

**WEST VIRGINIA AIR QUALITY BOARD  
CHARLESTON, WEST VIRGINIA**

**TUCKER UNITED, FRIENDS OF BLACKWATER,  
and WEST VIRGINIA HIGHLANDS CONSERVANCY**

**Appellants,**

**v.**

**Appeal No. 25-01-AQB**

**DIRECTOR, DIVISION OF AIR QUALITY,  
DEPARTMENT OF ENVIRONMENTAL PROTECTION,**

**Appellee.**

**NOTICE OF STATUS CONFERENCE**

**Appeal No. 25-01-AQB** was filed with the West Virginia Air Quality Board (“Board”) on June 10, 2025. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning the matters set forth in the Notice of Appeal was scheduled for July 2, 2025. The Board, on its own motion, ordered the evidentiary hearing should be continued to the August 6, 2025, Board meeting.

Subsequently, Appellants, Tucker United, Friends of Blackwater, and West Virginia Highlands Conservancy, moved this Board for a continuance of the August 6, 2025 evidentiary hearing which was granted. A new evidentiary hearing date has yet to be determined.

Pursuant to CSR §52-1-5.2 of the *Procedural Rules Governing Appeals Before the Air Quality Board*, a Status Conference was scheduled for Thursday, August 14, 2025, at 10 a.m. Appellee’s counsel, Scott Driver, had a conflict with the August 14<sup>th</sup> date and requested that the status

conference be rescheduled. Therefore, a **Status Conference will be held on Monday, August 25, 2025, at 1:30 p.m.** before the Board's Chairman and legal counsel. The status conference will be held via Zoom only. The Parties have a choice to appear by joining (1) **via Zoom video** by using the following link: <https://us02web.zoom.us/j/87604069613>; or (2) **via Zoom audio**, by dialing any one of the following numbers: 1-305-224-1968, 1-309-205-3325, 1-312-626-6799, 1-646-558-8656 . You may be requested to enter the ***Meeting ID which is 876 0406 9613***.

The proceedings may be recorded and transcribed at a later date if necessary. The following will be discussed at the status conference:

- (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.

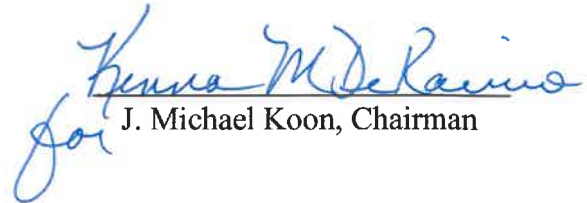
It is further ordered that each counselor representative attending the status conference is required to have a thorough knowledge of the case, be prepared to discuss it, and to make stipulations or admissions where appropriate and to argue any pending motions. Each counselor representative must have 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.

**ORDERED** and **ENTERED** this 19<sup>th</sup> day of August, 2025.

**Air Quality Board**

  
for J. Michael Koon, Chairman

**WEST VIRGINIA AIR QUALITY BOARD  
CHARLESTON, WEST VIRGINIA**

**TUCKER UNITED, FRIENDS OF BLACKWATER,  
and WEST VIRGINIA HIGHLANDS CONSERVANCY,**

**Appellants,**

**v.**

**Appeal No. 24-01-AQB**

**DIRECTOR,  
DIVISION OF AIR QUALITY, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,**

**Appellee.**

**CERTIFICATE OF SERVICE**

This is to certify that I, Kenna M. DeRaimo, Clerk for the Air Quality Board, hereby certify that on this day, the 19<sup>th</sup> day of August, 2025, have served a true copy of the foregoing **NOTICE OF STATUS CONFERENCE** upon the following:

J. Brent Easton, Esq.  
BRENT EASTMAN ATTORNEY AT LAW PLLC  
Post Office Box 267  
Davis, West Virginia 26260  
*Counsel for Appellants*

*Via Certified First-Class U.S. First Mail  
and Electronic Mail*

9489 0090 0027 6692 2649 17

Charles S. Driver, Esq.  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304  
*Counsel for Appellee  
West Virginia Department  
of Environmental Protection*

*Via Interdepartmental Mail  
and Electronic Mail*

  
Kenna M. DeRaimo, Clerk