

ENVIRONMENTAL QUALITY BOARD

AMSTEAD GRAPHITE MATERIALS, LLC,

Appellant,

v.

Appeal No. 21-04-EQB

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

Appellee.

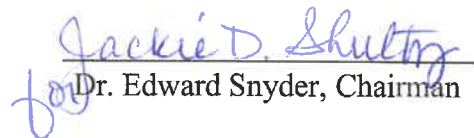
ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 21-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on May 26, 2021. 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. 21-04-EQB is scheduled for June 25, 2021.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 21-04-EQB shall be continued until the **August 12-13, 2021** Board meeting. Said hearing will begin at 8:30 a.m. at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304.

It is so **ORDERED** and **ENTERED** this 27th day of May, 2021.

Environmental Quality Board


Dr. Edward Snyder, Chairman

ENVIRONMENTAL QUALITY BOARD

AMSTEAD GRAPHITE MATERIALS, LLC,

Appellant,

v.

Appeal No. 21-04-EQB

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

Appellee.

NOTICE OF PREHEARING CONFERENCE

Appeal No. 21-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on May 26, 2021. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning the matters set forth in the Notice of Appeal is scheduled for August 12-13, 2021.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a Prehearing Conference will be held on **July 29, 2021**, at 10:00 a.m. before the Board’s Chairman and/or legal counsel. Parties may appear in person or by telephone. If appearing in person, the said prehearing will be conducted at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. If appearing by telephone, dial 1-877-302-0757. After the welcome message, dial the conference ID (8855847) followed by the pound (#) key.

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

- (1) Presentation and consideration of preliminary legal issues;

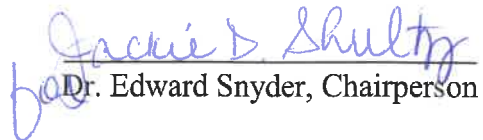
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

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 gone before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

ORDERED and **ENTERED** this 27th day of May, 2021.

Environmental Quality Board


Dr. Edward Snyder, Chairperson

ENVIRONMENTAL QUALITY BOARD

AMSTEAD GRAPHITE MATERIALS, LLC,

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MANAGEMENT, WEST VIRGINIA
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Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Jackie D. Shultz, Clerk for the Environmental Quality Board, have this day, the 27th day of May, 2021, served a true copy of the foregoing **Order For Continuance And Notice Of Hearing** and **Notice Of Prehearing Conference** via certified US First-Class Mail or Hand Delivery to the following:

via certified US Mail:

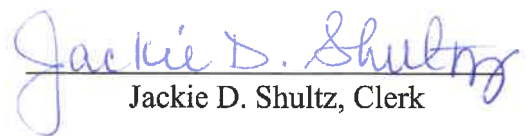
Allyn G. Turner, Esquire
David M. Flannery, Esquire
Steptoe & Johnson PLLC
P.O. Box 1588
Charleston, WV 25326-1588

9489 0090 0027 6355 8760 68

via hand delivery:

Office of Legal Services
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304

Katheryn Emery, P.E., Director
Division of Water and Waste Management
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304


Jackie D. Shultz, Clerk