

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;

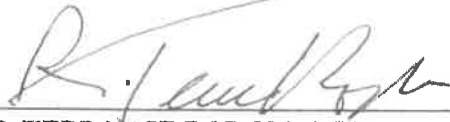
2. May 22, 2023 for filing responses with the Board to each other's proposed order; and

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

ENTERED: APRIL 12, 2023

for Kenna M DeRaimo  
Dr. Edward Snyder, Chairperson

PRESENTED BY:



R. TERRANCE RODGERS (WVSB #3148)

KAY CASTO & CHANEY PLLC

P. O. Box 2031

Charleston, West Virginia 25327

(304) 720-4217 / Telephone

(304) 345-8909 / Telefax

[trodgers@kaycasto.com](mailto:trodgers@kaycasto.com)

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

For



CHARLES S. DRIVER (WVSB #9846)

BROOKE A. HIRST (WVSB #13892)

OFFICE OF LEGAL SERVICES

WEST VIRGINIA DEPARTMENT OF

ENVIRONMENTAL PROTECTION

601 57<sup>th</sup> Street, S.E.

Charleston, West Virginia 25304

(304) 926-0460 / Telephone

(304) 926-0461 / Telefax

[charles.s.driver@wv.gov](mailto:charles.s.driver@wv.gov)

[brooke.hirst@wv.gov](mailto:brooke.hirst@wv.gov)

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

with permission

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DIVISION OF WATER AND WASTE  
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**Appellee.**

**CERTIFICATE OF SERVICE**

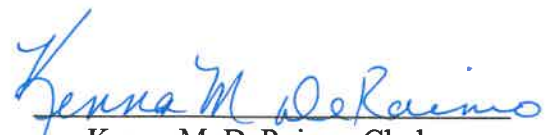
I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 12<sup>th</sup> of April, 2023, served a true copy of the foregoing **AMENDED AGREED SCHEDULING ORDER REGARDING SUBMITTING/FILING PROPOSED ORDERS, RESPONSES THERETO, AND REPLIES TO THOSE RESPONSES** 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 8717

Charles S. Driver, Esq.  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304  
*Counsel for WVDEP*

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk