

ENVIRONMENTAL QUALITY BOARD

LESTER CANTLEY,

Appellant,

v.

Appeal No. 24-12-EQB

**WEST VIRGINIA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Appellee.

**ORDER DENYING WVDEP'S MOTION TO DISMISS AND DIRECTING MR.
CANTLEY TO AMEND NOTICE OF APPEAL TO CONFORM WITH APPLICABLE
STATUTES AND RULE**

The Board may, in its administrative discretion, and in the interests of fairness and justice, rule on motions which tend to regulate the course of hearing, simplify the issues, and dispose of procedural requests or similar matters. See W. Va. Code R. § 46-4-5.2.

On December 20, 2024, the Board heard oral arguments with respect to WVDEP's Motion to Dismiss the above-styled appeal. WVDEP asserts that Mr. Cantley's appeal is procedurally and formally insufficient pursuant to applicable statutes and rules. The Board hereby denies WVDEP's Motion to Dismiss because Mr. Cantley is self-represented and therefore, he is not likely familiar with the appeal process. However, the Board orders Mr. Cantley to amend his Notice of Appeal to provide a more definite statement of the action complained about and why the action should be reversed. Mr. Cantley is directed to follow W. Va. Code § 22B-1-7(c) and the Board's procedure rule, W. Va. Code R. § 46-4-2.2, when amending his appeal. Mr. Cantley shall have 30 days from the date of execution of this Order to file his amended appeal.

The Board further orders that WVDEP's deadline for the production of the Certified Record be extended. WVDEP shall have 30 days from the date of Mr. Cantley's filing of his amended appeal to produce the Certified Record.

ORDERED and ENTERED this 21st day of December 2024.

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

LESTER CANTLEY,

Appellant,

v.

Appeal Nos. 24-12-EQB

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

Appellee.

CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 23rd day of December, 2024, a true copy of the foregoing **ORDER DENYING WVDEP'S MOTION TO DISMISS AND DIRECTING MR. CANTLEY TO AMEND NOTICE OF APPEAL TO CONFORM WITH APPLICABLE STATUTES AND RULE** has been served upon the following:

Lester Cantley
Post Office Box 62
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Lestercantley24@icloud.com
Appellant

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

9489 0090 0027 6628 8768 94

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*Counsel for Appellee
West Virginia Department of Environmental Protection*

*Via Interdepartmental Mail
and Electronic Mail*


Kenna M. DeRaimo, Clerk