

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

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

**Appellant,**

**v.**

**Appeal Nos. 24-01-EQB**

**JEREMY BANDY<sup>1</sup>, DIRECTOR,  
DIVISION OF WATER AND WASTE  
MANAGEMENT, WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,**

**Appellee.**

**NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE**

Appeal No. 24-01-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on February 16, 2024. On February 26, 2026, an Order was entered upholding the Board’s Order granting the West Virginia Department of Environmental Protection’s Motion for Summary Judgment and instructing the EQB Clerk to et this matter for hearing regarding all outstanding issues.

The evidentiary hearing in Appeal No. 24-01-EQB shall held on **April 10, 2025, beginning at 8:30 a.m.** The Parties may attend and participate in the evidentiary hearing in person or via Zoom by using the following Zoom link: <https://us02web.zoom.us/j/84954698750>.

Pursuant to §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **prehearing status conference (PHSC) will be held on March 27, 2025, at 10:00 a.m.** before the Board’s Chairman and/or legal counsel. The Parties may attend and participate in the PHSC by **Zoom only** by using the following Zoom link: <https://us02web.zoom.us/j/85398929829>.

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<sup>1</sup> Katheryn Emery no longer holds office as Director of the Division of Water and Waste Management. Pursuant to Rule 25(d) of the W.V. Rules of Civil Procedure, Emery’s successor, Director Jeremy Bandy, is automatically substituted as a party.

The proceedings will be recorded and transcribed later, if necessary. The following will be discussed at the prehearing:

- (1) Presentation and consideration of preliminary legal issues;
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

It is further ordered that each counselor representative attending the prehearing conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have full authority from the party represented and any law firm with which associated to take such action as may be necessary to comply with this order.

It is further ordered that at the conclusion of the conference, either orally for the record or by separate writing, an order will be entered which recites any action taken and agreements reached by the parties. The order will take the place of all that has taken place before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

It is so **ORDERED** and **ENTERED** this 27<sup>th</sup> day of February, 2025.

**Environmental Quality Board**

*for* Kenna M DeRaimo  
Dr. Edward Snyder, Chairman

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

**CERTIFICATE OF SERVICE**

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 27<sup>th</sup> day of February, 2025, a true copy of the foregoing **NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE** has been served upon the following:

Christopher B. Power, Esq.  
Robert M. Stonestreet, Esq.  
BABST CALLAND CLEMENTS AND ZOMNIR, PC  
Truist Square  
300 Summers Street, Suite 1000  
Charleston, WV 25301

*Via Certified U.S. First-Class U.S. Mail  
9489 0090 0027 6573 7861 25*

Jeffrey O. Dye, Esq.  
Charles S. Driver, Esq.  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk

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