

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

**DD OIL COMPANY,
A WEST VIRGINIA CORPORATION,**

Appellant,

v.

Appeal No. 22-01-EQB

**STATE OF WEST VIRGINIA, EX REL.,
HAROLD D. WARD, CABINET SECRETARY,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee.

NOTICE OF EVIDENTIARY HEARING AND PREHEARING STATUS CONFERENCE

Appeal No. 22-01-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on March 23, 2022, appealing Order 2022-6 asserting both procedural and substantive reasons for reversing the WVDEP. An evidentiary hearing concerning matters as more fully set forth in the Notice of Appeal was held on July 14, 2022.

On July 25, 2022, the EQB entered its Final Order dismissing DD Oil’s appeal as moot because Order 2022-6 had been vacated and the NOV’s had been annulled by the WVDEP. DD Oil also sued WVDEP in the federal court seeking damages for violation of its due process rights. The federal action has been settled and dismissed.

On August 31, 2022, DD Oil Company, by counsel J. Morgan Leach, J Law, and Ryan J. Umina, Umina Legal, presented a notice of appeal to the Intermediate Court of Appeals (ICOA) from an order of the EQB (Appeal No. 22-01-EQB) entered on July 25, 2022. The appeal was placed on the docket as 22-ICA-74, in accord with Rule 5(b) of the Rules of Appellate Procedure.

On December 8, 2023, the ICOA's decision was filed stating in its conclusion that, "the ruling of the EQB is reversed and remanded for such further proceedings as may be necessary and appropriate, consistent with our rulings, to evaluate and correct its prior rulings."

On October 31, 2024, the EQB conducted a status conference to discuss the EQB's decision for Appeal No. 22-01-EQB being reversed and remanded back to the EQB by the ICOA. Ryan Umina appeared on behalf of Appellant, DD Oil Company, and Scott Driver appeared on behalf of WVDEP. The EQB and parties agreed, after discussions about the EQB appeal, the ICOA's decision, and the fact that DD Oil Company has obtained new permits for the wells in question, to schedule the appeal for a prehearing status conference and an evidentiary hearing.

Therefore, an **evidentiary hearing** shall be held on **December 12-13, 2024**. Said hearing will begin at **8:30 a.m.** at the Board's offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. The Parties may participate in this evidentiary hearing either at the Board's offices located at 601 57th Street, Charleston, Kanawha County, West Virginia, in the Canaan Valley Conference Room No. 1041; or virtually via Zoom by using the following link: <https://us02web.zoom.us/j/84964935668>.

Additionally, a **prehearing status conference (PHSC)** shall be held on **November 26, 2024, at 10:00 a.m.** Parties may participate, ***via Zoom only***, by using the following 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;

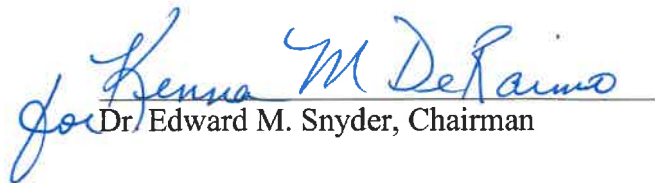
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

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 he or she is 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 taken place before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

It is so **ORDERED** and **ENTERED** this 13th day of November, 2024.

Environmental Quality Board


Dr. Edward M. 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 13th day of November, 2024, a true copy of the foregoing Notice of Evidentiary Hearing and Prehearing Status Conference has been served upon the following:

Ryan J. Umina, Esq.
UMINA LAW
133 Greenbag Road
Morgantown, WV 26501

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

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

*Via Interdepartmental Mail
and Electronic Mail*


Kenna M. DeRaimo, Clerk