

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

**JAY and PAMELA McCLELLAND,**

**Appellants,**

**v.**

**Appeal Nos. 24-11-EQB**

**DIRECTOR, DIVISION OF WATER AND WASTE  
MANAGEMENT, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Appellee.**

**ORDER FOR CONTINUANCE  
WITH NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE**

Appeal No. 24-11-EQB was filed with the West Virginia Environmental Quality Board ("Board") on October 2, 2024. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning matters as more fully set forth in the *Notice of Appeal* filed in Appeal No. 24-11-EQB is scheduled for October 31, 2024.

The Board, on its own motion, determined that the **evidentiary hearing** in Appeal No. 24-11-EQB shall be continued until the **December 12-13, 2024, Board meeting beginning at 8:30 a.m.** The Parties may attend and participate in the evidentiary hearing in person or via Zoom by using the following Zoom link: <https://us02web.zoom.us/j/84964935668>.

Additionally, pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **prehearing status conference (PHSC) will be held on Tuesday, November 26, 2024, at 10:00 a.m.** before the Board's Chairman and/or legal counsel. The Parties may attend and participate in the **prehearing status conference** by ***Zoom only*** by using the following Zoom link: <https://us02web.zoom.us/j/88614175451>.

The proceedings will be recorded and transcribed later, if necessary. The following will be discussed at the prehearing:

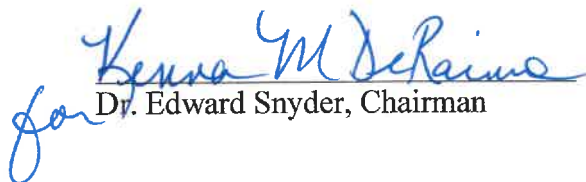
- (1) Presentation and consideration of preliminary legal issues;
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

It is further ordered that each counselor representative attending the prehearing conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have full authority from the party represented and any law firm with which associated to take such action as may be necessary to comply with this order.

It is further ordered that at the conclusion of the conference, either orally for the record or by separate writing, an order will be entered which recites any action taken and agreements reached by the parties. The order will take the place of all that has gone before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

It is so **ORDERED** and **ENTERED** this 8<sup>th</sup> day of October, 2024.

**Environmental Quality Board**

  
for Dr. Edward Snyder, Chairman

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

JAY and PAMELA McCLELLAND,

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DIRECTOR, DIVISION OF WATER AND WASTE  
MANAGEMENT, DEPARTMENT OF  
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Appellee.

CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 8<sup>th</sup> day of October, 2024, a true copy of the foregoing **ORDER FOR CONTINUANCE WITH NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE** has been served upon the following:

Jay and Pamela McClelland, Esq.  
Post Office Box 1342  
Freer, TX 78357  
*Appellants*

*Via Certified First-Class Mail*

9489 0090 0027 6628 8857 28

Charles S. Driver, Esq.  
Jonathan Frame, Esq.  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
*Counsel for Appellee*  
*West Virginia Department of Environmental Protection*

*Via Interdepartmental Mail*

Jeremy W. Bandy, Director  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATER AND WASTE MANAGEMENT  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
*Appellee*

*Via Interdepartmental Mail  
and Electronic Mail*

  
Kenna M. DeRaimo, Clerk