

BEFORE THE WEST VIRGINIA 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.

ORDER GRANTING MOTION FOR CONTINUANCE

On August 7, 2024, Appellant Allegheny Energy Supply Company, LLC ("AESC"), by and through its legal counsel, filed its "Motion to Amend Appeal and Motion to Continue Evidentiary Hearing." The Motion to Amend is based upon AESC's decision to withdraw certain issues raised in the Notice of Appeal. The Motion to Continue is based upon the development of new information and the July 31, 2024, submission by AESC of a new permit modification application, which (if granted) AESC represents will supersede the need for the relief requested by AESC in this appeal and effectively moot the issues presented by it.

For good cause shown and in the interests of justice, the Board finds that hearing in this matter is premature. The Board GRANTS AESC's Motion to Continue Evidentiary Hearing set to begin on August 15, 2024. The Board acknowledges that AESC is withdrawing Appeal Issue One and Appeal Issue Three and its Notice of Appeal will be amended to reflect such withdrawals.

The Stay Order entered March 26, 2024, remains in effect.

It is so **ORDERED** and **ENTERED** this 8th day of August 2024.

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD



Dr. Edward Snyder, Chairperson

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

**ALLEGHENY ENERGY SUPPLY
COMPANY, LLC,**

Appellant,

v.

Appeal No. 24-03-EQB

**JEREMY W. BANDY, 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 8th of August, 2024, have served a true copy of the foregoing **ORDER GRANTING**

APPELLANT'S MOTION FOR CONTINUANCE to the following:

Robert M. Stonestreet, Esq.
Christopher B. Power, Esq.
BABST CALLAND CLEMENTS AND ZOMNIR, P.C.
BB&T Square
300 Summers Street, Suite 1000
Charleston, WV 25301

*Via Certified U.S. First Class Mail
and Electronic Mail*

9489 0090 0027 6628 8856 67

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

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk