

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

WEST VIRGINIA-CITIZEN ACTION GROUP, INC.,

Appellant,

v.

Appeal No. 25-04-AQB

**LAURA M. CROWDER, DIRECTOR,
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL
PROTECTION, DIVISION OF AIR QUALITY,**

Appellee,

and

MGS CNP1, LLC

Intervenor.

ORDER GRANTING JOINT MOTION TO CONTINUE AND NOTICE OF HEARING

Appeal No. 25-04-AQB was filed with the West Virginia Air Quality Board (“Board”) on December 22, 2025. In accordance with West Virginia Code §22B-1-7(f), an evidentiary hearing concerning matters as are more fully set forth in the Notice of Appeal filed by Appellant, West Virginia-Citizen Action Group, Inc. was scheduled for January 7, 2026 and continued by the Board’s own motion to February 4, 2026.

On January 15, 2026 counsel for appellant and appellee filed a *Joint Motion to Continue the Scheduled Hearings*. The continuance was requested because the Certified Record in the case was provided to counsel after the January 13, 2026 deadline and to allow additional time to try to expeditiously resolve the issues set forth in the appeal. The continuance was granted orally by the Board’s Chairman on January 15, 2026. On January 16, 2026, the Board received a

Petition to Intervene filed by counsel for MGS CNP1, LLC, Peter G. Markham, Esq. and Marc Mignault, Esq. of Bowles Rice, LLP.

The Board has determined that the **evidentiary hearing in Appeal No. 25-04-AQB shall be continued until the March 4, 2026, Board meeting.** Said hearing will begin at 8:30 a.m. at the Board's offices located at 601 57th Street, Charleston, Kanawha County, West Virginia. In lieu of appearance in person, parties and witnesses may appear via Zoom by using the following Zoom link: <https://us02web.zoom.us/j/86219366486>.

It is so **ORDERED** and **ENTERED** this 23RD day of January, 2026.

AIR QUALITY BOARD

for  J. Michael Koon, Chairman

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CERTIFICATE OF SERVICE

This is to certify that I, Kenna M. DeRaimo, Clerk for the Air Quality Board, hereby certifies that on this day, the 23RD day of January, 2026, have served a true copy of the foregoing **ORDER GRANTING JOINT MOTION TO CONTINUE AND NOTICE OF HEARING** upon the following:

Andrew C. Earley, Esq.
FAIR SHAKE ENVIRONMENTAL LEGAL SERVICES
232 Capitol Street, Street 14
Charleston, West Virginia 25301
Counsel for Appellant

Via Certified U.S. First-Class Mail
9489 0090 0027 6726 0227 59

C. Scott Driver, Esq.
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street, S.E.
Charleston, WV 25304
Counsel for Appellee

Via Interdepartmental Mail

Peter G. Markham, Esq.
Marc Mignault, Esq.
BOWLES RICE LLP
600 Quarrier Street
Charleston, West Virginia 25301
Counsel for Intervenor

Via Certified U.S. First-Class Mail
9489 0090 0027 6726 0227 66


Kenna M. DeRaimo, Clerk