

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

**J.C. BAKER & SON, INC.
AND BAKER OIL COMPANY,**

Appellant,

Appeal No.: 22-03-EQB

v.

**KATHERYN EMERGY, P.E., DIRECTOR,
DIVISION OF WATER AND WASTE MANAGEMENT,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,**

Appellee.

NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE

Appeal No. 22-03-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on May 31, 2022. An **evidentiary hearing** concerning matters as more fully set forth in the Notice of Appeal filed in Appeal No. 22-03-EQB shall be held on **August 15, 2024**. Said hearing will begin at **8:30 a.m.** at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. Parties may participate in this evidentiary hearing either at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia or virtually via Zoom by using the following link:

<https://us02web.zoom.us/j/87949985859>.

Additionally, a **prehearing status conference (PHSC)** shall be held on **July 25, 2024**, at 10:00 a.m. Parties may participate, ***via Zoom only***, by using the following link:

<https://us02web.zoom.us/j/81810490189>.

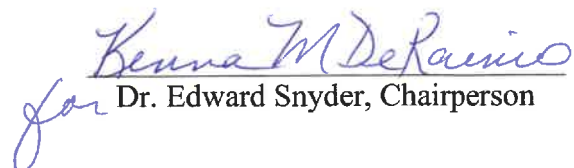
The proceedings will be recorded and transcribed later, if necessary. The following will be discussed at the prehearing:

- (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.

It is so **ORDERED** and **ENTERED** this 26th day of April, 2024.


for Dr. Edward Snyder, Chairperson

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
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Appellee.

CERTIFICATE OF SERVICE


This is to certify that I, Kenna M. DeRaimo, Clerk for the West Virginia Environmental Quality Board, have this day, the 26th day of April, 2024, served a true copy of the foregoing **NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE** in Appeal No. 22-03-EQB, by delivering the same upon the following:

R. Terrance Rodgers, Esq.
KAY CASTO & CHANEY PLLC
Post Office Box 2031
Charleston, WV 25327
Counsel for Appellants
J.C. Baker & Son, Inc.
and Baker Oil Company

Via Certified First-Class U.S. Mail
9489 0090 0027 6573 8151 84

Charles S. Driver, 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