

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

**WEST VIRGINIA WATER RESOURCES, INC.,**

**Appellant,**

v.

**Appeal No. 24-01-EQB**

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

**Appellee.**

**ORDER FOR CONTINUANCE AND NOTICE OF HEARING**

Appeal No. 24-01-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on February 16, 2024. 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. 24-01-EQB is scheduled for March 14, 2024.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 24-01-EQB shall be continued until the **May 9, 2024, Board meeting at 8:30 a.m.** Said hearing will be held at the Board’s offices located at 601 57<sup>th</sup> Street, S.E., Charleston, Kanawha County, West Virginia 25304. The Parties may attend in person or participate remotely via Zoom. **A Zoom link will be provided to the Parties prior to the hearing.**

It is so **ORDERED** and **ENTERED** this 20<sup>th</sup> day of February, 2024.

**Environmental Quality Board**

  
Dr. Edward Snyder, Chairman

*for*

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

**WEST VIRGINIA WATER RESOURCES, INC.,**

**Appellant,**

**v.**

**Appeal No. 24-01-EQB**

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

**Appellee.**

**NOTICE OF PREHEARING STATUS CONFERENCE**

Appeal No. 24-01-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on February 16, 2024. In accordance with West Virginia Code §22B-1-7(f), an **evidentiary hearing** concerning the matters more fully set forth in the Notice of Appeal is scheduled for **May 9, 2024**.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **Prehearing Status Conference will be held on April 25, 2024, 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 said prehearing will be conducted at the Board’s offices located at 601 57<sup>th</sup> Street, Charleston, Kanawha County, West Virginia 25304. **If appearing by telephone, dial 1-800-309-2350. After the welcome message, dial the conference ID 78252 followed by the pound (#) key.**

The proceedings will be recorded and transcribed at a later date, if necessary. The following will be discussed at the prehearing:

- (1) Presentation and consideration of preliminary legal issues;
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

It is further ordered that each counselor representative attending the prehearing conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have full authority from the party represented and any law firm with which associated to take such action as may be necessary to comply with this order.

It is further ordered that at the conclusion of the conference, either orally for the record or by separate writing, an order will be entered which recites any action taken and agreements reached by the parties. The order will take the place of all that has gone before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

**ORDERED** and **ENTERED** this 20<sup>th</sup> day of February, 2024.

**Environmental Quality Board**

  
Dr. Edward Snyder, Chairperson

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

**WEST VIRGINIA WATER RESOURCES, INC.,**

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**KATHERYN EMERY, DIRECTOR,  
DIVISION OF WATER AND WASTE MANAGEMENT,  
WEST VIRGINIA 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 20<sup>th</sup> of February, 2024, have served a true copy of the foregoing **ORDER FOR CONTINUANCE AND NOTICE OF HEARING AND NOTICE OF PREHEARING STATUS CONFERENCE** to the following:

Christopher B. Power, Esq.  
Robert M. Stonestreet, Esq.  
BABST CALLAND CLEMENTS AND ZOMNIR, PC  
Truist Square  
300 Summers Street, Suite 1000  
Charleston, WV 25301  
*Counsel for Appellants  
West Virginia Water Resources, Inc.*

*Via Certified U.S. First Class Mail*  
9489 0090 0027 6573 8298 91

Charles S. Driver, Esq.  
Jonathan C. Frame, Esq.  
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*

Katheryn Emery, P.E., Director  
Division of Water and Waste Management  
WV Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk