

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

**APPALACHIAN POWER COMPANY
dba AEP,**

Appellant,

v.

Appeal No. 22-02-06-EQB

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

Appellee,

JOINT MOTION TO FOR EXTENSION OF STAY

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 for extension of the stay of the permit limits at Outlet 001 for sulfate and Outlet 201 for arsenic, mercury, selenium, and Nitrate+Nitrite limits, as granted by the Board on April 26, 2022, until such time that this matter is resolved either via settlement or by a final decision of the Board, should an evidentiary hearing go forward. In support of this motion, the parties state as follows:

1. The parties have reviewed the issues in the appeal and Appellant has provided information concerning a proposed settlement agreement which is under review by the Appellee.
2. The parties agree that entry of an Order by this Board granting the requested for an extension of the stay is appropriate.
3. 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 the stay. until such time that this matter is resolved either via settlement or by a final decision of the Board, should an evidentiary hearing go forward.

Respectfully submitted,

Appalachian Power Company

By counsel:

/s/ Kathy G. Beckett

Kathy G. Beckett
Steptoe & Johnson PLLC
P.O. Box 1588
Charleston, WV 25326
(304) 353-8172
Counsel to Appellant

The West Virginia Department of Environmental Protection

By counsel:

/s/ Jonathan Frame

Jonathan Frame
Office of Legal Services
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston WV 25304
(304) 926-0499
Counsel to the WVDEP