

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA**

**APPALACHIAN POWER COMPANY  
dba AEP,**

**Appellant,**

v.

**Appeal No. 21-06-EQB**

**DIVISION OF WATER AND WASTE  
MANAGEMENT, WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,**

**Appellee,**

**ORDER FOR CONTINUANCE AND NOTICE OF EVIDENTIARY HEARING**

Appeal No. 21-06-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on June 23, 2021. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning matters as more fully set forth in the Notice of Appeal filed in Appeal No. 21-06-EQB is scheduled for June 15-16, 2023.

The parties have submitted a joint motion to continue representing that a settlement-in-principle has been reached and that the terms of said settlement are being effectuated through issuance of a permit modification, which is currently being processed by the WVDEP. Therefore, a continuance of the evidentiary hearing is requested in order to allow sufficient time for said permit modification application to be processed and issued. The parties also agree to an extension of the stay currently in place until such time that this matter is resolved through issuance of the final permit modification.

Based on the representations of the parties, the Board does hereby order that the evidentiary hearing in Appeal No. 21-06-EQB shall be continued until the **August 10-11, 2023**, Board meeting. Said hearing will begin at 8:30 a.m. at the Board’s offices located at 601 57<sup>th</sup> Street, Charleston, Kanawha County, West Virginia 25304. The stay currently in place shall be extended as set forth herein, and as agreed to by the parties.

A Prehearing Conference shall be held on **July 27, 2023**, at 10:00 a.m. before the Board's Chairman and/or legal counsel. Parties may appear in person or by telephone. If appearing in person, the parties shall appear at the Board's offices. If appearing by telephone, the parties shall call 1-800-309-2350. After the welcome message, dial the conference ID 78252 followed by the # key.

It is so **ORDERED** and **ENTERED** this 6<sup>th</sup> day of June, 2023.

**Environmental Quality Board**

  
for Dr. Edward Snyder, Chairman

Prepared by:

/s/ Jon Frame

Jonathan Frame  
Office of Legal Services  
WV Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
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*Counsel to the WVDEP*

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**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> day of June, 2023, served a true copy of the foregoing **ORDER FOR CONTINUANCE AND NOTICE OF EVIDENTIARY HEARING** to the following:

Kathy G. Beckett, Esq.  
STEPTOE & JOHNSON PLLC  
707 Virginia Street, East  
Charleston, WV 25301  
*Counsel for Appellant  
Appalachian Power Company dba AEP*

*Via Certified First-Class U.S. Mail*  
7021 1970 0001 1851 8922

Jonathan C. Frame, Esquire  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304  
*Counsel for Appellee  
West Virginia Department of Environmental Protection*

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk