

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

**APPALACHIAN POWER COMPANY
DBA AEP,**

Appellant,

v.

Appeal No. 21-06-EQB

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

Appellee,

ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 21-06-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on June 23, 2021. 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. 21-06-EQB is scheduled for July 11-12, 2024.

At a prehearing conference on April 25, 2024, it was represented that a settlement-in-principle has been reached and that the terms of said settlement are being effectuated through issuance of a permit modification, which is currently being processed by the WVDEP. The parties recently filed a joint motion to continue and advised that:

1. The parties have reached an agreement-in-principle on all issues currently under appeal and said agreement is being effectuated through a permit modification application which has been submitted by the Appellant is being processed by the WVDEP.
2. A draft permit modification has undergone the 30-day public comment and the WVDEP is working to resolve a final issue related to fecal coliform that is based on a comment received by the U.S. Environmental Protection Agency.

3. Once the permit modification is issued, the issues under appeal will be moot and the above-styled appeal will be withdrawn.
4. Two subsequent appeals contain similar issues and the issuance of the above-referenced permit modification will inform the issues contained in the subsequently filed appeals.
5. The parties seek a continuance to allow additional time for the permit modification application process to be completed in the instant appeal and the subsequently filed appeals, as referenced above.
6. The parties agree that entry of an Order granting the requested continuance shall extend the stay currently in place until such time that this matter is resolved through issuance of the final permit modification and is made in good faith and not for purposes of delay.

Based on the representations of the parties, the Board does hereby order that the **evidentiary hearing** in Appeal No. 21-06-EQB shall be continued until the **October 10-11, 2024, Board meeting**. Said hearing will begin at **8:30 a.m.** The Parties may attend via Zoom by using the following link: <https://us02web.zoom.us/j/89819531328>.

A **Prehearing Status Conference** shall be held on **September 26, 2024, at 10:00 a.m.** before the Board and/or legal counsel. Said Prehearing Status Conference will be held **via Zoom only**. The Parties may attend via Zoom by using the following link: <https://us02web.zoom.us/j/83779945731>.

The stay currently in place shall be extended as set forth herein, and as agreed to by the parties.

It is so **ORDERED** and **ENTERED** this 3RD day of July, 2024.

Environmental Quality Board


Dr. Edward Snyder, Chairman

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

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Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board,
have this day, the 3RD day of July, 2024, served a true copy of the foregoing **ORDER FOR
CONTINUANCE AND NOTICE OF HEARING AND PRHEARING STATUS CONFERENCE** to the following:

Kathy G. Beckett, Esq.
STEPTOE & JOHNSON PLLC
707 Virginia Street, East
Charleston, WV 25301
*Counsel for Appellant
Appalachian Power Company dba AEP*

Via Certified First-Class U.S. Mail

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Jonathan C. Frame, Esquire
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*Counsel for Appellee
West Virginia Department of Environmental Protection*

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk