

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

KENTUCKY POWER COMPANY d/b/a AEP,

Appellant,

v.

Appeal No.: 22-04-EQB

**DIVISION OF WATER AND WASTE
MANAGEMENT, WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION,**

Appellee.

JOINT MOTION TO CONTINUE

Now come the Parties, Kentucky Power Company dba AEP (“AEP”), and the Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection (“WVDEP”), by counsel, and hereby move this Board for entry of an Order continuing the hearing on this appeal, which is scheduled for July 11-12, 2024, at 8:30 a.m. In support of this motion, the parties state as follows:

1. AEP has filed an appeal of WV/NPDES Permit No. WV0005304.
2. The instant appeal raises similar issues contained in Appeal No. 22-02-EQB, Appalachian Power Company v. WVDEP, which the parties have resolved via submittal of a permit modification that is being processed by the WVDEP.
3. The parties believe that allowing additional time for the permit modification in Appeal No. 22-02-EQB to be issued by the WVDEP is prudent, as the issuance of said permit modification informs the issues contained in the instant appeal.
4. The parties seek a continuance in order to allow for the permit modification in Appeal No. 21-06-EQB to be issued and to account for the permit modification

application process, including the required 30-day public comment period, should the parties resolve the instant appeal in similar fashion as the Appeal No. 21-06-EQB.

5. This request is made in good faith and not for purposes of delay.

WHEREFORE, for the reasons set forth above, AEP and WVDEP request that the West Virginia Environmental Quality Board grant its motion to continue this matter and enter an Order continuing the hearing currently set in this matter.

Respectfully submitted,

Appalachian Power Company

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