

**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 September 11, 2025, at 8:30 a.m, for a period of sixty (60) days. 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 engaged environmental consultants to conduct required sampling at the site, which occurred on July 23, 2025. The site work included collection of five (5) soil samples and one (1) groundwater sample for analysis.
4. The WVDEP has requested that an Initial Site Characterization Report be submitted to the agency by September 21, 2025.

5. Given the current status of the sample collection and ongoing analysis, the parties agree that additional time is warranted to allow the Appellants to continue their efforts in attempting to resolve the outstanding issues.
6. Therefore, the parties jointly agree that a continuance is prudent so that they can continue to attempt to reach a resolution of this matter.
7. 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 for a period of sixty (60) days 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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