

**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.

Order Granting Continuance of Hearing Date

On July 27, 2023, Appellant Amsted Graphite Materials, LLC (“Appellant” or “AGM”), and Appellee, Division of Water and Waste Management, West Virginia Department of Environmental Protection (“WVDEP”), by and through their undersigned counsel, appeared for a pre-hearing conference on the above-styled appeal.

During the pre-hearing conference, counsel for AGM represented that the parties were having productive discussions to resolve the appeal issues through an administrative order, and accordingly requested a short continuance and a short extension of the stay currently in place. Counsel for the WVDEP concurred in the request with the limitation that it did not want to continue the stay for more than 30 days.

Based upon the arguments and representations of the parties, the Board GRANTS the request for a continuance and hereby ORDERS (1) that the hearing in this matter be set for hearing on September 14, 2023, (2) that a pre-hearing conference be set for August 31,

2023, (3) that the stay be extended for 30 days, until September 17, 2023, and (4) that a status hearing be set for August 11, 2023, either in person or via video conference.

ENTERED this 9th day of August, 2023.

for *Kenna M DeBacino*
Edward M. Snyder, Chairman

Prepared by:

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Appellee.

CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 9th day of August, 2023, I have served a true copy of the foregoing **ORDER GRANTING MOTION FOR STAY** to the following:

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

Via Email and Certified First Class Mail
7021 1970 0001 1851 9196

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