

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA WATER RESOURCES, INC.,

Appellant,

Appeal No.: 24-01-EQB

v.

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

Appellee.

**ORDER GRANTING JOINT MOTION FOR CONTINUANCE
AND ESTABLISHING BRIEFING SCHEDULE**

Appellant West Virginia Water Resources, Inc. and Appellee West Virginia Department of Environmental Protection (“Parties”), by and through their legal counsel, filed a Joint Motion to Continue and Establish Scheduling Order (“Joint Motion”), seeking to have the Board continue the evidentiary hearing currently scheduled in this matter for July 11-12, 2024. The Joint Motion sought a continuance for at least sixty (60) days for reasons that were fully described in the motion. In addition, the Parties requested that the Board establish a briefing schedule for the filing of motions for summary judgment and responsive briefs, to conclude prior to any newly scheduled hearing date. Finally, the Appellant filed an unopposed Supplement to the Joint Motion, requesting that the Board extend the existing Stay of certain challenged provisions in WV/NPDES Permit No. WV0116521 for a period commensurate with any ruling granting the Joint Motion.

For the reasons stated in the Joint Motion and otherwise appearing to the Board, the Board finds that good cause exists and hereby GRANTS the Joint Motion and ORDERS that the evidentiary hearing in this appeal shall be continued to **November 14-15, 2024**, beginning at **8:30 a.m.**, at the Board's offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. As indicated in the previous Notice of Hearing, parties may participate in the evidentiary hearing either at the Board's offices or virtually via Zoom, using the following link: <https://us02web.zoom.us/j/88472176934>.

Additionally, the **prehearing status conference** shall be held on **October 31, 2024**, at **10:00 a.m.**, ***via Zoom only***, using the following link: <https://us02web.zoom.us/j/86035617203>.

Further, the Board enters the following **Briefing Schedule** on any motion for summary judgment that either party may wish to file:

- a. July 19, 2024: Deadline for filing Motions for Summary Judgment and any supporting Memorandum;
- b. August 5, 2024: Deadline for filing Memorandum in Opposition to opposing Party's Motion; and
- c. August 12, 2024: Deadline for filing a Reply Brief in support of a Party's Motion.

For purposes of this schedule, all filings shall be completed by e-mail by 5 p.m. on the designated date to opposing counsel and the Board, and hardcopies shall be sent by regular mail or hand-delivery to counsel and the Board within three (3) days of e-mailing any document.

Finally, for good cause shown, and pursuant to W.Va. Code R. § 46-4-5.2, the Stay previously granted in this appeal on February 23, 2024, shall continue in effect until further order of the Board.

It is so **ORDERED** and **ENTERED** this 9th day of July, 2024.

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

for Kenna M DeRaiino
Dr. Edward Snyder, Chairperson

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA WATER RESOURCES, INC.,

Appellant,

v.

Appeal No. 24-01-EQB

KATHERYN EMERY, 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 9th of July, 2024, have served a true copy of the foregoing **ORDER GRANTING JOINT**

MOTION FOR CONTINUANCE AND ESTABLISHING BRIEFING SCHEDULE upon the following:

Christopher B. Power, Esq.
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Via Certified U.S. First Class Mail

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WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Counsel for Appellee
West Virginia Department of Environmental Protection

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk