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APR 11 2023

Environmental Quality  
Board

**BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

**PINN MC WIND DOWN CO., LLC,**

**Appellant,**

**v.**

**Appeal No. 23-04-EQB**

**DIRECTOR, OFFICE OF MINING AND  
RECLAMATION, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Appellee.**

**MOTION TO HOLD APPEAL IN ABEYANCE**

Appellant, Pinn MC Wind Down Co., LLC (“Pinn MC”), by counsel, Christopher M. Hunter, hereby moves for an Order holding this appeal in abeyance until further Order of this Board. In support of its Motion, Pinn MC states as follows:

1. On March 30, 2023, the Appellant, by and through its counsel, filed a notice of appeal in this matter, representing that it is aggrieved by WVDEP’s February 28, 2023 MR-HP15E Single Event Violation (“SEV”) #16.
2. The Appellant and Appellee are currently discussing the possibility of entering into a consent decree/order, which would likely include terms and conditions that would resolve some or all of the issues raised in this appeal.
3. It is in the interests of judicial economy that this appeal be held in abeyance while the parties attempt to arrive at a resolution.
4. As part of that abeyance, the Appellee asks that the deadline for its submission of the Certified Record be continued until further Order of the Board or until otherwise agreed to by the parties.
5. The Appellee does not object to this motion.

WHEREFORE, based upon the foregoing, Pinn MC requests that this appeal be held in abeyance until further Order of this Board.

Respectfully submitted,

PINN MC WIND DOWN CO., LLC



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**CERTIFICATE OF SERVICE**

I, Christopher M. Hunter, hereby certify that a true and exact copy of the foregoing  
MOTION TO HOLD APPEAL IN ABEYANCE was caused to be served upon the following via  
United States mail, postage pre-paid, this 5th day of April, 2023.

Scott Driver  
Office of Legal Services  
West Virginia Department of Environmental Protection  
601 57th Street, SE  
Charleston, WV 25304

Kevin W. Barrett, Esquire  
Bailey & Glasser LLP  
209 Capitol Street  
Charleston, WV 25301

