

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

AMSTED GRAPHITE MATERIALS, LLC

Appellant,

Appeal No. 21-04-EQB

v.

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

Appellee.

ORDER GRANTING MOTION FOR STAY

On May 12, 2023, Appellant, Amsted Graphite Materials, LLC (“Appellant” or “AGM”), by and through its undersigned counsel, moved this Board for a stay of certain provisions of its WV/NPDES Permit that is the subject of this appeal.

On May 22, 2023, the parties came before the Board, and after a hearing on Appellant’s motion, the Board ruled and it is hereby ORDERED as follows:

1. Appellant’s Motion is GRANTED and a stay will be in place beginning May 22, 2023 for a period of ninety (90) days;
2. This stay includes a stay of the Schedule for Compliance in the Permit, staying the deadlines in that schedule for compliance for the duration of the stay;
3. A hearing on the underlying NPDES Permit appeal will be scheduled for August 10, 2023;
4. A pre-hearing status conference will be scheduled for July 27, 2023.

The Board’s stay will remain effective pursuant to its terms as set forth herein.

ENTERED this 21ST day of JULY, 2023.

Kenna M DeRaine

for Edward M. Snyder, Chairman

Prepared by:

Allyn Turner

Allyn Turner, WVBN 5561

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Reviewed by:

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Division of Water & Waste Management

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CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 21ST day of July, 2023, I have served a true copy of the foregoing **ORDER GRANTING MOTION FOR STAY** to the following:

Allyn G. Turner, Esquire
David M. Flannery, Esquire
STEPTOE & JOHNSON PLLC
P.O. Box 1588
Charleston, WV 25326-1588

Via Email and Certified First Class Mail
7021 1970 0001 1851 9110

Charles S. Driver, Esquire
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street, S.E.
Charleston, WV 25304

Via Email and Interdepartmental Mail


Kenna M. DeRaimo, Clerk