

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

JAY and PAMELA McCLELLAND,

Appellants,

v.

Appeal No.: 24-11-EQB

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

Appellee.

JOINT MOTION TO CONTINUE

Now come the Parties, Jay and Pamela McClelland (“Appellants”), and the Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection (“WVDEP”), by counsel, and hereby jointly move this Board for entry of an Order continuing the hearing on this appeal, which is scheduled for March 13-14, 2025, at 8:30 a.m. In support of this motion, the parties state as follows:

1. This is an appeal filed by the Appellants objecting to Unilateral Order No. UST-24-023 which was issued by the WVDEP and relates to underground storage tanks (“UST’s”) owned by the Appellants.
2. Since the filing of the instant appeal, the parties have been in discussions to attempt to resolve this matter without need for an evidentiary hearing.
3. The Appellants have represented to the WVDEP that they have attempting to address the outstanding issues related to the UST’s at issue by engaging potential environmental consultants and have been updating the agency on the progress.
4. The WVDEP agrees that additional time is warranted to allow the Appellants to continue their efforts in attempting to resolve the outstanding issues.

5. Therefore, the parties jointly agree that a continuance is prudent so that they can continue to attempt to reach a resolution of this matter.

6. This request is made in good faith and not for purposes of delay.

WHEREFORE, for the reasons set forth above, the Appellants and WVDEP request that the West Virginia Environmental Quality Board grant their joint motion to continue this matter and enter an Order continuing the hearing currently set in this matter.

Respectfully submitted,

Jay and Pamela McClelland

/s/ Jay McClelland and Pamela McClelland

Jay and Pamela McClelland

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Appellants

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