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Environmental Quality  
Board

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

**MONONGAHELA POWER COMPANY,<sup>1</sup>**

**Appellant,**

**v.**

**Appeal Nos. 11-21-EQB  
11-22-EQB  
14-10-EQB**

**KATHERYN D. EMERY, Director,  
Division of Water and Waste Management  
West Virginia Department of Environmental  
Protection,**

**Appellee,**

**WEST VIRGINIA RIVERS COALITION,**

**Intervenor**

**WVDEP's STATUS REPORT ON PERMIT REISSUANCE**

At a status conference on December 14, 2023, the Board requested that the Appellee, West Virginia Department of Environmental Protection ("WVDEP"), provide an update as to the reissuance of Permit No. WV0005339 ("Permit"), which is currently pending. As has been previously represented to the Board, issuance of a renewed permit that supersedes the Permit under appeal will impact the instant appeal. Accordingly, the WVDEP hereby represents as follows:

1. The appeal of WV/NPDES Permit No. WV0005339 was originally filed on June 6, 2011 (Appeal No. 11-22-EQB). The Permit was accompanied by Order No. 7004, which also was appealed June 6, 2011, and became Appeal No. 11-21-EQB.

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<sup>1</sup> Since the filing of Appeal Nos. 11-21-EQB and 11-22-EQB in 2011, ownership of the Harrison Power Station has been transferred from Allegheny Energy Supply Company, LLC to Monongahela Power Company, and therefore Monongahela Power Company will become the Appellant of record in this matter.

2. The Permit was modified in 2014 and involved a revision of the drainage area feeding Outlet 011, and creation of new stormwater Outlets 012 and 013. While the modification reflected changes made to improve stormwater management, it did not resolve the underlying disagreement as to how those stormwater controls should be evaluated. Consequently, portions of the 2014 modification were appealed to this Board as well, in Appeal No. 14-10-EQB.

3. The WVDEP proposed a new draft permit on October 17, 2016. Significant comments were received by the agency which resulted in the redrafting of the Permit.

4. The WVDEP proposed a new draft permit on March 26, 2021. Significant comments were received by the agency which resulted in the redrafting of the Permit.

5. The WVDEP is currently in the process of reissuing the Permit and is working through the remaining issues in order to have a final draft of the Permit ready to issue.

6. Although the agency cannot state with certainty as to an exact date by which a draft permit will be completed, as there is always the possibility that issues arise during the review process that may require additional time to work through, the WVDEP is working towards reissuance of the Permit in March, 2024.

7. As permit reissuance will affect the course of the instant appeal, the WVDEP will update this Board and all additional parties as to any developments that may occur during the permit reissuance process prior to the prehearing conference that is currently set for January 25, 2024.

Respectfully submitted this 20th day of December, 2023.

**KATHERYN D. EMERY, DIRECTOR  
DIVISION OF WATER AND WASTE  
MANAGEMENT, WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**MONONGAHELA POWER COMPANY**

By: Office of Legal Services



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**KATHERYN D. EMERY, Director,  
Division of Water and Waste Management  
West Virginia Department of Environmental  
Protection,**

**Appellee.**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of December, 2023, I served the foregoing “**WVDEP’s STATUS REPORT ON PERMIT REISSUANCE**” upon the following parties by depositing a true copy thereof via U.S. mail and/or electronic service, postage prepaid, in envelopes addressed to the following:

Kenna M. DeRaimo, Clerk  
West Virginia Environmental Quality Board  
601 57<sup>th</sup> Street, SE  
Charleston, West Virginia 25304

*Via Hand Deliver and Electronic  
Mail*

David L. Yaussy  
Spilman Thomas & Battle PLLC  
300 Kanawha Boulevard, E.  
Charleston, WV 25301

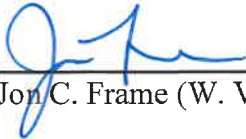
*Via U.S. and Electronic Mail*

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<sup>1</sup> Since the filing of Appeal Nos. 11-21-EQB and 11-22-EQB in 2011, ownership of the Harrison Power Station has been transferred from Allegheny Energy Supply Company, LLC to Monongahela Power Company, and therefore Monongahela Power Company will become the Appellant of record in this matter.

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*Via U.S. and Electronic Mail*

  
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Jon C. Frame (W. Va. Bar No. 10182)