



COPY

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA
MONONGAHELA POWER COMPANY, LLC,
Appellant,

v.

Appeal No. 16-04-EQB

WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
Appellee,

VIDEOCONFERENCE
OF
STATUS CONFERENCE

THURSDAY, FEBRUARY 29, 2024
10:30 A.M.

Nancy Danesi Wolfe
Certified Court Reporter
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Monongahela Power Company, LLC v. WVDEP
Status Conference
February 29, 2024

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APPEARANCES

Board Members Present:

EDWARD M. SNYDER, PH.D., CHAIRMAN

MARYBETH WINTERS

B. MITCHEL BLAKE, JR., PH.D.

CHARLES C. SOMERVILLE, PH.D.

STEPHEN G. CAPELLI

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MS. DERAIMO: I'm going to begin by saying this is the status conference for 16-04-EQB. I realized this morning when the chairman pronounced it, I am pronouncing it wrong, not being born and raised in West Virginia. So I'm going to let him say that, but counsel is Kip Power for the appellant and Jon Frame and probably Scott Driver is still on here for DEP. So I will turn it over to the chairman.

CHAIRMAN SNYDER: All right. 16-04-EQB, Monongahela Power Company v. WVDEP, and I love the Monongahela National Forest, so that's a great name for me. I really do. Okay. Mr. Power and Mr. Frame, who would like lead off?

MR. FRAME: Doctor Snyder, this is Jon. I can start. This is one of the appeals that has been here for awhile, and we've been waiting on the reissuance of the permit at which time it will make this moot. Fortunately, I do have somewhat of a quick time frame or some feedback from my client on a time frame. A draft permit is really close to being issued. In fact, my client informed me that they're going to try to get a draft permit out next week. You know, I don't know if next will -- if that will happen if some last-minute

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issue will cause it to be further than that, but it's really close, at which time it will need to go out for a 30-day public comment period, but it's really close to being reissued, at which time I believe it will make this instant appeal moot.

CHAIRMAN SNYDER: Very good. Mr. Power?

MR. POWER: And we're agreeable to that.

We are certainly happy to see the next step in affirming the reissuance process.

CHAIRMAN SNYDER: Excellent. So we will see that coming forward. Probably if it's just going out, we should have that cleared up in probably about 60 days?

MR. FRAME: Certainly, you know, depending on the amount of comment received. I think it will allow us to ideally get the permit issued, but at the very least give us a -- we'll be in a good position to give the Board another status update, you know, and let you all know, you know, if it's going to be much further than that with the amount of comments to work through. But I think a 60-days continuance in this one is prudent given the circumstances.

CHAIRMAN SNYDER: Yeah, the Board has always recognized the importance of not only public

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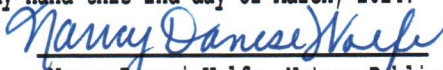
1 comments, but DEP response, you know, keeping everybody
2 in the loop as it were. Anything else?
3 MR. POWER: Not from me, Mr. Chair. I
4 agree with everything he said.
5 CHAIRMAN SNYDER: Okay. Thank you, Mr.
6 Power. So we're looking at 60 days, and you'll give us a
7 status on it at that point.
8 MS. DERAIMO: And, Jon, if you could do an
9 order, I can give you a date of prehearing that it will
10 be in 60 days. I don't have that information in front of
11 me, but you can contact me, or I'll send you an e-mail
12 after this. If you could do an order for a status
13 conference in 60 days, that would be great.
14 MR. FRAME: I'll take care of that.
15 MS. DERAIMO: Thank you, Jon.
16 (End of proceedings.)

REPORTER'S CERTIFICATE

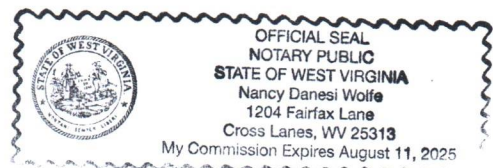
STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit,

I, Nancy Danesi Wolfe, Certified Court Reporter and
Notary Public, hereby certify that the foregoing is, to
the best of my skill and ability, a true and accurate
transcription of proceedings had on February 29, 2024, in
the aforementioned matter. I certify that the attached
transcript meets the requirements set forth within
Article 27, Chapter 47 of the West Virginia Code.

Given under my hand this 2nd day of March, 2024.


Nancy Danesi Wolfe, Notary Public
Certified Court Reporter

My commission expires August 11, 2025.



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