Oil are collectively “Appellants”), by their counsel, R. Terrance Rodgers, of Kay Casto & Chaney PLLC, and appellee Katheryn D. Emery, P.E., Director, Division of Water and Waste Management, Department of Environmental Protection (“Appellee”), by her counsel, Charles S. Driver, of the Office of Legal Services of the West Virginia Department of Environmental Protection, and announced to this Board that they had agreed that *Appellants’ Motion For Stay Of “Order Issued Under The Underground Storage Act West Virginia Code Chapter 22, Article 17 - Order No: UST-22-005” (“Motion”)*, should be granted and that the *“Order Issued Under The Underground Storage Act West Virginia Code*

Chapter 22, Article 17 - Order No: UST-22-005" issued by Appellee on April 26, 2022 ("Order"), should be stayed pending this appeal.

Having considered said agreement, the Board is of the opinion that the *Motion* should be granted and the *Order* should be stayed pending this appeal. Accordingly, it is hereby **ORDERED** that the *Motion* shall be, and hereby is, **GRANTED**, and that the *Order* shall be, and hereby is, **STAYED** pending this appeal.

ENTERED: 6/8/2022



AGREED TO AND SUBMITTED BY:



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WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

**J.C. BAKER & SON, INC.  
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DIVISION OF WATER AND WASTE  
MANAGEMENT, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Appellee.**

**CERTIFICATE OF SERVICE**

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 9<sup>th</sup> day of June, 2022, served a true copy of the foregoing **AGREED ORDER GRANTING "APPELLANTS' MOTION FOR STAY OF 'ORDER ISSUED UNDER THE UNDERGROUND STORAGE ACT WEST VIRGINIA CODE CHAPTER 22, ARTICLE 17 - ORDER NO: UST-22-005'" AND STAYING "ORDER ISSUED UNDER THE UNDERGROUND STORAGE ACT VIRGINIA CODE CHAPTER 22, ARTICLE 17 - ORDER NO: UST-22-005"** to the following:

R. Terrance Rodgers, Esq.  
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*Counsel for Appellants  
J.C. Baker & Son, Inc. and  
Baker Oil Company*

*Via Certified U.S. First Class Mail*  
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*Counsel for WVDEP*

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk