

BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

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JAN 7 2025

**WEST VIRGINIA WATER RESOURCES, INC.,
Appellant,**

Environmental Quality
Board

v.

Appeal No.: 24-01-EQB

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

**APPELLEE'S RESPONSE TO APPELLANT'S
MOTION TO CONTINUE EVIDENTIARY HEARING**

The Appellee, by counsel Jeffrey Dye and the West Virginia Department of Environmental Protection's (WVDEP) Office of Legal Services, submits this Response to Appellant's Motion to Continue Evidentiary Hearing, on served on January 3, 2025.

The Appellant, West Virginia Water Resources, Inc. ("WVWR"), seeks a continuance of the evidentiary hearing, presently scheduled for January 16, 2025, so that the Board can first decide the Appellant's Motion to Reconsider, served contemporaneously with the Motion to Continue Evidentiary Hearing.

An "Order Granting Unopposed Motion for Continuance" was also served contemporaneously with the Motion to Continue Evidentiary Hearing. At the time that the Appellant served those three documents, neither the Appellant nor its counsel had discussed the Motion to Continue Evidentiary Hearing with the WVDEP or its counsel, and so it was unknown to the Appellant whether the WVDEP would oppose that motion. Promptly after the WVDEP's counsel received the Appellant's email with courtesy copies of the aforementioned motions and proposed order attached, the WVDEP's counsel emailed the Board's Clerk, Kenna DeRaimo,

and the Appellant's counsel to inform them of the error. The Appellant's counsel promptly responded to that email, acknowledging that the error was made.

Although the WVDEP vehemently opposes the Appellant's Motion to Reconsider (and the WVDEP will be filing a Response to the same), the WVDEP acknowledges that it is in the interest of judicial economy that the Board decide the Appellant's Motion to Reconsider prior to conducting an evidentiary hearing. Because of that, the WVDEP does not object to the Appellant's Motion to Continue Evidentiary Hearing.

Respectfully Submitted,

JEREMY BANDY,
DIRECTOR, DIVISION OF WATER AND
WASTE MANAGEMENT, DEPARTMENT
OF ENVIRONMENTAL PROTECTION,
By counsel



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**JEREMY BANDY, DIRECTOR,
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WEST VIRGINIA DEPARTMENT OF
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Appellee,**

CERTIFICATE OF SERVICE

I certify that on January 7, 2025, I served a true and exact copy of the foregoing Appellee's Response to Appellant's Motion to Continue Evidentiary Hearing upon the following in the manner indicated:

Kenna DeRaimo, Clerk
Environmental Quality Board
601 57th St., SE
Charleston, WV 25304-2345

via Hand Delivery and Electronic Mail

Christopher B. Power (WVSB 4286)
Robert M. Stonestreet (WVSB 9370)
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Jeffrey Dyé (W.Va. Bar No. 12737)