

April 4, 2023

**VIA EMAIL [kenna.m.deraimo@wv.gov]
and REGULAR U.S. MAIL**

Honorable Kenna M. DeRaimo
Clerk of the West Virginia Environmental
Quality Board
601 57th Street, S. E.
Charleston, West Virginia 25304

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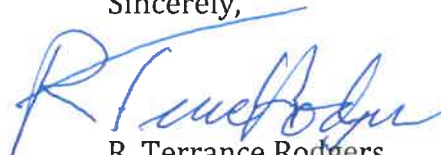
**Environmental Quality
Board**

RE: J.C. Baker & Son, Inc. and Baker Oil Company v. Katheryn D. Emery, Director,
Division of Water and Waste Management, West Virginia Department of
Environmental Protection; Appeal No. 22-03-EQB (West Virginia
Environmental Quality Board)

Dear Ms. DeRaimo:

Attached/enclosed please find a certain proposed *Amended Agreed Scheduling Order Regarding Submitting/Filing Proposed Orders, Responses Thereto, And Replies To Those Responses*. If you could submit this proposed *Amended Agreed Scheduling Order* to Dr. Snyder for entry in the above-referenced appeal, I would be most appreciative. If you or Dr. Snyder have any questions about this proposed *Amended Agreed Scheduling Order*, please do not hesitate to call me at (304) 720-4217 or email me at trodgers@kaycasto.com.

Sincerely,


R. Terrance Rodgers

RTR/spw
Attachment/Enclosure

VIA ELECTRONIC MAIL AND REGULAR U.S. MAIL

cc: Charles S. "Scott" Driver, Esquire (w/att.)
Brooke A. Hirst, Esquire (w/att.)
Karen S. Rodgers, Esquire (w/att.)

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.

**AMENDED 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 requested that the West Virginia Environmental Quality Board (“Board”), amend its March 6, 2023 *Agreed Scheduling Order Regarding Submitting/Filing Proposed Orders, Responses Thereto, And Replies To Those Responses* and change 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, as follows:

(a) April 14, 2023 for Appellants and Appellees to each submit to the Board their/her proposed order;

(b) May 22, 2023 for filing responses with the Board to each other's proposed order; and

(c) June 12, 2023 for filing replies with the Board to each other's response to their/her proposed order.

Having considered the aforesaid request of Appellants and Appellees, the Board has determined that the same should be honored. 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 amended as follows:

1. April 14, 2023 for Appellants and Appellee to each submit to the Board their/her proposed order;

2. May 22, 2023 for filing responses with the Board to each other's proposed order; and

3. June 12, 2023 for filing replies with the Board to each other's response to their/her proposed order.

ENTERED: _____


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 Kathryn D. Emery, P.E.,
Director, Division of Water and Waste Management,
Department of Environmental Protection*