

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.

**AGREED ORDER GRANTING "JOINT MOTION TO ALTER OR AMEND
JUDGMENT TO CLARIFY THAT THE *BIFURCATED HEARING ORDER
(OWNERSHIP OF SUBJECT USTs)* ENTERED ON FEBRUARY 16, 2024
IS A FINAL JUDGMENT ORDER ON THE MATTER TRIED ON
FEBRUARY 8 AND 9, 2023"**


On a prior day came appellants J. C. Baker & Son, Inc. ("Baker, Inc.") and Baker Oil Company ("Baker Oil") (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, of the Office of Legal Services, of the West Virginia Department of Environmental Protection, and announced to this Board that they had agreed that the *Joint Motion To Alter Or Amend Judgment To Clarify That The BIFURCATED HEARING ORDER (Ownership Of Subject USTs)* ("*Joint Motion*") which was filed with this Board on February 26, 2024, should be granted by this Board, that the *BIFURCATED HEARING ORDER (Ownership of Subject USTs)* entered on

February 16, 2024 in this appeal ("*Order*") should be amended to state that it is a final judgment order of the matter tried before this Board on February 8 and 9, 2023, and that there is no just reason for delay regarding any appeal of the *Order*. Having considered said agreement, this Board is of the opinion that it should be honored and that the *Joint Motion* should be granted. Accordingly, it is hereby **ORDERED** that the *Joint Motion* shall be, and hereby is, **GRANTED**. It is further **ORDERED** that the *Order* shall be, and hereby is **AMENDED** to state that it is a final judgment order on the matter tried before this Board on February 8 and 9, 2023, and that there is no just reason for delay regarding any appeal of the *Order*.


ENTERED: _____

Dr. Edward Snyder, Chairperson

PRESENTED BY:



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for CHARLES S. DRIVER (WVSB #9846) *with permission*

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