

**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 AND EXTENDING STAY

On September 28, 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 for 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 requested that the evidentiary hearing go forward as scheduled on October 12, 2023.

Based upon the arguments and representations of the parties, the Board GRANTS Appellant’s request for a continuance and hereby ORDERS (1) that the hearing in this

matter be set for November 8-9, 2023, (2) that a pre-hearing conference be set for October 26, 2023, (3) and that the stay be extended for 30 days, until November 17, 2023.

ENTERED this 16th day of October, 2023.

Environmental Quality Board

Kenna M DeRaimo
for Edward M. Snyder, Chairman

**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.

CERTIFICATE OF SERVICE

I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, hereby certify that on this day, the 16th day of October, 2023, a true copy of the foregoing **AMENDED ORDER GRANTING CONTINUANCE AND EXTENDING STAY** has been served upon the following:

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

*Via Email and Certified First Class Mail
9489 0090 0027 6501 9453 27*

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