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BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

Environmental Quality  
Board

WEST VIRGINIA WATER RESOURCES, INC.,

Appellant,

Appeal No.: 24-01-EQB

v.

JEREMY W. BANDY, DIRECTOR,  
DIVISION OF WATER AND WASTE MANAGEMENT,  
WEST VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Appellee.

**JOINT MOTION TO CONTINUE EVIDENTIARY HEARING**



Appellant West Virginia Water Resources, Inc. ("WVWR") and Appellee Division of Water and Waste Management, West Virginia Department of Environmental Protection ("DEP") jointly move the Board to continue the evidentiary hearing scheduled to commence on May 9, 2024 for at least 60 days or as soon thereafter as the hearing may be scheduled. In support of this motion, the parties state the following.

WVWR and DEP are engaged in ongoing discussions concerning various issues relevant to a potential resolution of this appeal. The parties agree that additional time is needed to work through these issues to determine whether an amicable resolution may be reached, and if so, the terms of such a resolution.

A continuance will not present a risk of environmental harm. WVWR treats the leachate from the Dent's Run Landfill at issue at its Northern West Virginia Reverse Osmosis Facility. DEP does not contend that the landfill has a history of violating Groundwater Protection Standards ("GPS") set forth in W.Va. C.S.R. § 47-12-1, et seq. The facility has a 60 mil HDPE primary geomembrane liner and a second 40 mil HDPE secondary membrane liner to monitor for any

breaches of the primary liner. There have been no breaches detected through the occurrence of water in the secondary liner.

For all these reasons, the parties ask the Board to continue the May 9, 2024 evidentiary hearing for at least 60 days.

<p>West Virginia Water Resources, Inc. By counsel</p> <p></p> <hr/> <p>Christopher B. Power (W. Va. Bar No. 4286) Robert M. Stonestreet (W.Va. Bar No. 9370) Babst Calland Clements and Zomnir, P.C. BB&amp;T Square 300 Summers Street, Suite 1000 Charleston, WV 25301 Phone: (681) 265-1362 Fax: (681) 205-8814 <a href="mailto:cpower@babstcalland.com">cpower@babstcalland.com</a> <a href="mailto:rstonestreet@babstcalland.com">rstonestreet@babstcalland.com</a></p>	<p>Division of Water and Waste Management, West Virginia Department of Environmental Protection By Counsel</p> <p></p> <hr/> <p>Chance J. Chapman (W. Va. Bar No. 12889) Office of Legal Services West Virginia Department of Environmental Protection 601 57<sup>th</sup> Street, S.E. Charleston, West Virginia 25304 304.926.0499 (Ext. 41906) <a href="mailto:chance.j.chapman@wv.gov">chance.j.chapman@wv.gov</a></p>
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