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September 23, 2024

VIA REGULAR U.S. MAIL, and
EMAIL [kenna.m.deraimo@wv.gov]

Honorable Kenna M. DeRaimo
Clerk of the West Virginia Environmental
Quality Board
601 57th Street, S. E.
Charleston, West Virginia 25304

RE: J.C. Baker & Son, Inc. & Baker Oil Company v. Katheryn D. Emery, Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection; Appeal No. 22-03-EQB (West Virginia Environmental Quality Board)

Dear Ms. DeRaimo:

Attached/enclosed for filing in the above-referenced appeal, please find *Appellants' Reply To "Appellee WVDEP's Response To Appellants' Motion To Amend Notice Of Appeal And Re-Open Record."*

If you have any questions about this *Reply,* please do not hesitate to call me at (304) 720-4217 or email me at trodgers@kaycasto.com.

Sincerely,

R. Terrance Rodgers

RTR/spw
Attachment/Enclosure

VIA ELECTRONIC MAIL
cc: Charles S. Driver, Esquire (w/attachment)

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

J.C. BAKER & SON, INC.
and BAKER OIL COMPANY,

Appellants,

v. Appeal No. 22-03-EQB

KATHERYN EMERY, P.E., DIRECTOR,
DIVISION OF WATER AND WASTE
MANAGEMENT, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Appellee.

APPELLANTS REPLY TO "APPELLEE WVDEP'S RESPONSE TO APPELLANTS' MOTION TO AMEND NOTICE OF APPEAL AND RE-OPEN RECORD"

Comes now appellant J.C. Baker & Son, Inc. ("J. C. Baker") and appellant Baker Oil Company ("Baker Oil") (J.C. Baker and Baker Oil are hereinafter collectively referred to as "Appellants"), by their counsel, R. Terrance Rodgers, of Kay Casto & Chaney PLLC, and hereby submit their reply to *Appellee WVDEP's Response To Appellants' Motion To Amend Notice Of Appeal And Re-Open Record ("Response").*

I. APPELLANTS DO NOT SEEK TO "RE-OPEN" THE RECORD WITH THEIR *MOTION TO AMEND*

Nowhere in Appellants' *Motion To Amend* did Appellants request that the West Virginia Environmental Quality Board ("Board") re-open the record.[1] It bears repeating. Nowhere in the

[1] The full title of the motion Appellants filed is *Appellants' Motion, Pursuant To Rule 15(B) Of The West Virginia Rules Of Civil Procedure And The Inherent Power Of This Board To Amend Its Interlocutory Orders, To Amend Appellants' "Notice Of Appeal" To Conform To The Evidence On The Issue Of Fixtures And/Or Trade Fixtures, And To Continue The Hearing Now Set For October 10, 2024 Should Appellee Deem It Necessary In Order To Adequately Prepare To Address Said Amendment, And For This Board To Thereafter Amend Its Interlocutory*

Motion To Amend do Appellants request that the Board re-open the record.[2] Significantly, Appellee's *Response* does not even discuss Rule 1.1 of the Procedural Rules Governing Appeals Before The Environmental Quality Board ("Procedural Rules"), Rule 15(b) of the West Virginia Rules of Civil Procedure ("WVRCP"), made applicable to this appeal pursuant to Rule 6.13 of the Procedural Rules, and the purpose of the Procedural Rules as stated in Rule 1.1 thereof, upon which Appellants rely in moving only to amend their *Notice Of Appeal* to conform to the evidence already presented to the Board.

In their *Notice Of Appeal*, Appellants denied ownership of the underground storage tanks (USTs) at issue in this appeal and did so based on state law, which includes – as the West Virginia Department of Environmental Protection ("DEP"), in its *Responsible Party Search Guide For The Underground Storage Tank Program ("Search Guide"),* makes clear – state law on fixtures.[3] The Board determined not to address the fixture issue because the *Notice Of Appeal* purportedly did not give Appellee notice that fixture law was part of the law that was referenced in the *Notice Of Appeal*. However, WVRCP Rule 15(b) permits amendment, as do this Board's Procedural Rules, to allow the *Notice Of Appeal* to conform to the evidence already presented to the Board.

Order On The Issue Of Ownership Upon Its Proper Consideration Of Whether The USTs At Issue In This Appeal Were Fixtures And/Or Trade Fixtures ("Motion To Amend").

[2] The assertion of appellee Jeremy W. Bandy, Director, Division of Water and Waste Management, Department of Environmental Protection ("Appellee"), in both the title of and the first paragraph of his *Response,* is that the *Motion To Amend* seeks to re-open the record. Such assertion either demonstrates that Appellee simply does not understand what Appellants are seeking, or that Appellee is, perhaps purposefully, misstating the relief being sought by Appellants in this administrative appeal in order to improperly sway the Board from giving due consideration to Appellants' *Motion To Amend.* However, given that both The Intermediate Court Of Appeals of West Virginia ("ICA") and The Supreme Court Of Appeals of West Virginia ("Supreme Court") have declared that the *Final Order (Ownership Of Subject USTs)* entered by this Board on March 4, 2024, is an interlocutory order, meaning that said order is not final and subject to amendment, and further meaning that the record is not closed.

[3] The weight of authority recognizes that USTs are a species of fixtures recognized as trade fixtures. McCraw Oil Co., Inc. v. Pierce, 83 P.3d 907, 911,2004 OK CIV APP 7 (2003) (explaining its research found that "a majority of jurisdictions treat USTs as trade fixtures which are removable by and remain the personal property of the bailor or lessee"); Shell Oil Co. v. Capparelli, 648 F.Supp. 1052 (S.D.N.Y. 1986).

Contrary to Appellee's position that "not enough" evidence was introduced at the February 9-10, 2023 hearing ("Hearing") to permit a finding in Appellants' favor on the fixture issue, nothing in WVRCP Rule 15(b) requires that a perfect case had to be made at the Hearing. The fact remains, which Appellee did not refute in any manner in his *Response,* that the fixture issue was raised at the Hearing and evidence was adduced at the Hearing on that fixture issue; therefore, WVRCP Rule 15(b) is applicable. Appellee's argument on whether sufficient evidence was raised to prove non-ownership may be appropriate in final argument or in Appellee's proposed findings of fact, but whether or not sufficient evidence to prove the issue is not the standard for granting a motion to amend to conform to the pleadings. The question is whether or not the issue was raised and evidence adduced on it, and it is clear that it was here.

The unassailable facts are that: (1) the *Stipulations* established without question that neither of the Appellants owned the real property on which Linger's service station in Buckhannon, West Virginia, was located, the real property on which Paul's service station in Phillipi, West Virginia, was located, the real property on which Coastal Lumber Company's operations were located in Buckhannon, West Virginia, the real property on which W.J. Prince's service station in Jane Lew, West Virginia, was located, the real property on which Sample's service station in Procious, West Virginia, was located, the real property on which Coastal Lumber Company's operations were located in Hacker Valley, West Virginia, or the real property on which Young's service station in Dille, West Virginia, was located (*Stipulations* E. 1-14),[4] that, with the exception of J.C. Baker operating the Glenville site in Gilmer County, West Virginia, neither of the Appellants ever operated any of the gasoline stations or other businesses at the sites which involved the dispensing of petroleum fuel into vehicles (*Stipulations* B. 1-26), and that, with the exception

[4] Ownership of the real property is an important consideration in fixture law because personal property that become fixtures are then considered part of the real property, owned by the real property owner.

of J.C. Baker owning the business at the Glenville site in Gilmer County, West Virginia, neither of the Appellants ever owned any of the businesses where petroleum products were dispensed from the USTs at issue in this appeal (*Stipulations* A. 1-26)[5]; (2) Appellee, through counsel, raised the fixture issue and introduced evidence on it in at the Hearing in his questioning of Michael C. Baker ("Mr. Baker") (Transcript of Hearing on February 9, 2023 ("Trans. I"), p. 154)[6] (Exhibit F to *Motion To Amend*); (3) Appellee, through counsel, qualified Appellee's witness, Ruth M. Porter ("Ms. Porter"), and elicited from her the fact that she not only was involved in the development of the *Search Guide* (Appellants' Hearing Exhibit H to the *Motion To Amend*), but also that she had taught about its use on a national level (Transcript of Hearing on February 10, 2023 ("Trans. II"), p. 8 (Exhibit G to *Motion To Amend*); and (4) the Board, through its counsel, elicited testimony from Ms. Porter on the *Search Guide*, a document which advises that state fixture law is applicable to determine ownership of USTs, and, that the DEP follows "a lot of procedures" in the *Search Guide* and trains its employees on them. See Exhibit G, Trans. II, pp. 97-98.

Plainly the fixture issue was tried at the Hearing, triggering WVRCP Rule 15(b).

II. APPELLANTS' *MOTION TO AMEND* ONLY RECOGNIZES APPELLEE'S RIGHT TO REQUEST A CONTINUANCE TO ADDRESS THE ADDITION TO THEIR *NOTICE OF APPEAL* UPON RELIEF BEING GRANTED UNDER WVRCP RULE 15(b)

WVRCP Rule 15(b) permits the party opposing amendment the right to seek additional time to address the amendment to the pleading. Appellants' *Motion To Amend* merely recognizes that right and, by recognizing that right, Appellants did not, as discussed above, in any way seek

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[5] The *Stipulations* established that neither of Appellants, with the exceptions noted, were lessees or tenants of any of the owners of any of the sites at issue in this appeal.

[6] In their *Motion To Amend*, Appellants mistakenly referred to the wrong date of the Hearing transcripts. The Hearing dates were February 9, 2023 (not October 10, 2023) and February 10, 2023 (not October 11, 2023). October 10 and 11, 2024 are the dates the hearing will be conducted on the issue of liability. As the first day of the Hearing in 2023 was February 9, 2023, references in the *Motion To Amend* and this *Reply* to "Trans. I" refer to the transcript of that portion of the Hearing held on February 9, 2023, and references to "Trans. II" refer to the transcript of that portion of the Hearing held on February 10, 2023.

on their own behalf to continue the hearing which is scheduled to begin on October 10, 2024. In fact, the phrase Appellants used in their title of the *Motion To Amend* requests only, on their behalf, that Appellants be permitted to amend their *Notice Of Appeal*, but also clarified that WVRCP Rule 15 permits a hearing to be continued "should [the party opposing the motion to amend, here Appellee] deem it necessary . . . in order [for such opposing party, here, Appellee] to adequately prepare to address said amendment." Since Appellee has stated in footnote 3 of his *Response* that the "WVDEP does not request a continuance," there is no impediment to permitting Appellants to amend their *Notice Of Appeal* because the hearing now set for October 10 and 11, 2024, need not be continued to permit Appellee additional time to prepare to address the fixture/trade fixture evidence already in the record in this appeal.[7] Thus, there is no need for the Board to take up the issue of whether or not to "re-open" the record.

III. SUFFICIENT EVIDENCE WAS ADDUCED AT THE HEARING TO SUPPORT A MOTION TO AMEND THE PLEADINGS TO CONFORM TO THE EVIDENCE

The evidence outlined above that was presented at the Hearing supports the granting of the *Motion To Amend.* First, Appellee, through counsel, asked Mr. Baker why he "suddenly" changed his belief on whether the Appellants were ever the owners of the USTs at issue in this appeal. Mr. Baker's response was because he started to realize they were fixtures. That alone puts evidence on the fixtures issue in the record in this appeal. Ms. Porter then testified that the *Search Guide* is recognized by the DEP and, in fact, is used to train employees; the *Search Guide* clearly states that a state's fixture laws implicate the determination of ownership of USTs. Appellee relies on his claim that the evidence does not show the USTs were fixtures, which is nonsense for several

[7] Thus, the Board's concern in refusing to address the fixture issue in its *Final Order (Ownership Of USTs)* on the grounds that Appellee did not have sufficient notice to enable him to address the fixture issue at the Hearing, is mooted by Appellee's representation that he needs no continuance of the hearing now set for October 10 and 11, 2024.

reasons. First, the *Search Guide* clearly states that state law must be looked to because the law on fixtures is applicable in determining this factual issue. Here, the evidence at the Hearing is that: (1) the USTs at issue in this appeal were underground storage tanks, meaning they were buried in the ground (and an item could hardly be more fixed to the ground than being buried in it); (2) they were connected by piping to the gas pumps and operated by the gas pumps to dispense fuel (without the gas pumps being attached, there would be no way to get the fuel out of the USTs) (Trans. I, pp. 93-94; 172-173); (3) dirt had to be removed to take out the USTs at issue in this appeal (Trans. I, p. 174); (4) it cost $15,000.00 to $18,000.00 per site to remove the USTs at issue in this appeal (Trans. I, p. 174.). These sites were operated as gas stations and similar businesses, where pumping fuel stored in the USTs was part of the business. See, e.g., Certified Record, pp. 2, 800, 1784,3971, 2295-2297, and 3626.

Snuffler v. Spangler, 79 W,Va, 628, 92 S.E. 106 (1917) outlines three elements which, when met, establish personal property, such as the USTs at issue in this appeal, as part of the real property. The first element is that the fixtures were "so attached as that the two, the real estate and the fixtures, work together to one end." Snuffer, 92 S.E. at 110. Here, the USTs are buried in the ground, they are hooked to the gas station pumps by pipes, and are operated (i.e. fuel is dispensed from the USTs) by operation of the pumps, which are all part of the gas station business being operated on the real property. The USTs and the real estate work together to one end – the gas station business. Thus, the first element of Snuffer is conclusively shown without the need for any further evidence from Appellants.

The second element is that the USTs must be "reasonably necessary and adapted to the purposes for which the real estate is being used." Again, storage tanks for fuel are necessary to operate a gas station business. They are adapted to that purpose by being connected by pipes

running to, and by being operated by, the gas station pumps, just as the manufactured home was attached to the land by way of connection to the septic system and electrical grid. In Re Weikle, Case No. 1:17–bk–10001 2017 WL 4127994 at *3 (Sept. 13, 2017). The USTs at issue in this appeal meet the second element of Snuffer without the need of further evidence from Appellants.

There is a third element, namely that it was the intent of the parties to the installation that the USTs become part of the real property. However, it is not necessary for Appellants to offer any evidence to establish this third element initially because, if the first two elements are shown, the law presumes that it was the intent of the parties to the installation that the fixtures, in this case, the USTs at issue in this appeal, were to be part of the real property. In Re Weikle, 2017 WL 4127994 at *3. Thus, with that presumption, the USTs at issue in this appeal are, under the law, fixtures.

Because the third element is established by way of presumption, any party who opposes the conclusion that the USTs are fixtures may offer evidence of a "contrary intention [which] appears from the conduct of the parties" in relation to the fixture to overcome that presumption. Snuffer, 92 S.E at 110; In Re Weikle, 2017 WL 4127994. Thus, it was incumbent upon Appellee to point to evidence in the record of a "contrary intention" between the landowner and the party who installed the USTs on the real property in order to overcome the legal presumption that the USTs at issue in this appeal are fixtures. As stated above, if Appellee determined he needed additional time to develop and present such evidence, then WVRCP Rule 15 provides that, in the interest of a presentation of the full merits upon the amendment of the pleadings to conform to the evidence, a continuance is advisable.[8]

[8] Appellee's position that Appellants failed to place evidence of such intent in the record such that the *Motion To Amend* should be denied, is specious. Why would Appellants want to, let alone have the responsibility to, introduce evidence contrary to their interests and position? It was Appellee who has the interest and responsibility to overcome the legal presumption proved by the evidence already in the record that the USTs at issue in this appeal, were fixtures.

As noted in the *Motion To Amend*, WVRCP Rule 15 is to be liberally applied. Appellee apparently misunderstands Appellants' reference to a continuation of the hearing set for October 10 and 11, 2024. A continuation is not for Appellants' benefit, but for Appellee's benefit, to give him time to try to develop and present evidence on this "contrary intention" that would overcome the presumption in Appellants' favor. WVRCP Rule 15 makes it clear that both amendment and a continuance are to be granted "freely when the presentation of the merits of the action will be subserved thereby."

The only reason for Appellee to oppose amendment and a continuance would be because Appellee fears the full presentation of the merits, including West Virginia law on fixtures, will cause him to lose. He does not want a full presentation of the merits; he wants a skewed presentation of the merits. If the Board were to adopt Appellee's position, it would be violating its own Procedural Rule 1.1, which states the purpose of the Procedural Rules is to "provide a fair and orderly ascertainment of the facts and to promote the ends of justice and fairness." (Emphasis added). A skewed presentation of the merits does not promote either justice or fairness. A continuance will give Appellee the same opportunity to prepare for, and address, the presumption issue as he had at the start of this appeal, the same opportunity he had when the *Notice Of Appeal* was filed. Whatever evidence he had and could have presented to overcome the presumption established at the Hearing, can certainly be presented at the hearing scheduled to begin October 10, 2024. Fairness and justice clearly support amendment.

It is Appellee who should have placed evidence in the record regarding a "contrary intention" on the part of the parties involved in the installation of the USTs at issue in this appeal in order to overcome the legal presumption in Appellants' favor that those USTs were fixtures.

IV. APPELLEE MISUNDERSTANDS WHO MUST OVERCOME THE PRESUMPTION BY OFFERING EVIDENCE OF INTENT THAT THE USTs WERE NOT TO BECOME FIXTURES AND PART OF THE REAL PROPERTY

Snuffer requires three things: first, attachment to the land, second, the fixture and land work together as one, and third, the intent as to who becomes, or remains, the owner of the fixture. However, Snuffer also makes it clear that once the first two elements are proved, the party bearing the burden of proof has no further burden as to the third element because a presumption arises that the party attaching the fixture to the land intended that it be part of the real estate. Because of this presumption, Appellee must, by "sufficient and satisfactory evidence" overcome the presumption and establish "a contrary intention [that] appears from the conduct of the parties in relation to it." Snuffer, 92 S.E. at 110; Jarrett v. Jarrett, 11 W.Va. 584, 622 (1887); Frymier-Halloran v. Paige, 193 W.Va. 687, 692, 458 S.E.2d 780, 785 (1995); In Re Weikle, Case No. 1:17–bk–10001, 2017 WL 4127994 at *3 (Sept. 13, 2017) (and authority cited therein).

There clearly is sufficient evidence in the record as it now stands to demonstrate the first two elements, giving rise to the legal presumption that the parties intended the USTs at issue in this appeal to become part of the real estate. That evidence, coupled with that legal presumption, dictates a finding that the USTs at issue in this appeal, are fixtures. However, Snuffer and Weikle also state that the party who opposes such a finding (in this appeal, Appellee) may seek to overcome that presumption by placing in the record "sufficient and satisfactory evidence" that overcomes such presumption, namely evidence proving "a contrary intention [that] appears from the conduct of the parties in relation to it." Snuffer, 92 S.E. at 110. Appellee's discussion in his *Response* about Appellants failing to place evidence in the record regarding "contrary intent" such that the record as it now stands, is insufficient for the Board to make a determination on whether the USTs at issue in this appeal were fixtures, is non-sensical. Appellants placed sufficient

evidence in the record at the Hearing. That evidence clearly demonstrated the USTs at issue in this appeal were fixtures (or trade fixtures, in certain instances) because the evidence without questions shows the first two elements of Snuffer were met, giving rise to the legal presumption, which the law (Snuffer and Weikle) requires Appellee to overcome with his own evidence proving a "contrary intention." If Appellee does not wish to introduce evidence regarding this "contrary intention," or does not wish for additional time to develop such evidence, that it his prerogative. His choice to do so, however, does not change the fact that the evidence in the record as it now stands proves that the USTs at issue in this appeal were fixtures (or trade fixtures, in certain instances). Nor does his choice mean Appellants' *Motion To Amend* should be denied. The fixture issue was tried at the Hearing, sufficient evidence was adduced at the Hearing proving the USTs at issue in this appeal were fixtures (or trade fixtures, in certain instances), and WVRCP Rule 15(b) clearly is intended for proceedings such as this one, especially since this appeal has not yet been concluded.

V. THE *MOTION TO AMEND* IS NOT UNTIMELY

A motion to amend the pleadings to conform to the evidence without question is a motion available to a party after a trial or evidentiary hearing has been held or concluded. By its very terms, it is applicable to this situation. Its terms state unequivocally that "when issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings." WVRCP Rule 15(b) (emphasis added).[9] Plainly, until a trial or evidentiary hearing is held, a motion to amend the pleadings to conform to

[9] Even if the Board did not grant the *Motion To Amend*, it must treat the issue so tried "in all respects as if they had been raised in the pleadings," meaning the fixture issue must be ruled upon by the Board based on the evidence regardless of the *Motion To Amend*. WVRCP 15(b).

the evidence adduced at that trial or evidentiary hearing, cannot be filed. Thus, Appellants' *Motion To Amend* is not untimely.

Rule 46-4-5.3 of the Procedural Rules covers motions which include, but are not limited to, motions to amend the pleadings. Of note, however, is the fact that nowhere in this Board's Procedural Rules is there any provision governing, in particular, motions to amend the pleadings after an issue, not raised in a notice of appeal, is nevertheless tried at an evidentiary hearing conducted by the Board. Since Rule 46-4-5.3 does not limit the types of motions which may be made, and since Rule 46-4-6.13 of the Procedural Rules adopts appropriate West Virginia Rules Of Civil Procedure to guide the process for this appeal. WVRCP Rule 15 is especially applicable in this instance. Again, because a motion to amend the pleadings to conform to evidence adduced at a trial or evidentiary hearing can, *ipso facto*, be made only after evidence has been adduced (otherwise there is nothing to "conform" the pleadings to), the fact that there has been a hearing in this appeal, is of no moment. Similarly, since both the ICA and the Supreme Court both held that the Board's *Final Order (Ownership of USTs)* is interlocutory, is of no moment as well since interlocutory orders may be modified at any time. Syl. Pt. 4, Hubbard v. State Farm Indem. Co., 213 W.Va. 542, 584 S.E.2d 176 (2003); Vaughn v. Flanigan, No. 22-0183, 2023 WL 6012575 at fn. 1 (W.Va. Sept. 15, 2023); Farley v. Shook, 218 W.Va. 680, 629 S.E.2d 739, at fn. 2 (2006). Appellants' *Motion To Amend* simply is not untimely.

VI. THAT APPELLANTS TAKE ISSUE WITH THe BOARD'S *FINAL ORDER (OWNERSHIP OF USTs)* IS IRRELEVANT TO WHETHER THEIR *MOTION TO AMEND* SHOULD BE GRANTED

Finally, that Appellants take issue with the Board's *Final Order (Ownership Of USTs)* is irrelevant. It is irrelevant because the evidence on the fixture issue that was adduced at the Hearing and which forms the basis of Appellants' *Motion To Amend,* was placed in the record during the

Hearing before this Board entered its *Final Order (Ownership Of USTs)*. All Appellants seek now is to amend their *Notice Of Appeal* to satisfy the Board so the fixture issue may be properly considered. [10]

J.C. BAKER & SON, INC.
and BAKER OIL COMPANY,

Appellants,

BY COUNSEL:

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[10] Appellants do not concede their *Notice Of Appeal* did not encompass the fixture issue, but since the evidence placed in the record shows it was tried at the Hearing, Appellants have grounds to move to amend their *Notice Of Appeal* to clarify the same to the extent the Board believes it was not adequately covered in the *Notice Of Appeal*.

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

J.C. BAKER & SON, INC.
and BAKER OIL COMPANY,

Appellants,

v. Appeal No. 22-03-EQB

KATHERYN EMERY, P.E., DIRECTOR,
DIVISION OF WATER AND WASTE
MANAGEMENT, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Appellee.

CERTIFICATE OF SERVICE

I, R. Terrance Rodgers, counsel for appellants J.C. Baker & Son, Inc. and Baker Oil Company, do hereby certify that, on this 23rd day of September, 2024, the forgoing *Appellants' Reply To "Appellee WVDEP's Response To Appellants' Motion To Amend Notice Of Appeal And Re-Open Record"* was filed electronically and served via email to the Honorable Kenna M. DeRaimo, Clerk of the West Virginia Environmental Quality Board, at kenna.m.deraimo@wv.gov, via email to Charles S. Driver, counsel for appellee Jeremy W. Bandy Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection, at charles.s.driver@wv.gov, and via regular United States mail, postage prepaid, in envelopes addressed as follows:

Kenna M. DeRaimo
Clerk of the West Virginia Environmental Quality Board
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R. Terrance Rodgers (WVSB #3148)