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Environmental Quality
Board

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

APPALACHIAN POWER COMPANY
dba AEP,

Appellant,

v.

Appeal No. 21-06-EQB

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

Appellee,

JOINT MOTION TO CONTINUE

Now come the Parties, Appalachian Power Company dba AEP (“AEP”), and the Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection (“WVDEP”), by counsel, and hereby move this Board for entry of an Order continuing the hearing on this appeal, which is scheduled for August 11-12, 2022, at 8:30 a.m., for a period of ninety (90) days. In support of this motion, the parties state as follows:

1. The parties have reached an agreement-in-principle on all issues currently under appeal and said agreement is being effectuated through a permit modification application that is currently being processed by the WVDEP.
2. Once the permit modification process is completed, the issues under appeal will be moot and the above-styled appeal will be withdrawn.
3. The parties agree that a ninety (90) day continuance will allow sufficient for the comment period and for the permit modification application process to be completed.

4. The parties agree that entry of an Order by this Board granting the requested 90-day stay shall extend the stay currently in place until such time that this matter is resolved through issuance of the final permit modification.
5. This request is made in good faith and not for purposes of delay.

WHEREFORE, for the reasons set forth above, AEP and WVDEP request that the West Virginia Environmental Quality Board grant its motion to continue this matter and enter an Order continuing the hearing currently set in this matter for a period of ninety (90) days.

Respectfully submitted,

Appalachian Power Company

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ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 21-06-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on June 23, 2021. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning matters as more fully set forth in the Notice of Appeal filed in Appeal No. 21-06-EQB is scheduled for August 11-12, 2022.

The parties have submitted a joint motion to continue representing that a settlement-in-principle has been reached and that the terms of said settlement are being effectuated through issuance of a permit modification, which is currently being processed by the WVDEP. Therefore, a continuance of the evidentiary hearing is requested in order to allow sufficient time for said permit modification application to be processed and issued. The parties also agree to an extension of the stay currently in place until such time that this matter is resolved through issuance of the final permit modification.

Based on the representations of the parties, the Board does hereby order that the evidentiary hearing in Appeal No. 21-06-EQB shall be continued until a date to be determined by this Board and hereby direct the Clerk of the Board to send a Notice of Hearing to the counsel of record for the Appellant and Appellee if it is determined that a resolution is not reached by the parties and an evidentiary hearing is needed. The stay currently in place shall be extended as set forth herein, and as agreed to by the parties.

It is so **ORDERED** and **ENTERED** this _____ day of July, 2022.

Environmental Quality Board

Dr. Edward Snyder, Chairman

Prepared by:



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