

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

RECEIVED

AUG 25 2022

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.

**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 October 2022 docket of the Environmental Quality Board (“Board”), or as soon thereafter as is convenient for the Board.

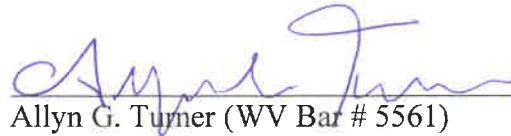
In support of its motion, AGM and Appellee jointly represent as follows:

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 September 2022 hearing, and requests that the hearing in this matter be re-scheduled to the October 2022 docket, or as soon thereafter as possible as necessitated by the Board’s schedule. Further, in the

event the hearing is scheduled later than the October 2022 docket, the parties seek a status conference before the Board during the October 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 #9846)  
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.

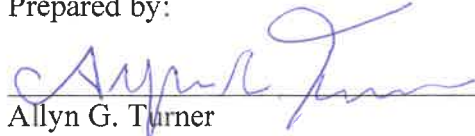
WHEREFORE, based upon the representations of the parties in this matter, the Board hereby **GRANTS** the Motion for Continuance, and **ORDERS** that the hearing in this matter be re-scheduled to the Board’s September 2022 docket or as soon thereafter as is convenient for the Board, and further **ORDERS**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

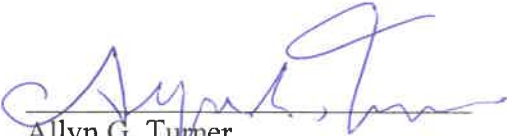
Appellee.

**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 25th 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