

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

**APPALACHIAN POWER COMPANY
dba AEP,**

Appellant,

v.

Appeal No. 22-02-EQB

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

Appellee,

ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 22-02-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on April 12, 2022. 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. 22-02-EQB is scheduled for July 11-12, 2024.

At a prehearing conference on April 25, 2024, it was represented that issuance of a permit modification in Appeal No. 21-06-EQB, which is currently being processed by the WVDEP, will inform the issues set forth in the above-styled appeal. The parties recently filed a joint motion to continue and advised that:

1. The parties have been and are currently engaged in settlement discussions.
2. Some of the issues under appeal are similar to those which were settled-in-principle in Appeal No. 21-06-EQB and the parties believe that there is a high likelihood of similarly resolving said issues in the above-captioned appeal.
3. The parties believe allowing additional time for the permit modification in Appeal No. 21-06-EQB to be issued by the WVDEP is prudent.

4. The parties seek a continuance to all 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 above-captioned appeal in a similar fashion as Appeal No. 21-06-EQB.
5. The request 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. 22-02-EQB shall be continued until the **October 10-11, 2024, Board meeting**. Said Board meeting 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

for 
Dr. Edward Snyder, Chairman

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

**APPALACHIAN POWER COMPANY,
DBA AEP,**

Appellant,

v.

Appeal No. 22-02-EQB

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

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 PREHEARING STATUS CONFERENCE** upon the following:

Kathy G. Beckett, Esq.
STEPTOE & JOHNSON, PLLC
Post Office Box 1588
Charleston, WV 25326
*Counsel for Appellant
Appalachian Power Company dba AEP*

*Via Certified U.S. First Class Mail
9489 0090 0027 6628 8855 20*

Jon C. Frame, Esq.
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street, S.E.
Charleston, WV 25304
*Counsel for Appellee
West Virginia Department of Environmental Protection*

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk