

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

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KENTUCKY POWER COMPANY d/b/a AEP,

Environmental Quality
Board

Appellant,

v.

Appeal No.: 22-04-EQB

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

Appellee.

JOINT MOTION TO CONTINUE

Now come the Parties, Kentucky 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 April 13, 2023, at 8:30 a.m., for a period of sixty (60) days. In support of this motion, the parties state as follows:

1. AEP has filed an appeal of WV/NPDES Permit No. WV0005304.
2. The instant appeal raises similar issues contained in Appeal No. 22-02-EQB, Appalachian Power Company v. WVDEP, which the parties have resolved via submittal of a permit modification that is being processed by the WVDEP.
3. The parties believe that allowing additional time for the permit modification in Appeal No. 22-02-EQB to be issued by the WVDEP is prudent, as the issuance of said permit modification informs the issues contained in the instant appeal.


4. The parties believe that additional time will allow the parties to determine whether a resolution of the issues in the instant appeal may be reached without need for an evidentiary hearing.
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 sixty (60) days.

Respectfully submitted,

Appalachian Power Company

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