

BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

ALLEGHENY ENERGY SUPPLY COMPANY, LLC,

Appellant,

Appeal No. 24-06-EQB

v.

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

Appellee.

**JOINT MOTION TO CONTINUE STATUS CONFERENCE AND
EVIDENTIARY HEARING**

In the above referenced case, Appellant Allegheny Energy Supply Company, LLC (“AESC”) and Appellee West Virginia Department of Environmental Protection (“WVDEP”), both by counsel, hereby jointly MOVE the Board to continue the prehearing status conference scheduled for September 26, 2024, and the evidentiary hearing scheduled for October 10, 2024, for at least 60 days, respectively, or as soon thereafter as may be scheduled. In support of this motion, AESC and WVDEP state the following:

- (1) This appeal was brought by AESC, in which it alleged that it is aggrieved by the May 8, 2024 directive from WVDEP in relation to a requested Modification No. 4 to the McElroy’s Run Coal combustion Residuals Disposal Facility’s existing Solid Waste/National Pollution Discharge Elimination System (“SW/NPDES”) Permit No. WV0079171;

- (2) AESC and WVDEP are currently engaging in ongoing discussions in order to resolve the matters at issue in this appeal and require additional time to finalize those discussions; and
- (3) In addition to these ongoing discussions to resolve the matters at issue, AESC has approached WVDEP regarding broader conversation on the SW/NPDES Permit No. WV0079171, which also have the potential to resolve this appeal.

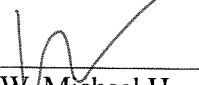
Given the ongoing discussions, AESC and WVDEP believe that additional time is warranted to allow the parties to work to determine whether an amicable resolution may be reached. A continuance would not present a significant risk of environmental harm because the status quo will be maintained during the continuance, and the terms of the existing SW/NPDES Permit No. WV0079171 continue to apply to AESC will its Modification No. 4 request remains pending. Further, Appellee and Appellant are jointly moving for this continuance.

For the reasons set forth above, AESC and WVDEP have shown good cause for a continuance and therefore moves the Board to continue the pre-hearing status conference scheduled for September 26, 2024, and the evidentiary hearing scheduled for October 10, 2024, for at least 60 days, respectively, in order to allow sufficient time to reach and fully document a resolution of these issues without a hearing.

Respectfully submitted,

Allegheny Energy Supply Company, LLC
By counsel

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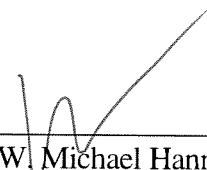
CERTIFICATE OF SERVICE

I, W. Michael Hanna, counsel for Appellant Allegheny Energy Supply Company, do hereby certify that copies of the foregoing Motion have been served upon the Appellee and Appellee's counsel, this 23rd day of September 2024, via e-mail and certified mail, addressed to the following:

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[PROPOSED] ORDER GRANTING JOINT MOTION FOR CONTINUANCE

On September 23, 2024 Appellant and Appellee filed their “Joint Motion to Continue Status Conference and Evidentiary Hearing.” For good cause shown, the Board **GRANTS** this Motion and **ORDERS** that the pre- hearing status conference in this appeal shall be continued to [_____], beginning at [_____], via Zoom only, using the following link: [_____]. Additionally, the evidentiary hearing in this appeal shall be continued to [_____], beginning at [_____], at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. Parties may participate in the evidentiary hearing either at the Board’s offices or virtually via Zoom, using the following link: [_____].

All other matters addressed in the previous Order for Continuance with Notice of Hearing and Prehearing Status Conference entered June 13, 2024 shall continue to apply.

It is so **ORDERED** and **ENTERED** this _____ day of September, 2024.

Environmental Quality Board

By: _____