

**WEST VIRGINIA SURFACE MINE BOARD
CHARLESTON, WEST VIRGINIA**

AMSTED GRAPHITE MATERIALS, LLC,

Appellant,

v.

Appeal No. 21-04-EQB

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

Appellee.

ORDER FOR CONTINUANCE AND NOTICE OF HEARING

The Appellant, Amsted Graphite Materials LLC, by counsel, and the Appellee, Kathryn D. Emery, Director, Division of Mining and Reclamation, West Virginia Department of Environmental Protection, by counsel, previously moved to continue the above-styled matter from its currently scheduled date of May 12-13, 2022 to the new date of June 9-10, 2022. In support of their motion, the parties cited continuing negotiations, preparation of expert reports, and respective issues of witness availability.

Finding that the motion is made in good faith and not for the purposes of delay, the evidentiary hearing in this matter shall be continued until the **June 9-10, 2022** meeting of the Board. The hearing will begin at 8:30 a.m. at the Board's offices located at 601 57th Street, Charleston, Kanawha County, West Virginia. Remote participation information will be circulated by the Clerk of the Board prior to the hearing.

A prehearing conference shall be held on **May 26, 2022** beginning 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 prehearing status conference will be conducted at the Board's offices. If appearing by telephone, dial 1-800-309-2350. After the welcome message, dial the conference ID 78252 followed by the pound (#) key. Remote participation information will be circulated by the Clerk of the Board prior to the conference.

It is so ORDERED and ENTERED this 3RD day of May, 2021.

for *Kenna M DeRaimo*
Dr. Edward Snyder, Chairman

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

AMSTED GRAPHITE MATERIALS, LLC,

Appellant,

v.

Appeal No. 21-04-EQB

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

Appellee.

CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 3rd day of May, 2022, served a true copy of the foregoing **Order for Continuance and Notice of Hearing** to the following:

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

Via Certified First Class U.S. Mail
9489 0090 0027 6402 6058 01

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

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk