

MAXXIM MANUFACTURING, LLC,

JAN 16 2024

Appellant,

Environmental Quality
Board

v.

Appeal No. 25-02-EQB

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

Appellee.

APPELLANT’S MOTION TO AMEND NOTICE OF APPEAL

Pursuant to W.Va. Code R. §46-4-5.3, Appellant hereby moves to amend the Notice of Appeal, which was timely-filed on January 3, 2025. The original Notice of Appeal listed the Director of the Division of Mining and Reclamation as the Appellee. Given that this appeal challenges final agency action by the Division of Environmental Enforcement and the Division of Water and Waste Management, the appropriate division within the West Virginia Department of Environmental Protection to list as appellee is the Division of Water and Waste Management.

Accordingly, the caption of the Amended Notice of Appeal has been modified to reflect that the Director of the Division of Water and Waste Management is the appropriate appellee. The Amended Notice of Appeal also corrects a typo in Section D (Relief Requested), which previously referred to a different appellant. No other changes to the Notice of Appeal have been made in the Amended Notice of Appeal. Appellant does not believe this amendment will prejudice the Appellee, given the early stage of these proceedings.

For these reasons, Appellant requests that the caption of the January 3, 2025 Notice of Appeal be amended as set forth in the attached Amended Notice of Appeal.

Maxxim Manufacturing, LLC



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