

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.

**AGREED SCHEDULING ORDER REGARDING SUBMITTING/FILING PROPOSED  
ORDERS, RESPONSES THERETO, AND REPLIES TO THOSE RESPONSES**

On a prior day came appellants J.C. Baker & Son, Inc. ("J.C. Baker & Son, Inc.") and Baker Oil Company ("Baker Oil") (J.C. Baker Inc. 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, West Virginia Department of Environmental Protection ("Appellee"), by her counsel, Charles S. Driver and Brooke A. Hirst, Office of Legal Services, West Virginia Department of Environmental Protection, and announced to the West Virginia Environmental Quality Board ("Board"), Appellants and Appellees' agreement regarding the deadlines for Appellants and Appellee to each submit their proposed order, with findings of fact and conclusions of law ("proposed order"), for each of them to respond to the other's proposed order, and for each of them to reply to the other's response:

(a) April 7, 2023 for Appellants and Appellees to each submit to the Board their proposed order;

(b) May 15, 2023 for filing responses with the Board to each other's proposed order; and

(c) June 5, 2023 for filing replies with the Board to each other's response to their/her proposed order.

Having considered the aforesaid agreement between Appellants and Appellees, the Board deems the same to be acceptable. Accordingly, it is hereby **ORDERED** that the schedule for Appellants and Appellees to each submit to the Board their proposed order, to file their responses with the Board to each other's proposed order, and to file their replies with the Board to each other's response to their/her proposed order, shall be:

1. April 7, 2023 for Appellants and Appellee to each submit to the Board their proposed order;

2. May 15, 2023 for filing responses with the Board to each other's proposed order; and

3. June 5, 2023 for filing replies with the Board to each other's response to their/her proposed order.

ENTERED: MARCH 6, 2023


*for* Gianna M. DeRaimo  
Dr. Edward Snyder, Chairperson

PRESENTED BY:



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*Counsel for appellants J.C. Baker & Son,  
Inc. and Baker Oil Company*

For  with permission

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*Counsel for appellee Katheryn D. Emery, P.E.,  
Director, Division of Water and Waste Management,  
Department of Environmental Protection*

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

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**Appellants,**

**v.**

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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 6<sup>th</sup> of March, 2023, served a true copy of the foregoing **AGREED SCHEDULING ORDER REGARDING SUBMITTING/FILING PROPOSED ORDERS, RESPONSES THERETO, AND REPLIES TO THOSE RESPONSES** to the following:

R. Terrance Rodgers, Esq.  
KAY CASTO & CHANEY PLLC  
Post Office Box 2031  
Charleston, WV 25327  
*Counsel for Appellants  
J.C. Baker & Son, Inc. and  
Baker Oil Company*

*Via Certified U.S. First Class Mail*  
7021 1970 0001 1851 8502

Charles S. Driver, Esq.  
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*Counsel for WVDEP*

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk