

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

**APPALACHIAN POWER COMPANY  
dba AEP,**

**Appellant,**

v.

**Appeal No. 22-02-EQB**

**DIVISION OF WATER AND WASTE  
MANAGEMENT, WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,**

**Appellee,**

**AGREED ORDER FOR CONTINUANCE AND NOTICE OF HEARING**

Appeal No. 22-02-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on April 12, 2022. 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. 22-02-EQB was scheduled for January 16, 2025.

The parties have represented to the Board that a permit modification application was submitted to the West Virginia Department of Environmental Protection (“WVDEP”) in December 2024. The WVDEP is currently processing the permit modification application, the issuance of which will impact and potentially resolve the underlying issues that are subject to the instant appeal. As discussed by the parties during settlement discussions, Appellant has submitted a site-specific study as part of the permit modification application and the agency is evaluating the information that has been submitted. The WVDEP will continue to process the permit modification application for issuance as soon as possible.

Based on the representations of the parties, the Board does hereby order that the **evidentiary hearing** in Appeal No. 22-02-EQB shall be continued until the **May 15-16, 2025,**

**Board meeting at 8:30 a.m.** The Parties may attend in person at the Board's offices at 601 57<sup>th</sup> Street, SE, in Charleston (Kanawha City), West Virginia or **via Zoom** by using the following link: <https://us02web.zoom.us/j/86108207201>. The stay currently in place shall be extended as set forth herein, and as agreed to by the parties.

A Prehearing Conference shall be held on **Thursday, April 24, 2025, at 10:00 a.m.** before the Board and/or legal counsel. Said prehearing conference will be held **via Zoom only**. The Parties may attend **via Zoom only** by using the following link: <https://us02web.zoom.us/j/83673091994>.

It is so **ORDERED** and **ENTERED** this \_\_\_\_\_ day of January, 2025.

**Environmental Quality Board**

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Dr. Edward Snyder, Chairman

**This Agreed Order was prepared by:**

/s/ Jon Frame

Jon C. Frame  
Office of Legal Services  
WV Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston WV 25304  
(304) 926-0499  
***Counsel to the WVDEP***

**Agreed to by:**

/s/ Kathy Beckett

Kathy G. Beckett  
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***Counsel to Appellant***

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board,  
have this day, the \_\_\_\_\_ day of January, 2025, served a true copy of the foregoing **AGREED ORDER**

**FOR CONTINUANCE AND NOTICE OF HEARING** upon the following:

Kathy G. Beckett, Esq.  
STEPTOE & JOHNSON, PLLC  
Post Office Box 1588  
Charleston, WV 25326  
*Counsel for Appellant  
Appalachian Power Company dba AEP*

*Via Certified U.S. First Class Mail*  
9489 0090 0027 6628 8768 49

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

*Via Interdepartmental Mail*

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Kenna M. DeRaimo, Clerk