

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

RECEIVED

SEP 18 2023

Environmental Quality
Board

CLEVELAND-CLIFFS WEIRTON LLC

Appellant,

v.

Appeal No. 22-06-EQB

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

Appellee.

JOINT MOTION TO CONTINUE AND MOTION TO EXTEND STAY

COMES NOW Cleveland-Cliffs Weirton LLC (“Appellant” or “CC Weirton”), by counsel, Marc C. Bryson, Marissa G. Nortz, and the law firm of Steptoe & Johnson PLLC, and Appellee, Kathryn D. Emery, Acting Director of the Division of Water and Waste Management, West Virginia Department of Environmental Protection (hereinafter “Appellee” or “WVDEP”), by counsel, and respectfully moves the West Virginia Environmental Quality Board (hereinafter “Board”) for a continuance of the above-styled appeal to the Board’s October 2023 hearing dates. In support of this Motion, the parties state as follows:

1. This matter is currently scheduled for an evidentiary hearing before this Board on October 12-13, 2023.
2. The parties are conducting ongoing settlement negotiations. With regard to certain appealed parameters, the parties have scheduled and conducted meetings with USEPA. These meetings are also ongoing.
3. To this end, the parties are hopeful that they can settle this matter without an evidentiary hearing and need additional time to work towards settlement.

4. Resolution and settlement of this appeal is in the best interests of the parties and is in concert with established judicial principles which favor (1) a negotiated resolution to disputes, and (2) the efficient use of limited judicial resources.
5. Per the Board's September 19th, 2022, Order granting the Appellant's request for a limited stay, the Appellant hereby requests that the Board's Stay be extended to correspond with the date of the continued hearing should the Board grant this Joint Motion to Continue. WVDEP does not object to this request.

Therefore, for the reasons set forth more thoroughly above, the Parties jointly move this Board to continue the evidentiary hearing in this matter until the Board's January 2024 hearing dates. Appellant moves this Board to extend the Stay granted in this matter to correspond to the new hearing date.

Respectfully submitted,

Counsel for Appellant:

/s/ Marc C. Bryson
Marc C. Bryson, W. Va. Bar #10589
Marissa G. Nortz, W. Va. Bar #12742
Steptoe & Johnson PLLC
707 Virginia Street, East
Charleston, WV 25326
Telephone: (304) 353-8000
Facsimile: (304) 353-8180
Email: Marissa.Nortz@Steptoe-
Johnson.com

Counsel for Appellee:

/s/ Charles S. Driver
Charles S. Driver, W. Va. Bar # 9846
West Virginia Department of
Environmental Protection
601 57th Street SE
Charleston WV 25304
Telephone: (304) 926-0499
Facsimile: (304) 926-0461
E-mail: chance.j.chapman@wv.gov

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

CLEVELAND-CLIFFS WEIRTON LLC

Appellant,

v.

Appeal No. 22-06-EQB

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

Appellee,

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of September 2023, I served the foregoing “JOINT MOTION TO CONTINUE AND MOTION TO EXTEND STAY” upon the following parties by depositing a true copy thereof via United States mail and/or electronic service, postage prepaid, in envelopes addressed to the following:

Kenna M. DeRaimo, Clerk
West Virginia Environmental Quality Board
601 57th Street
Charleston, WV 25304

Via U.S. Mail and Electronic Mail

Charles S. Driver
Office of Legal Services
West Virginia Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304
Charles.S.Driver@wv.gov

Via U.S. Mail and Electronic Mail

/s/ Marc C. Bryson
Marc C. Bryson (W. Va. Bar No. 10589)