

**West Virginia Environmental Quality Board  
Charleston, West Virginia**

RECEIVED

NOV 25 2024

**The Chemours Company FC, LLC,**

**Appellant,**

Environmental Quality  
Board

v.

**Appeal No. 24-09-EQB**

**Director, Division of Water and Waste Management  
West Virginia Department of Environmental  
Protection,**

**Appellee.**

**JOINT MOTION TO STAY APPEAL**

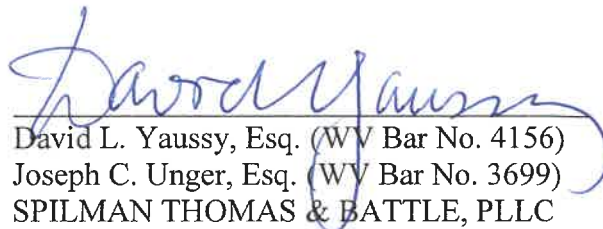
Appellant The Chemours Company FC, LLC (“Appellant”) and appellee Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection (“Appellee”, and collectively with Appellant, the “Parties”) are diligently negotiating a resolution of this appeal but are still in the process of agreeing to and finalizing the terms of the agreement. Therefore, the Parties hereby move the Board to continue the hearing of this matter, which is presently scheduled for December 12, 2024. In support of their motion, the Parties state as follows:

1. On July 29, 2024, Appellee issued WV/NPDES Permit No. WV0076244 (the “Permit”) to Appellant. On the same day, Appellee issued an Order to Appellant concerning Appellant’s compliance with certain conditions of the Permit (the “Compliance Order”).
2. On August 28, 2024, Appellant commenced this appeal by filing its Notice of Appeal and Specific Objections and Questions of Fact and Law on August 28, 2024.
3. In this appeal, Appellant challenges various conditions in the Permit and the Compliance Order.

4. On August 29, 2024, the Board entered an Order for Continuance with Notice of Hearing and Prehearing Status Conference (the August 29 Order”). In the August 29 Order, the Board continued the evidentiary hearing in this appeal to December 12, 2024, and the Board scheduled a Prehearing Status Conference for November 26, 2024, at 10:00 a.m.

5. The Parties are negotiating a resolution of this appeal but are unlikely to completely resolve all matters before the December 12, 2024 hearing. The Parties accordingly move the Board to continue the December 12, 2024 evidentiary hearing to permit the Parties to complete the settlement.

WHEREOFRE, the Parties respectfully request that the Board enter an Order continuing this appeal to allow the parties to continue negotiations toward settlement and proposal of a final Order to this Board.

  
David L. Yaussy, Esq. (WV Bar No. 4156)  
Joseph C. Unger, Esq. (WV Bar No. 3699)  
SPILMAN THOMAS & BATTLE, PLLC  
300 Kanawha Boulevard, East  
Charleston, WV 25301  
dyaussy@spilmanlaw.com

James A. Walls, Esq. (WV Bar No. 5175)  
SPILMAN THOMAS & BATTLE, PLLC  
48 Donley Street, Suite 800  
Morgantown, WV 26501  
jwalls@spilmanlaw.com

*Counsel for Appellant*

A handwritten signature in blue ink that reads "Charles S. Driver (D-4)". The signature is written in a cursive style and is positioned above a horizontal line.

Charles S. Driver, Esq. (WV Bar No. 9846)  
Office of Legal Services  
West Virginia Department of Environmental  
Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304

*Counsel for Appellee*

21452523

**West Virginia Environmental Quality Board  
Charleston, West Virginia**

**The Chemours Company FC, LLC,**

**Appellant,**

**v.**

**Appeal No. 24-09-EQB**

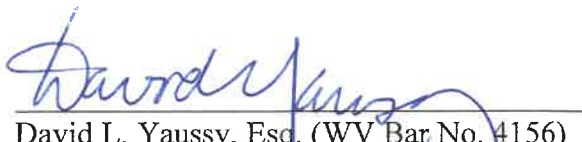
**Director, Division of Water and Waste Management  
West Virginia Department of Environmental  
Protection,**

**Appellee.**

**CERTIFICATE OF SERVICE**

I, David L. Yaussy, counsel for The Chemours Company FC, LLC, hereby certify that the foregoing *Joint Motion to Stay Appeal* has this 22<sup>nd</sup> day of November 2024, been served on counsel of record by mailing said document in the regular United States mail, postage prepaid, to the following:

Charles S. Driver, Esq. (WV Bar No. 9846)  
Office of Legal Services  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304  
*Counsel for Appellee*

  
\_\_\_\_\_  
David L. Yaussy, Esq. (WV Bar No. 4156)  
Joseph C. Unger, Esq. (WV Bar No. 3699)  
SPILMAN THOMAS & BATTLE, PLLC  
300 Kanawha Boulevard, East  
Charleston, WV 25301  
dyaussy@spilmanlaw.com

James A. Walls, Esq. (WV Bar No. 5175)  
SPILMAN THOMAS & BATTLE, PLLC  
48 Donley Street, Suite 800  
Morgantown, WV 26501  
jwalls@spilmanlaw.com