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JUL 24 2024

BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

Environmental Quality
Board

ALLEGHENY ENERGY SUPPLY COMPANY, LLC,

Appellant,

Appeal No.: 24-03-EQB

v.

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

Appellee.

**APPELLEE'S RESPONSE OPPOSING APPELLANT'S
MOTION TO CONTINUE EVIDENTIARY HEARING**

On July 22, 2024, the Appellant, Allegheny Energy Supply Company, LLC ("AESC") filed a Motion to Continue Evidentiary Hearing with the West Virginia Environmental Quality Board ("EQB") seeking a 60-day continuance of the evidentiary hearing for this matter which is currently scheduled for August 15-16. The Appellee, Jeremy W. Bandy, Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection ("WVDEP") opposes AESC's Motion and hereby requests this Board deny said Motion and conduct the hearing on August 15-16 as originally scheduled.

In its Motion, AESC puts forth that a continuance would allow for additional time for the collection and processing of data so that certain groundwater monitoring requirements and effluent limits, as they relate to Modification No. 1 and Modification No. 2 respectively, can be recalculated and new conditions be incorporated into the Permit. However, at this time no such data has been received by WVDEP. While WVDEP is more than willing to consider new data as it relates to any future permit modification requests, WVDEP acted, and continues to act, on the only data it has been provided by AESC.

This Appeal should be permitted to proceed to an evidentiary hearing so that AESC may dispute any issues it has with WVDEP's application of the current and most up to date data and the Permit conditions generated therefrom. If at some point in the future new data is provided to WVDEP with an application for a permit modification, WVDEP will certainly process such a request in a timely manner. At that time, should AESC be aggrieved by WVDEP's final action, then AESC would be well within its rights to appeal.

For the reasons set forth above, the WVDEP hereby requests that this Board **DENY** the Motion and conduct the evidentiary hearing in this matter on August 15-16 as originally scheduled by this Board.

Respectfully Submitted,

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

By Counsel

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CERTIFICATE OF SERVICE

I, the undersigned counsel for Jeremy W. Bandy, Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection, do hereby certify that the foregoing **APPELLEE'S RESPONSE OPPOSING APPELLANT'S MOTION TO CONTINUE EVIDENTIARY HEARING** was served on July 24, 2024, via email, upon the following counsel of record:

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