

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

ALLEGHENY ENERGY SUPPLY COMPANY, LLC,

Appellant,

v.

Appeal Nos. 24-06-EQB

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

Appellee.

**ORDER FOR CONTINUANCE**  
**WITH NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE**

Appeal No. 24-06-EQB was filed with the West Virginia Environmental Quality Board ("Board") on June 7, 2024. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning matters as more fully set forth in the *Notice of Appeal* filed in Appeal No. 24-06-EQB is scheduled for July 3, 2024.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 24-06-EQB shall be continued to the **October 10, 2024, Board meeting beginning at 8:30 a.m.** The Parties may attend and participate in the evidentiary hearing in person or via Zoom by using the following Zoom link:

<https://us02web.zoom.us/j/89819531328>.

Additionally, pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **Prehearing Status Conference (PHSC) will be held on Thursday, September 26, 2024, at 10:00 a.m.** before the Board's Chairman and/or legal counsel. The Parties may attend and participate in the PHSC by **Zoom only** by using the following Zoom link:

<https://us02web.zoom.us/j/83779945731>.

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 13<sup>th</sup> day of June, 2024.

**Environmental Quality Board**

*for* Kenna M DeRaimo  
Dr. Edward Snyder, Chairman

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

**ALLEGHENY ENERGY SUPPLY COMPANY, LLC,**

**Appellant,**

**Appeal No. 24-06-EQB**

**v.**

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

**Appellee.**

**CERTIFICATE OF SERVICE**

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 15<sup>th</sup> day of June, 2024, a true copy of the foregoing **ORDER FOR CONTINUANCE WITH NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE** has been served upon the following:

M. Michael Hanna, Esquire  
SQUIRE PATTON BOGGS (US) LLP  
Key Tower 1000  
Public Square  
Cleveland, OH 44114  
*Counsel for Appellant  
Allegheny Energy Supply Company*

***Via Certified First Class Mail  
9489 0090 0027 6573 8146 13***

Chance J. Chapman, Esquire  
Scott Driver, Esquire  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
*Counsel for Appellee  
West Virginia Department of Environmental Protection*

***Via Interdepartmental Mail***

Jeremy W. Bandy, Director  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER AND WASTE MANAGEMENT  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
*Appellee*

***Via Interdepartmental Mail  
and Electronic Mail***

  
Kenna M. DeRaimo, Clerk