

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

RECEIVED

OCT 27 2022

Environmental Quality
Board

**APPALACHIAN POWER COMPANY
dba AEP,**

Appellant,

v.

Appeal No. 21-06-EQB

**DIVISION OF WATER AND WASTE
MANAGEMENT, WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,**

Appellee,

JOINT MOTION TO CONTINUE

Now come the Parties, Appalachian Power Company dba AEP (“AEP”), and the Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection (“WVDEP”), by counsel, and hereby move this Board for entry of an Order continuing the hearing on this appeal, which is scheduled for November 9-10, 2022, at 8:30 a.m., for a period of sixty (60) days. In support of this motion, the parties state as follows:

1. The parties have reached an agreement-in-principle on all issues currently under appeal and said agreement is being effectuated through a permit modification application that has been processed by the WVDEP and is currently undergoing the 30-day public comment period.
2. The public comment period ends on November 19, 2022, and once issued, the issues under appeal will be moot and the above-styled appeal will be withdrawn.
3. The parties agree that a sixty (60) day continuance will allow sufficient time for the comment period to end and for the permit modification application process to be completed.

4. The parties agree that entry of an Order by this Board granting the requested 30-day stay shall extend the stay currently in place until such time that this matter is resolved through issuance of the final permit modification.
5. This request is made in good faith and not for purposes of delay.

WHEREFORE, for the reasons set forth above, AEP and WVDEP request that the West Virginia Environmental Quality Board grant its motion to continue this matter and enter an Order continuing the hearing currently set in this matter for a period of sixty (60) days.

Respectfully submitted,

Appalachian Power Company


By counsel:



Kathy G. Beckett
Steptoe & Johnson PLLC
P.O. Box 1588
Charleston, WV 25326
(304) 353-8172
Counsel to Appellant

The West Virginia Department of Environmental Protection

By counsel:



Jonathan Frame
Office of Legal Services
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston WV 25304
(304) 926-0499
Counsel to the WVDEP