

WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA

LACKAWANNA TRANSPORT COMPANY
DBA WETZEL COUNTY LANDFILL AND
FLUID MANAGEMENT SOLUTIONS, INC.,

Appellants,

v.

Appeal No. 24-04-EQB

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

Appellee.

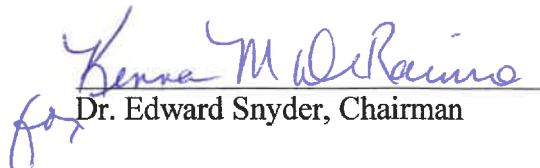
ORDER FOR CONTINUANCE AND NOTICE OF HEARING

Appeal No. 24-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on March 20, 2024. 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. 24-04-EQB is scheduled for April 17, 2024.

The Board, on its own motion, determined that the evidentiary hearing in Appeal No. 24-04-EQB shall be continued until the **June 13, 2024, Board meeting beginning at 8:30 a.m.** Said hearing will be held via Zoom only. The Parties may attend and participate in the evidentiary hearing by using the following Zoom link: <https://us02web.zoom.us/j/85918483641>.

It is so **ORDERED** and **ENTERED** this 22ND day of March, 2024.

Environmental Quality Board


Dr. Edward Snyder, Chairman

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

**LACKAWANNA TRANSPORT COMPANY
DBA WETZEL COUNTY LANDFILL AND
FLUID MANAGEMENT SOLUTIONS, INC.,**

Appellants,

v.

Appeal No. 24-04-EQB

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

Appellee.

NOTICE OF PREHEARING STATUS CONFERENCE

Appeal No. 24-04-EQB was filed with the West Virginia Environmental Quality Board (“Board”) on March 20, 2024. An **evidentiary hearing** concerning the matters more fully set forth in the Notice of Appeal is scheduled for **June 13, 2024**.

Pursuant to CSR §46-4-5.2 of the *Procedural Rules Governing Appeals Before the Environmental Quality Board*, a **Prehearing Status Conference (PHSC) will be held on Thursday, May 30, 2024, at 10:00 a.m.** before the Board’s Chairman and/or legal counsel. The Parties may attend and participate in the PHSC by Zoom only by using the following Zoom link: <https://us02web.zoom.us/j/89318225918>.

The proceedings will be recorded and transcribed later, 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 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.

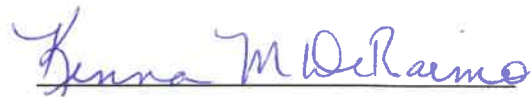
It is so **ORDERED** and **ENTERED** this 22ND day of March, 2024.

Environmental Quality Board

for Kenna M. DeRaimo
Dr. Edward Snyder, Chairman

Jeremy W. Bandy, Director
Division of Water and Waste Management
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304

Via Interdepartmental Mail



Kenna M. DeRaimo, Clerk

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

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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 22ND of March, 2024, have served a true copy of the foregoing **ORDER FOR CONTINUANCE AND NOTICE OF HEARING AND NOTICE OF PREHEARING STATUS CONFERENCE** to the following:

Armando F. Benincasa, Esq.
Marissa G. Nortz, Esq.
Allyn G. Turner, Esq.
STEPTOE & JOHNSON PLLC
707 Virginia Street, East
Charleston, WV 25301

Via Certified U.S. First Class Mail

9489 0090 0027 6573 8152 83

Charles S. Driver, 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

Katheryn Emery, P.E., Director
Division of Water and Waste Management
WV Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304

Via Interdepartmental Mail


Kenna M. DeRaimo, Clerk