

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

JAY and PAMELA McCLELLAND,

Appellants,

v.

Appeal No.: 24-11-EQB

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

Appellee.

AGREED ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 24-11-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on September 26, 2024. 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. 22-04-EQB was scheduled for June 12-13, 2025.

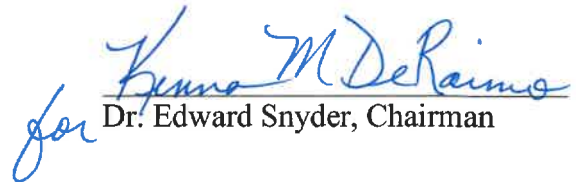
The parties hereby represent that they have been engaged in discussions in an effort to work towards a potential resolution of this matter and those efforts are ongoing. Further, the Appellants have hired a contractor to perform required testing in accordance with WVDEP requirements. Said contractor is currently scheduled to conduct the required testing in July 2025. Therefore, a continuance of the evidentiary hearing is prudent to allow the parties additional time to attempt to resolve this matter.

Based on the representations of the parties, the Board does hereby order that the evidentiary hearing in Appeal No. 24-11-EQB shall be continued until the **September 11-12, 2025, Board meeting at 8:30 a.m.** Said hearing will be held via Zoom only. The Parties may attend via Zoom by using the following link: <https://us02web.zoom.us/j/86796843313>.

A Prehearing Conference shall be held on **August 28, 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 by using the following link: <https://us02web.zoom.us/j/81752258861>.

It is so **ORDERED** and **ENTERED** this 4th day of June, 2025.

Environmental Quality Board


for Dr. Edward Snyder, Chairman

Agreed to by:

Jay and Pamela McClelland

/s/ Jay McClelland and Pamela McClelland

Jay and Pamela McClelland

P.O. Box 1342

Freer, TX 78357

(210) 241-7055

Appellants

The West Virginia Department of Environmental Protection

By counsel:

/s/ Jon Frame

Jon C. Frame

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Counsel to the WVDEP

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

JAY and PAMELA McCLELLAND,

Appellants,

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Appeal Nos. 24-11-EQB

**DIRECTOR, DIVISION OF WATER AND
WASTE MANAGEMENT, DEPARTMENT
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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 4th day of June, 2025, a true copy of the foregoing **AGREED ORDER FOR CONTINUANCE AND**

NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE has been served upon the following:

Jay and Pamela McClelland
Post Office Box 1342
Freer, TX 78357
Appellants

***Via Certified U.S. First-Class Mail
and Electronic Mail***

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Charles S. Driver, Esq.
Jonathan C. Frame, Esq.
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street SE
Charleston, WV 25304
Counsel for Appellee

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk