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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.

**SUPPLEMENT AND RENEWAL OF
JOINT MOTION TO CONTINUE AND ESTABLISH SCHEDULING ORDER**

On June 11, 2024, Appellant West Virginia Water Resources, Inc. (“WVWR”) and Appellee West Virginia Department of Environmental Protection (“DEP”) (collectively, the “Parties”) submitted their Joint Motion to Continue and Establish Scheduling Order (“Joint Motion”), seeking to have the Board continue the evidentiary hearing currently scheduled in this matter for July 11-12, 2024. The Joint Motion sought a continuance for at least sixty (60) days for reasons that were fully described in the motion. One of those reasons is the Parties’ belief that the Board will be in a position to enter a Final Order in this appeal following the completion of summary judgment briefing by the Parties.

On May 3, 2024, the Board granted a previous request to continue the evidentiary hearing in this appeal and re-scheduled it for the July 11-12, 2024 docket. In that same Order, the Board extended the Stay previously granted in this appeal such that it would remain in effect until July 12, 2024 (i.e., the then-projected last day of any hearing).

As a Supplement to the Joint Motion, WVWR hereby makes the following request: should the Board grant the Joint Motion, that its order doing so also confirm that the Stay previously granted in this appeal by Order dated February 23, 2024 (and later extended to July 12, 2024) shall remain in effect until further order of the Board. For the same reasons that the Board granted WVWR's Motion for Stay and previously extended the effectiveness of the Stay, WVWR avers that the Stay should remain in effect until the Board enters a Final Order in this appeal. The DEP does not oppose this request.

Respectfully submitted:

West Virginia Water Resources, Inc.
By counsel



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CERTIFICATE OF SERVICE

As counsel for the Appellant, West Virginia Water Resources, Inc., I do hereby certify that on the 13th day of June, 2024, I served a true and exact copy of the foregoing Supplement and Renewal of Joint Motion to Continue on the following counsel by electronic mail and via regular first-class mail at the below address:

Chance Chapman, Esq.
West Virginia Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304



Christopher B. Power (W. Va. Bar No. 4286)