

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

**APPALACHIAN POWER COMPANY
dba AEP,**

Appellant,

v.

Appeal No. 21-06-EQB

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

Appellee,

ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 21-06-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on June 23, 2021. 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. 21-06-EQB is scheduled for October 8, 2023.

At a prehearing conference on September 28, 2023, the parties represented that a settlement-in-principle has been reached and that the terms of said settlement are being effectuated through issuance of a permit modification, which is currently being processed by the WVDEP. Therefore, a continuance of the evidentiary hearing has been requested in order to allow sufficient time for said permit modification application to be processed and issued. The parties also agree to an extension of the stay currently in place until such time that this matter is resolved through issuance of the final permit modification.

Based on the representations of the parties, the Board does hereby order that the evidentiary hearing in Appeal No. 21-06-EQB shall be continued until the **December 14-15, 2023**, Board meeting. Said hearing will begin at 8:30 a.m. at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. The stay currently in place shall be extended as set forth herein, and as agreed to by the parties.

A Prehearing Conference shall be held on **November 30, 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 parties shall appear at the Board's offices. If appearing by telephone, the parties shall call 1-800-309-2350. After the welcome message, dial the conference ID 78252 followed by the # key.

It is so **ORDERED** and **ENTERED** this 4th day of OCTOBER, 2023.

Environmental Quality Board

for Kenna M DeRaimo
Dr. Edward Snyder, Chairman

Prepared by:

/s/ Jon Frame

Jonathan Frame

Office of Legal Services

WV Department of Environmental Protection

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Counsel to the WVDEP

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CERTIFICATE OF SERVICE

I hereby certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 4th day of October, 2023, served a true copy of the foregoing **ORDER FOR CONTINUANCE AND NOTICE OF HEARING** to the following:

Kathy G. Beckett, Esq.
STEPTOE & JOHNSON PLLC
707 Virginia Street, East
Charleston, WV 25301
*Counsel for Appellant
Appalachian Power Company dba AEP*

Via Certified First-Class U.S. Mail

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Jonathan C. Frame, Esquire
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street, S.E.
Charleston, WV 25304
*Counsel for Appellee
West Virginia Department of Environmental Protection*

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk