

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

**RECEIVED
AUG 12 2022**

**AMSTED GRAPHITE MATERIALS LLC
Appellant,**

**Environmental Quality
Board**

v.

Appeal No. 21-04-EQB

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

Appellee.

Joint Motion for Continuance

Now comes Appellant Amsted Graphite Materials, LLC (“Appellant” or “AGM”), and Appellee, Division of Water and Waste Management, West Virginia Department of Environmental Protection, by and through their undersigned counsel, and request that the hearing in this matter be postponed and re-scheduled for the September 2022 docket of the Environmental Quality Board (“Board”), or as soon thereafter as is convenient for the Board.

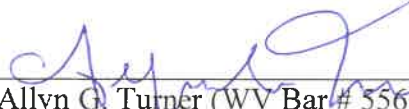
In support of its motion, AGM and Appellee jointly represent as follows:

1. The parties have initiated and are actively engaged in discussions to resolve issues raised by the appeal; and
2. The parties believe that a short postponement of the hearing will allow for completion of discussions between the parties, thereby promoting judicial efficiency.

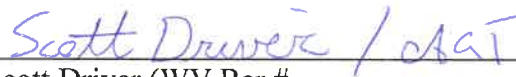
WHEREFORE, the Appellant in this matter hereby seeks a continuance of the August 2022 hearing, and requests that the hearing in this matter be re-scheduled to September 2022 docket, or

the October 2022 if necessitated by the Board's schedule. Further, in the event the hearing is scheduled later than the September 2022 docket, the parties seek a status conference before the Board during the September 2022 docket.

Respectfully submitted,



Allyn G. Turner (WV Bar # 5561)
David M. Flannery (WV Bar # 1216)
Steptoe & Johnson PLLC
P.O. Box 1588
Charleston, WV 25326-1588
P (304) 353-8000
allyn.turner@steptoe-johnson.com
Counsel for Amsted Graphite Materials, LLC



Scott Driver (WV Bar #
West Virginia Department of Environmental Protection
Division of Water and Waste Management
WV Department of Environmental Protection
601 - 57th Street SE
Charleston, WV 25304 – 2345
***Counsel for the West Virginia Department
of Environmental Protection***

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

**AMSTED GRAPHITE MATERIALS LLC
Appellant,**

v.

Appeal No. 21-04-EQB

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

Appellee.

Proposed Order Granting Joint Motion for Continuance

Now come Appellant Amsted Graphite Materials, LLC (“Appellant” or “AGM”), and Appellee, Division of Water and Waste Management, West Virginia Department of Environmental Protection, by and through their undersigned counsel, and request that the hearing in this matter be postponed and re-scheduled for the September 2022 docket of the Environmental Quality Board (“Board”), or as soon thereafter as is convenient for the Board, and further request, in the event the hearing is scheduled later than the September 2022 docket, that the a status conference be scheduled during the September 2022 docket.

WHEREFORE, based upon the representations of the parties in this matter, the Board hereby **GRANTS** the Motion for Continuance, and **ORDERS** that the hearing in this matter be re-scheduled to the Board’s September 2022 docket or as soon thereafter as is convenient for the Board, and further **ORDERS** that in the event the hearing is scheduled later than the September 2022 docket, that a status conference be scheduled for the September 2022 docket.

The Board hereby instructs the Clerk of the Board to provide a copy of this ORDER to the parties.

Ed Snyder
Chairman, Environmental Quality Board

Prepared by:



Allyn G. Turner

David M. Flannery

Steptoe & Johnson PLLC

P.O. Box 1588

Charleston, WV 25326-1588

Phone (304) 353-8000

allyn.turner@steptoe-johnson.com

dave.flannery@steptoe-johnson.com

Counsel for Amsted Graphite Materials, LLC

Reviewed by:



Scott Driver

West Virginia Department of Environmental Protection

Division of Water and Waste Management

WV Department of Environmental Protection

601 - 57th Street SE

Charleston, WV 25304 - 2345

***Counsel for the West Virginia Department
of Environmental Protection***

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

**AMSTED GRAPHITE MATERIALS LLC
Appellant,**

v.

Appeal No. 21-04-EQB

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

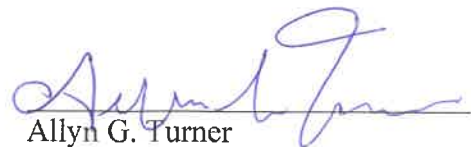
Appellee.

CERTIFICATE OF SERVICE

I, Allyn G. Turner, do hereby certify that a true and exact copy of the foregoing **JOINT MOTION FOR CONTINUANCE** and **PROPOSED ORDER GRANTING JOINT MOTION FOR CONTINUANCE** was caused to be served upon the following via hand delivery this 12th day of August 2022.

Scott Driver, Counsel for WVDEP
Division of Water and Waste Management
WV Department of Environmental Protection
601 - 57th Street SE
Charleston, WV 25304 – 2345

Kenna DeRaimo, Clerk of the Board
West Virginia Environmental Quality Board
601 - 57th Street SE
Charleston, WV 25304 – 2345


Allyn G. Turner