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WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD SEP 2 2022  
CHARLESTON, 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.

**APPELLANTS' MOTION FOR PERMISSION TO CONDUCT  
ADDITIONAL DISCOVERY RELATED TO THE ISSUE OF WHETHER  
APPELLANTS ARE OR WERE THE OWNER OR OPERATOR OF THE  
UNDERGROUND STORAGE TANKS (USTs) AT ISSUE IN THIS APPEAL**

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, pursuant to West Virginia Code § 22B-1-8(a), and move that the West Virginia Environmental Quality Board ("Board") permit Appellants to serve the attached additional written discovery requests on appellee Katheryn Emery, P.E., Director, Division of Water and Waste Management, Department of Environmental Protection ("Appellee"). In support of this *Motion*, Appellants state as follows.

1. This Board has bifurcated the issue of whether either of Appellants were the owner or operator of the underground storage tanks (USTs) which are the subject of this appeal (“Initial Issue”).

2. Appellants contend they are not the owners and never have been the owners, or the operators, of the underground storage tanks (USTs) responsible for the leaks which are the subject of this appeal.

3. Appellants do not have access to the information and/or documents relevant to who does, or has, owned or operated the underground storage tanks (USTs) responsible for the leaks which are the subject of this appeal that likely is in possession of Appellee as Appellee would be the party to whom these owners and/or operators of said underground storage tanks (USTs) would have submitted notifications and/or other documents related to such ownership and/or operation.

4. The additional discovery sought is narrowly tailored to the Initial Issue and is designed to give Appellants the same information which would be in the possession of Appellee such that fairness dictates Appellants be provided with answers and/or responses to the attached written discovery requests.

**WHEREFORE**, Appellants request that this Board grant this *Motion*, grant Appellants permission to serve the attached written discovery requests on Appellee, and require Appellee to answer and/or respond to said written discovery requests within twenty (20) days of Appellee’s receipt of them as required by W. Va. Rule 46 CSR 4.5.6.

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

Appellants,

BY COUNSEL:



R. TERRANCE RODGERS (WVSB #3148)

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

Appellee.

**APPELLANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

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 request that appellee Katheryn Emery, P.E., Director, Division of Water and Waste Management, Department of Environmental Protection ("Appellee") produce for inspection and copying the following documents in her custody and/or within her control within twenty (20) days of Appellee's receipt of them as required by W. Va. Rule 46 CSR 4.5.6.

**REQUEST FOR PRODUCTION NO. 1:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. and Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or

currently owns, any underground storage tanks (“USTs”) located at the site referred to in the *Order Issued Under The Underground Storage Act West Virginia Code Chapter 22, Article 17*, Order No. UST-22-005, which is the subject of this appeal (“*Order*”), as Linger’s service station site in Buckhannon, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as Linger’s service station site in Buckhannon, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as Paul’s service station site in Phillippi, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as Paul's service station site in Phillippi, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as the Coastal Lumber Company site in Buckhannon, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as the Coastal Lumber Company site in Buckhannon, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as Hamrick's service station site in Webster Springs, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as Hamrick's service station site in Webster Springs, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 9:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as W.J. Prince's service station site in Jane Lew, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 10:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as W.J. Prince's service station site in Jane Lew, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as Sample's service station site in Prociuous, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 12:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as Sample's service station site in Prociuous, West Virginia.

**RESPONSE:**



**REQUEST FOR PRODUCTION NO. 13:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as Steve White's service station site in Gassaway, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 14:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as Steve White's service station site in Gassaway, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 15:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as the Coastal Lumber Company site in Hacker Valley, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 16:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as the Coastal Lumber Company site in Hacker Valley, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 17:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as the Clendenin service station site in Clendenin, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 18:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as Clendenin service station site in Clendenin, West Virginia

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 19:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as Point C Mart in Weston, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 20:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as Point C Mart in Weston, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 21:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as Young's service station site in Dille, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 22:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. and Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. or/or other than Baker Oil Company operated at any time in the past, or currently operates, any UST located at the site referred to in the *Order* as Young's service station site in Dille, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 23:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. and Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as C. Adam Toney Discount Tires site in Summersville, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 24:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as C. Adam Toney Discount Tires site in Summersville, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 25:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company owned at any time in the past, or currently owns, any USTs located at the site referred to in the *Order* as Glenville service station site in Glenville, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 26:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection by any person other than J.C. Baker & Son, Inc. or Baker Oil Company, which in any way reflect or suggest a party other than J.C. Baker & Son, Inc. and/or other than Baker Oil Company operated at any time in the past, or currently operates, any USTs located at the site referred to in the *Order* as Glenville Service Station site in Glenville, West Virginia.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 27:** All documents submitted to, or filed with, the West Virginia Department of Environmental Protection, by J.C. Baker & Son, Inc. and/or Baker Oil Company in which a party other than J.C. Baker & Son, Inc. and/or Baker Oil Company is identified in any way as the past or current owner or past or current operator of any USTs located on any of the thirteen (13) sites mentioned in Request For Production Nos. 1-26 above.

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

Appellants,

BY COUNSEL:

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Charleston, West Virginia 25327  
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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, WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Appellee.

**CERTIFICATE OF SERVICE**

I, R. Terrance Rodgers, do hereby certify that, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, I served the forgoing *Appellants' First Request For Production Of Documents*, via email, on the Honorable Kenna M. DeRaimo, Clerk of the West Virginia Environmental Quality Board, at [kenna.m.deraimo@wv.gov](mailto:kenna.m.deraimo@wv.gov), via email to Charles S. Driver, counsel for Kathryn D. Emery, P. E., Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection, at [Charles.s.driver@wv.gov](mailto:Charles.s.driver@wv.gov), and via regular United States mail, postage prepaid, in envelopes addressed as follows:

Ms. Kenne M. DeRaimo  
Clerk  
West Virginia Environmental Quality Board  
601 57<sup>th</sup> Street, S.E.  
Charleston, West Virginia 25304

Charles S. Driver, Esquire  
Office of Legal Services  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, West Virginia 25304

Katheryn D. Emery, P.E.  
Director  
Division of Water and Waste Management  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, West Virginia 25304

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R. Terrance Rodgers (WVSB #3148)



WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

J.C. BAKER & SON, INC.  
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Appeal No. 22-03-EQB

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

Appellee.

**APPELLANTS' FIRST REQUEST FOR ADMISSIONS AND FIRST SET OF  
INTERROGATORIES RELATED TO REQUESTS FOR ADMISSION**

**REQUESTS FOR ADMISSIONS**

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 request that appellee Katheryn Emery, P.E., Director, Division of Water and Waste Management, Department of Environmental Protection ("Appellee"), admit the following request for admissions within twenty (20) days of Appellee's receipt of them as required by W. Va. Rule 46 CSR 4.5.6.

**REQUEST FOR ADMISSION NO. 1:** With respect to the underground storage tanks ("USTs") identified in the *Order Issued Under The Underground Storage Act West Virginia Code Chapter 22, Article 17*, Order No. UST-22-005, which is the subject of this appeal ("*Order*"), as located at the Linger's service station site in Buckhannon, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 2:** With respect to the USTs identified in the *Order* as located at the Paul's service station site in Phillippi, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 3:** With respect to the USTs identified in the *Order* as located at the Coastal Lumber Company site in Buckhannon, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO.4:** With respect to the USTs identified in the *Order* as located at the Hamrick's service station site in Webster Springs, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 5:** With respect to the USTs identified in the *Order* as located at the W.J. Prince's service station site in Jane Lew, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 6:** With respect to the USTs identified in the *Order* as located at the Sample's service station site in Prociuous, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 7:** With respect to the USTs identified in the *Order* as located at Steve White's service station site in Gassaway, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 8:** With respect to the USTs identified in the *Order* as located at Coastal Lumber Company site in Hacker Valley, West Virginia, please admit that:

- a. J.C. Baker. has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 9:** With respect to the USTs identified in the *Order* as located at the Clendenin service station site in Clendenin, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 10:** With respect to the USTs identified in the *Order* as located at Point C Mart located in Weston, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 11:** With respect to the USTs identified in the *Order* as located at the Young's service station site in Dille, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 12:** With respect to the USTs identified in the *Order* as located at C. Adam Toney Discount Tires site in Summersville, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 13:** With respect to the USTs identified in the *Order* as located at Glenville service station site in Glenville, West Virginia, please admit that:

- a. J.C. Baker has never owned said USTs;
- b. J.C. Baker has never operated said USTs;
- c. Baker Oil has never owned said USTs; and
- d. Baker Oil has never operated said USTs.

**INTERROGATORIES**

Come now Appellants, by their counsel, R. Terrance Rodgers, of Kay Casto & Chaney PLLC, and request that Appellee answer the following interrogatories within twenty (20) days of Appellee's receipt of them as required by W. Va. Rule 46 CSR 4.5.6.

**INTERROGATORY NO. 1:** If, in answering the Requests For Admission set forth in "Appellants' First Set Of Requests For Admissions" above, you did not unconditionally admit any Request For Admission, or part thereof, please answer the following for EACH and EVERY Request For Admission, or part thereof, which you did not unconditionally admit:

- a. explain in detail why you did not unconditionally admit the Request For Admission;
- b. State every fact known to you which justifies or forms a basis for your refusal to unconditionally admit the Request For Admission;
- c. Identify each and every document which justifies or forms a basis for your refusal to unconditionally admit the Request For Admission;
- d. Identify each and every individual who provided information to you, or someone on your behalf, whether by statement, or otherwise, which justifies or forms a basis for your refusal to unconditionally admit the Request For Admission; and

- e. Summarize the substance of every individual's statement or testimony which justifies or forms a basis for your refusal to unconditionally admit the Request For Admission.

**ANSWER:**

**INTERROGATORY NO. 2:** If, in answering the Requests For Admissions set forth in "Appellants' First Set Of Requests For Admissions" above, you contend you lacked sufficient information to admit or deny any Request For Admission, or any part thereof, please answer the following for EACH and EVERY Request For Admission, or part thereof, for which you contend you lacked sufficient information to admit or deny.

- a. State the steps, inquiries, and to what lengths you went to obtain the information you contend you need to admit or deny the Request For Admission; and
- b. State, in detail, what additional information you would need to admit the Request For Admission, that is not already in your possession or contained in the substance of the Request For Admission.

**ANSWER:**

**INTERROGATORY NO. 3:** Please identify each and every individual who participated in the preparation of your answers to these Interrogatories, specifying which answer the individual contributed to and the documents he or she referred to or consulted in making such a contribution.

**ANSWER:**

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

Appellants,

BY COUNSEL:

---

R. TERRANCE RODGERS (WVSB #3148)  
KAY CASTO & CHANEY PLLC  
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[trodgers@kaycasto.com](mailto:trodgers@kaycasto.com)



WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

J.C. BAKER & SON, INC.  
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Appellants,

v.

Appeal No. 22-03-EQB

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

Appellee.

**CERTIFICATE OF SERVICE**

I, R. Terrance Rodgers, do hereby certify that, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, I served the forgoing *Appellants' First Request For Admissions And First Set Of Interrogatories Related To Requests For Admission*, via email, on the Honorable Kenna M. DeRaimo, Clerk of the West Virginia Environmental Quality Board, at [kenna.m.deraimo@wv.gov](mailto:kenna.m.deraimo@wv.gov), via email to Charles S. Driver, counsel for Katheryn D. Emery, P.E., Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection, at [Charles.s.driver@wv.gov](mailto:Charles.s.driver@wv.gov), and via regular United States mail, postage prepaid, in envelopes addressed as follows:

Ms. Kenna M. DeRaimo  
Clerk  
West Virginia Environmental Quality Board  
601 57<sup>th</sup> Street, S.E.  
Charleston, West Virginia 25304

Charles S. Driver, Esquire  
Office of Legal Services  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, West Virginia 25304

Katheryn D. Emery, P.E.  
Director  
Division of Water and Waste Management  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, West Virginia 25304

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R. Terrance Rodgers (WVSB #3148)

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, WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Appellee.

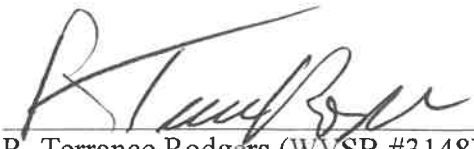
**CERTIFICATE OF SERVICE**

I, R. Terrance Rodgers, do hereby certify that, on this 2<sup>nd</sup> day of September, 2022, I served the forgoing *Appellants' Motion For Permission To Conduct Additional Discovery Related To The Issue Of Whether Appellants Are Or Were The Owner Or Operator Of The Underground Storage Tanks (USTs) At Issue In This Appeal*, via email, on the Honorable Kenna M. DeRaimo, Clerk of the West Virginia Environmental Quality Board, at [kenna.m.deraimo@wv.gov](mailto:kenna.m.deraimo@wv.gov), via email to Charles S. Driver, counsel for Kathryn D. Emery, P. E., Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection, at [Charles.s.driver@wv.gov](mailto:Charles.s.driver@wv.gov), and via regular United States mail, postage prepaid, in envelopes addressed as follows:

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West Virginia Environmental Quality Board  
601 57<sup>th</sup> Street, S.E.  
Charleston, West Virginia 25304

Charles S. Driver, Esquire  
Office of Legal Services  
West Virginia Department of Environmental Protection  
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Katheryn D. Emery, P.E.  
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R. Terrance Rodgers (WVSB #3148)