

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

MONONGAHELA POWER COMPANY,

Appellant,

v.

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

**SCOTT G. MANDIROLA, DIRECTOR,
DIVISION OF WATER AND WASTE
MANAGEMENT, WEST VIRGINIA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Appellee

v.

WEST VIRGINIA RIVERS COALITION,

Intervenor.

NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE

Appeal No. 11-21-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on June 3, 2011. Appeal No. 11-22-EQB was filed with the Board on June 6, 2011. An evidentiary hearing concerning the matters set forth in the Notices of Appeal is scheduled for **April 11-12, 2024**. Said hearing will begin at **9:00 a.m. on Thursday, April 11, 2024**, at the Board’s offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. A Zoom link will be provided to the Parties prior to the hearing for anyone who is unable to attend the evidentiary hearing in person.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **Prehearing Status Conference will be held on Thursday,**

March 28, 2024, at 10:00 a.m. Parties may appear in person or by telephone. If appearing in person, the prehearing will be conducted at the Board's offices located at 601 57th Street, Charleston, Kanawha County, West Virginia 25304. **If appearing by telephone, dial 1-800-309-2350. After the welcome message, dial the conference ID 78252 followed by the pound (#) key.** The proceedings will be recorded and transcribed at a later date if necessary.

The following will be discussed at the prehearing:

- (1) Presentation and consideration of preliminary legal issues;
- (2) Stipulations to facts that are not contested by the parties;
- (3) Stipulations to the admission of evidence to avoid unnecessary proof;
- (4) Identification and reduction of number of witnesses; and
- (5) Consideration of any other matters that will aid in the expeditious conduct of the hearing.

It is further ordered that each counselor representative attending the prehearing conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have full authority from the party represented and any law firm with which associated to take such action as may be necessary to comply with this order. It is further ordered that counsel shall also have a representative and/or representatives available by telephone to answer any detailed questions the Board may have regarding issues related to the appeal.

It is further ordered that at the conclusion of the conference, either orally for the record or by separate writing, an order will be entered which recites any action taken and agreements reached

by the parties. The order will take the place of all that has gone before and will control the subsequent course of the hearing unless modified to prevent manifest injustice.

It is so **ORDERED** and **ENTERED** this 9th day of January, 2024.

Environmental Quality Board

Kenna M. DeRaimo
for Dr. Edward Snyder, Chairperson

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CERTIFICATE OF SERVICE

This is to certify that I, Kenna M. DeRaimo, Clerk for the Environmental Quality Board, have this day, the 9th day of January, 2024, served a true copy of the foregoing **NOTICE OF HEARING AND PREHEARING STATUS CONFERENCE** to the parties in Appeal Nos. **11-21-EQB and 11-22-EQB**, by mailing the same to the following:

David L. Yaussy, Esq.
SPILMAN THOMAS & BATTLE, PLLC
300 Kanawha Boulevard, East
Post Office Box 273
Charleston, WV 25321

Via U.S. First-Class Certified Mail

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Jonathan Frame, Esq.
OFFICE OF LEGAL SERVICES
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
601 57th Street, S.E.
Charleston WV 25304

Via Interdepartmental Mail

Elizabeth A. Bower, Esq.
APPALACHIAN MOUNTAIN ADVOCATES, INC.
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Via U.S. First-Class Certified Mail

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Kenna M. DeRaimo, Clerk