

**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 February 2022 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. AGM’s pending appeal of certain terms and conditions of its renewed WV/NPDES Permit No. WV0004707 (the “Permit”) issued by the West Virginia Department of Environmental Protection (“WVDEP”) is included on the Board’s January 2022 docket;
2. Based on a scheduling conflict for AGM’s counsel, and based on the ongoing negotiations to resolve appeal issues, we request that the Board move this appeal to the February 2022 docket for hearing;
3. The parties can represent to the Board that to the extent a hearing is needed in this matter, such hearing should not take more than one day to complete, and the parties

would be amenable to the Board adding a hearing day to its February or March docket if possible to accommodate such hearing;

4. The parties are continuing discussions to resolve issues raised by the appeal;
5. The WVDEP does not object to this motion; and
6. 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 January 2022 hearing, and requests that the hearing in this matter be re-scheduled to February 2022 hearing docket or as soon thereafter as is convenient for the Board.

Respectfully submitted,

/ s/ Allyn G. Turner

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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 February 2022 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, and based on the Board’s hearing schedule for its January hearing docket, the Board hereby **GRANTS** the Motion for Continuance, and **ORDERS** that the hearing in this matter be re-scheduled to the Board’s February 2022 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.

Ed Snyder
Chairman, Environmental Quality Board

Prepared by:

/ s/ Allyn G. Turner

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Reviewed and Approved by:

Scott Driver
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Division of Water and Waste Management
WV Department of Environmental Protection
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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 29th day of December 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

Allyn G. Turner