

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.

**SECOND 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 Kathryn 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 April 12, 2023 *Amended 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 responses to the other’s proposed Final Order, which were submitted on April 14, 2023, and for each of them to reply to the other’s response, as follows:

(a) June 7, 2023 for filing responses with the Board to each other's proposed Final Order; and

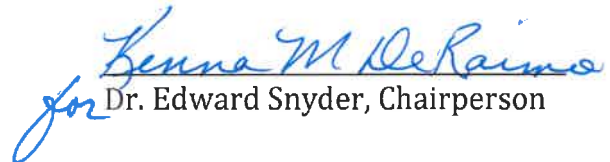
(c) June 28, 2023 for filing replies with the Board to each other's response to their/her proposed Final Order.

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 responses to each other's proposed Final Order, and to file their replies with the Board to each other's response to their/her proposed Final Order, shall be amended as follows:

1. June 7, 2023 for filing responses with the Board to each other's proposed Final Order; and

2. June 28, 2023 for filing replies with the Board to each other's response to their/her proposed Final Order.

ENTERED: MAY 18, 2023

  
for Dr. Edward Snyder, Chairperson

PRESENTED BY:



R. TERRANCE RODGERS (WVSB #3148)  
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*Counsel for appellants J.C. Baker & Son,  
Inc. and Baker Oil Company*

*For [Signature] with permission*

CHARLES S. DRIVER (WVSB #9846)

BROOKE A. HIRST (WVSB #13892)

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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, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 18<sup>th</sup> of May, 2023, have served a true copy of the foregoing **SECOND 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 8847

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

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk