

BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

MONONGAHELA POWER COMPANY,

Appellant,

Appeal No.: 16-04-EQB

v.

KATHY EMERY, DIRECTOR,
DIVISION OF WATER AND WASTE MANAGEMENT,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Appellee.

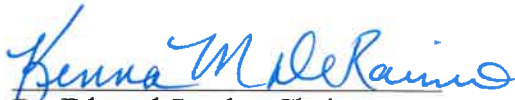
ORDER SCHEDULING STATUS CONFERENCE

Appellant Monongahela Power Company (“MPC”), by counsel Christopher B. Power, and Appellee Kathy Emery, Director of the Division of Water and Waste Management, West Virginia Department of Environmental Protection (“WVDEP”), by counsel Jon Frame, appeared for a Status Conference on May 25, 2023. At that time, counsel represented that MPC has submitted an application to modify Solid Waste/NPDES Permit No. WV0075795 and the WVDEP is continuing to review and process that application. Once the application is processed and the permit modification is issued (either as part of the renewal of the permit or otherwise), the above-styled appeal will be moot and MPC will have the right to raise any issues it may wish to assert in an appeal of the modified and/or reissued permit. In light of that, the parties agree that the terms of the “Agreed Order Remanding Permit” entered by the Board on April 17, 2018 (including the incorporated October 31, 2016 Stay) continue in effect, and it is appropriate to retain this appeal on the Board’s docket.

In consideration of the above, the Board hereby ORDERS that a further Status Conference shall be held on August 31, 2023.

ORDERED and ENTERED this 17th day of June, 2023.

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

By: 
for Dr. Edward Snyder, Chair

ENVIRONMENTAL QUALITY BOARD

MONONGAHELA POWER COMPANY,

Appellant,

v.

Appeal No. 16-04-EQB

**SCOTT G. MANDIROLA, Director, Division
of Water and Waste Management, West
Virginia Department of Environmental
Protection,**

Appellee.

CERTIFICATE OF SERVICE

This is to certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 7th day of June, 2023, served a true copy of the foregoing **ORDER SCHEDULING STATUS CONFERENCE** to all parties in Appeal Nos. 16-04-EQB, by mailing the same to the following:

Christopher B. Power, Esq.
BABST CALLAND CLEMENTS AND ZOMNIR, P.C.
Truist Place, Suite 1000
300 Summers Street
Charleston, WV 25301

Via Certified First-Class U.S. Mail
7021 1970 0001 1851 8960

Jonathan Frame, Esq.
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street, S.E.
Charleston WV 25304

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk