

**WEST VIRGINIA 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.**

**AMENDED NOTICE OF PREHEARING STATUS 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 February 28, 2022.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a Prehearing Status Conference will be held on **February 24, 2022**, 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 57<sup>th</sup> Street, Charleston, Kanawha County, West Virginia 25304. If appearing by telephone, dial 1-800-309-2350. After the welcome message, dial the conference ID 78252 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 18<sup>th</sup> day of February, 2022.

**Environmental Quality Board**

*for* *Kenna Delaine*  
Dr. Edward Snyder, Chairperson

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Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 18<sup>th</sup> day of February, 2022, served a true copy of the foregoing **Amended Notice of Prehearing Status Conference** via Certified US First-Class Mail or Interdepartmental Mail to the following:

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

*Via Certified First Class U.S. Mail*

9489 0090 0027 6362 2672 24

Charles S. Driver, Esquire  
Office of Legal Services  
WV Department of Environmental Protection  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304

*Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk