

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

MONONGAHELA POWER COMPANY,

Appellant,

v.

Appeal No. 14-10-EQB

**SCOTT G. MANDIROLA, Director,
Division of Water and Waste Management
West Virginia Department of Environmental
Protection,**

Appellee.

ORDER GRANTING MOTION FOR STAY

Appeal No. 14-10-EQB was filed with the West Virginia Environmental Quality Board (the "Board") on May 9, 2014 by Appellant Monongahela Power Company ("MPC"). MPC has appealed certain terms and conditions of WV/NPDES Permit Modification No. WV0005339-C (the "Permit Modification"), issued to the Harrison Power Station on April 8, 2014 by Scott G. Mandirola, Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection ("WVDEP"). Concurrently with its Notice of Appeal, MPC filed a Motion for Stay of certain discharge limitations imposed by the Permit Modification during the pendency of this appeal.

Counsel for the parties have conferred regarding MPC's pending motion, and WVDEP has indicated that it does not object to the requested stay, subject to the following express conditions:

1. The parties shall conclude all settlement negotiations relating to the instant appeal and Appeal Nos. 11-21-EQB and 11-22-EQB¹ no later than July 31, 2014. At that

¹ As set forth in its Notice of Appeal and Motion for Stay of the Permit Modification, the instant appeal is fundamentally related to the issues raised in Appeal Nos. 11-21-EQB and 11-22-EQB. MPC will file a Motion to Consolidate these appeals in an effort to resolve all objections relating to the

time, the parties shall make a final determination regarding the appeal issues that can be resolved through settlement and the appeal issues that will require an evidentiary hearing. The parties shall make every effort to schedule their final settlement meeting(s) as early as possible during this window to ensure that sufficient time is allowed for productive discussions between the parties in advance of the July 31, 2014 deadline.

2. The parties shall not request any further continuances of the evidentiary hearing date, which is currently set for September 11, 2014,² and the parties encourage the Board to proceed as scheduled with the hearing on that date in the event that any of MPC's appeal issues remain unresolved.

Accordingly, based upon the agreement of the parties to the specific terms set forth herein, the Board hereby GRANTS MPC's Motion for Stay as follows:


1. The new maximum daily discharge limitations for iron and aluminum at Outlets 012 and 013 are stayed pending the Board's final decision in this appeal. The monitoring and reporting requirements for iron and aluminum shall remain in effect at Outlets 012 and 013.

WV/NPDES Permit for the Harrison Station in a coordinated, comprehensive manner. An evidentiary hearing is scheduled for Appeal Nos. 11-21-EQB and 11-22-EQB on September 11, 2014.

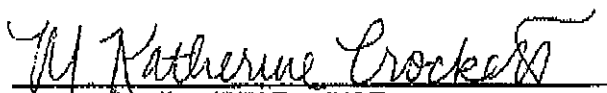
² See n.1, above. Although the Board has scheduled the evidentiary hearing in the instant appeal for the EQB's July 2014 docket, MPC's Motion to Consolidate will request that the hearing on all matters be set for September 11, 2014.

It is so **ORDERED** and entered this 5th day of June, 2014.

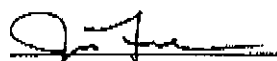
ENVIRONMENTAL QUALITY BOARD


Dr. Edward Snyder, Chairperson

This Order was prepared by:


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