

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

**AMSTED GRAPHITE MATERIALS LLC  
Appellant,**

**v.**

**Appeal No. 21-04-EQB**

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

**Appellee.**

**Motion for Continuance**

Now comes Appellant Amsted Graphite Materials, LLC (“Appellant” or “AGM”), by and through its undersigned counsel, and requests that the hearing in this matter be postponed and re-scheduled for the October 2021 docket of the Environmental Quality Board (“Board”), or as soon thereafter as is convenient for the Board. In support of its motion, AGM represents as follows:

1. On or about May 26, 2021, AGM filed an appeal of certain terms and conditions of its recently renewed WV/NPDES Permit No. WV0004707 (the “Permit”) issued by the West Virginia Department of Environmental Protection (“WVDEP”) on or about April 28, 2021;
2. The Board thereafter scheduled this matter for hearing on its August 2021 docket;
3. The parties have initiated and are actively engaged in discussions in an effort to resolve issues raised by the appeal; and
4. The parties believe that postponement of the hearing will allow for completion of discussions between the parties, thereby promoting judicial efficiency.

WHEREFORE, the Appellant in this matter hereby seeks a continuance of the August 2021 hearing, and requests that the hearing in this matter be re-scheduled to October 2021 or as soon thereafter as is convenient for the Board.

Respectfully submitted,

*/ s/ Allyn G. Turner*

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MANAGEMENT, WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,**

**Appellee.**

**Proposed Order Granting Motion for Continuance**

Now come Appellant Amsted Graphite Materials, LLC (“Appellant” or “AGM”), by and through its undersigned counsel, and requests that the hearing in this matter be postponed and re-scheduled for the October 2021 docket of the Environmental Quality Board (“Board”), or as soon thereafter as is convenient for the Board.

WHEREFORE, based upon the representations of the parties in this matter, the Board hereby **GRANTS** the Motion for Continuance, and **ORDERS** that the hearing in this matter be re-scheduled to the Board’s October 2021 docket or as soon thereafter as is convenient for the Board.

The Board hereby instructs the Clerk of the Board to provide a copy of this ORDER to the parties.

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Ed Snyder  
Chairman, Environmental Quality Board

Prepared by:

*/ s/ Allyn G. Turner*

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Reviewed by:

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Scott Driver  
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**CERTIFICATE OF SERVICE**

I, Allyn G. Turner, do hereby certify that a true and exact copy of the foregoing **MOTION FOR CONTINUANCE** and **PROPOSED ORDER GRANTING MOTION FOR CONTINUANCE** was caused to be served upon the following via hand delivery this 27th day of August 2021.

Scott Driver, Counsel for WVDEP  
Division of Water and Waste Management  
WV Department of Environmental Protection  
601 - 57th Street SE  
Charleston, WV 25304 – 2345

Jackie Schultz, Clerk of the Board  
West Virginia Environmental Quality Board  
601 - 57th Street SE  
Charleston, WV 25304 – 2345

*/ s/ Allyn G. Turner*

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Allyn G. Turner