

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

AMERICAN MUNICIPAL POWER, INC.,

Appellant,

v.

Appeal Nos. 24-07-EQB

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

Appellee.

ORDER GRANTING STAY

Appellant American Municipal Power, Inc. (“Appellant”) filed Appeal No. 24-07-EQB and a Motion for Stay with the West Virginia Environmental Quality Board (“Board”) on July 12, 2024. Contemporaneous with the Appeal, Appellant filed a Motion for Stay seeking a stay of the numeric water quality-based effluent limitations for Total Recoverable Iron in NPDES Water Pollution Control Permit No. WV0116424, during the pendency of this appeal.

The Board heard oral argument on the Motion for Stay on July 25, 2024. Dr. Edward Snyder, Dr. Charles Somerville, Mr. Steve Capelli, Ms. Marybeth Winters, and Dr. B. Mitchel Blake, Jr. attended the hearing via Zoom, along with the Board’s counsel, Mark Weiler, Esquire. The Appellant was represented by Joseph M. Ward, Esquire and Timothy J. Hagerty, Esquire, and the Appellee, the West Virginia Department of Environmental Protection, was represented by Charles Scott Driver, Esquire.

Pursuant to W. Va. Code R. § 46-4-5.2, “[t]he Board may, in its administrative discretion, and in the interests of fairness and justice, rule on motions which tend to regulate the course of a hearing, simplify the issues, and dispose of procedural requests or similar matters.”

After reviewing Appellant's Motion for Stay and upon due consideration of the arguments of the parties, the Board hereby GRANTS Appellant's motion for stay as the arguments presented does not establish there would be any significant risk of environmental harm to the waters of this State or the public while the appeal is pending. The Stay is hereby granted until November 15, 2024.

It is so **ORDERED** and **ENTERED** this 30th day of July, 2024.

Environmental Quality Board

for Kenna M DeRaimo
Dr. Edward Snyder, Chairman

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CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the **30th** day of July, 2024, a true copy of the foregoing **ORDER GRANTING STAY** has been served upon the following:

Joseph M. Ward, Esq.
FROST BROWN TODD LLP
500 Virginia Street East, Suite 100
Charleston, WV 25301

Via Certified First-Class Mail

9489 0090 0027 6628 8855 99

Timothy J. Hagerty, Esq.
FROST BROWN TODD LLP
400 West Market Street, Suite 3200
Louisville, KY 40202-3363

Via Certified First-Class Mail

9489 0090 0027 6628 8855 82

Charles S. Driver, Esq.
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street SE
Charleston, WV 25304

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk