

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

**PINN MC WIND DOWN CO., LLC,**

**Appellant,**

**v.**

**Appeal No. 23-04-EQB**

**DIRECTOR, OFFICE OF MINING AND  
RECLAMATION, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Appellee.**


**ORDER FOR CONTINUANCE AND NOTICE OF HEARING**

Appeal No. 23-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on March 30, 2023. 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. 23-04-EQB is scheduled for July 27, 2023.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 23-04-EQB shall be continued until the **August 10, 2023, Board meeting at 8:30 a.m.** Said hearing will be held at the Board’s offices located at 601 57<sup>th</sup> Street, S.E., Charleston, Kanawha County, West Virginia 25304. The Parties may attend in person or participate remotely via Zoom. **A Zoom link will be provided to the Parties prior to the hearing.**

It is so **ORDERED** and **ENTERED** this 7<sup>th</sup> day of April, 2023.

**Environmental Quality Board**

  
Dr. Edward Snyder, Chairman

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

**PINN MC WIND DOWN CO., LLC,**

**Appellant,**

**v.**

**Appeal No. 23-04-EQB**

**DIRECTOR, OFFICE OF MINING AND  
RECLAMATION, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Appellee.**

**NOTICE OF PREHEARING STATUS CONFERENCE**

Appeal No. 23-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on March 30, 2023. In accordance with West Virginia Code §22B-1-7(f), an **evidentiary hearing** concerning the matters more fully set forth in the Notice of Appeal is scheduled for **August 10, 2023**.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **Prehearing Status Conference will be held on July 27, 2023, at 10:00 a.m.** before the Board’s Chairman and/or legal counsel. Parties may appear in person or by telephone. If appearing in person, the said prehearing will be conducted at the Board’s offices located at 601 57<sup>th</sup> Street, Charleston, Kanawha County, West Virginia 25304. **If appearing by telephone, dial 1-800-309-2350. After the welcome message, dial the conference ID 78252 followed by the pound (#) key.**

The proceedings will be recorded and transcribed at a later date, if necessary. The following will be discussed at the prehearing:


- (1) Presentation and consideration of preliminary legal issues;
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

It is further ordered that each counselor representative attending the prehearing conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have full authority from the party represented and any law firm with which associated to take such action as may be necessary to comply with this order.

It is further ordered that at the conclusion of the conference, either orally for the record or by separate writing, an order will be entered which recites any action taken and agreements reached by the parties. The order will take the place of all that has gone before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

**ORDERED** and **ENTERED** this 7<sup>th</sup> day of April, 2023.

**Environmental Quality Board**

  
Dr. Edward Snyder, Chairperson

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

**PINN MC WIND DOWN CO., LLC,**

**Appellant,**

v.

**Appeal No. 23-04-EQB**

**DIRECTOR, OFFICE OF MINING AND  
RECLAMATION, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Appellee.**

**CERTIFICATE OF SERVICE**

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that I have this day, the 17<sup>th</sup> day of April, 2023, served a true copy of the foregoing **ORDER FOR CONTINUANCE AND NOTICE OF HEARING AND NOTICE OF PREHEARING STATUS CONFERENCE** to the following:

Christopher M. Hunter, Esq.  
JACKSON KELLY, PLLC  
1600 Laidley Tower  
Post Office Boxd 553  
Charleston, WV 25322  
*Counsel for Appellant*

*Via Certified U.S. First Class Mail*  
7021 1970 0001 1851 8687

Charles S. Driver, Esq.  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304  
*Counsel for Appellee*  
*West Virginia Department of Environmental Protection*

*Via Interdepartmental Mail*

Jonathan Rorrer, Acting Director  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF MINING AND RECLAMATION  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304

*Via Interdepartmental Mail*



Kenna M. DeRaimo, Clerk