

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

WEST VIRGINIA WATER RESOURCE'S, INC.,

Appellant,

v.

APPEAL No.: 24-01-EQB

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

Appellee.

ORDER GRANTING STAY PENDING APPEAL

On Friday, February 23, 2024, the parties and their legal counsel, appeared before the Chairperson of the Environmental Quality Board ("Board"), via video conference, to present testimony and oral arguments concerning Appellant West Virginia Water Resources, Inc. ("WVWR")'s and its motion for stay, pending appeal, of certain provisions of Solid Waste/NPDES Permit No. WV0116521 ("the NPDES Permit") issued by the Director of the Division of Water and Waste Management, West Virginia Department of Environmental Protection ("WVDEP"), on January 12, 2024, with an effective date of March 1, 2024.

The Board grants WVWR's motion for stay as the evidence and argument presented does not establish there would be any significant risk of environmental harm to the waters of this State or the public while the appeal is pending. The current Solid Waste/NPDES Water Pollution Control Permit shall remain in place during the period of the stay which shall be in effect until July 1, 2024.

Entered this 23rd day of February, 2024.


Dr. Edward Snyder, Chairperson

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA WATER RESOURCES, INC.,

Appellant,

v.

Appeal No. 24-01-EQB

KATHERYN EMERY, DIRECTOR,
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 27th of February, 2024, have served a true copy of the foregoing **ORDER GRANTING STAY**

PENDING APPEAL upon the following:

Christopher B. Power, Esq.
Robert M. Stonestreet, Esq.
BABST CALLAND CLEMENTS AND ZOMNIR, PC
Truist Square
300 Summers Street, Suite 1000
Charleston, WV 25301
Counsel for Appellants
West Virginia Water Resources, Inc.

Via Certified U.S. First Class Mail

9489 0090 0027 6573 8299 76

Charles S. Driver, Esq.
Jonathan C. Frame, Esq.
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