

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

CHARLESTON, WEST VIRGINIA

**APPALACHIAN POWER COMPANY,
dba AEP**

Appellant,

v.

Appeal No. 22-02 -EQB

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

Appellee,

ORDER GRANTING STAY

Appalachian Power Company (“AEP”) has moved this Board to stay certain limited permit terms and conditions contained in the renewed WV/NPDES Permit No. WV0048500 issued on March 7, 2022, specifically concerning the following:

1. Outlet 001 – sulfate effluent limits; and
2. Outlet 201 - Arsenic, mercury, selenium, and nitrate+ nitrite nitrogen effluent limits.

AEP seeks a stay of the sulfate effluent limit for Outlet 001, and the arsenic, mercury, selenium, and nitrate + nitrite nitrogen effluent limits for Outlet 201, pending a final decision on this appeal by the Board.

AEP represents that the issues raised by AEP’s appeal are similar in many ways to the appeal issues raised in the pending Amos Plant appeal, Appeal No. 21-06-EQB, and further represents that based on this and other factors Appellee West Virginia Department of Environmental Protection does not oppose Appellant’s limited stay motion or its requested stay.


Accordingly, in consideration of Appellant's motion, Appellee's non-opposition, and other factors, Appellant AEP's Motion for Stay is hereby GRANTED, and it is ORDERED that the term of the stay shall be effective as of the effective date of the appealed Permit and shall extend for a period of ~~180~~ ⁹⁰ days. It is further ORDERED that the stay may be extended upon motion of Appellant, or of the parties, based on whether the Environmental Quality Board has heard the appeal on the merits and rendered its final decision on the issues raised herein.

It is ORDERED that the Clerk of the Board send a copy of this Order to all parties.


ENTERED this 26th day of April, 2022.


Dr. Edward M. Snyder, EQB Chairman

Prepared by:


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CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 27th day of April, 2022, served a true copy of the foregoing **Order Granting Stay** to the following:

Kathy G. Beckett, Esq.
Allyn Turner, Esq.
Steptoe & Johnson, PLLC
707 Virginia Street, East
Counsel for Appellant
Appalachian Power Company dba AEP

Via Certified U.S. First Class Mail
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Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk