

**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.

ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 22-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on July 14, 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. 22-04-EQB is scheduled for July 11-12, 2024.

At a prehearing conference on April 25, 2024, it was represented that issuance of the 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 filed a Joint Motion for Continuance on June 17, 2024 representing that:

1. The above-captioned appeal regarding WV/NPDES Permit No. WV0005304 raises similar issues contained in Appeal No. 22-02-EQB which the parties have resolved via submittal of a permit modification that is being processed by the WVDEP.

2. The parties believe 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 this appeal.
3. The parties seek a continuance 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 Appeal No. 21-06-EQB.
4. The parties represent that the request for continuance is made in good faith and not for purposes of delay.

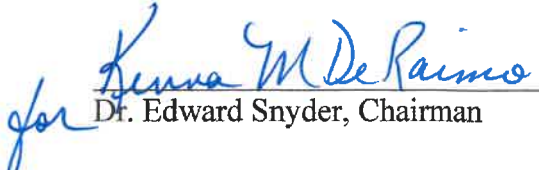
Based on the representations of the parties, the Board does hereby order that the **evidentiary hearing** in Appeal No. 21-06-EQB shall be continued until the **October 10-11, 2024, Board meeting**. Said hearing will begin at **8:30 a.m.** The Parties may attend via Zoom by using the following link: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

for 
Dr. Edward Snyder, Chairman

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
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Appellee.

CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that I have this day, the 3RD day of June, 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
707 Virginia Street, East
Charleston, WV 25326
Counsel for Kentucky Power Company dba AEP

*Via Certified U.S. First Class Mail
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Jonathan C. Frame, Esq.
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street, S.E.
Charleston, WV 25304
Counsel for WVDEP

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk