

**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 CNPI, 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. The hearing was then continued again after the Board granted the appellant and appellee's *Joint Motion to Continue* on January 15, 2026.

On January 16, 2026, the Board received a *Petition to Intervene* filed by counsel for MGS CNPI, LLC, Peter G. Markham, Esq. and Marc Mignault, Esq. of Bowles Rice, LLP. Since that time, Roger Hanshaw, Esq., of Bowles Rice, LLP, has also noticed an appearance on behalf of the Intervenor. Due to conflicts for Intervenor's Counsel and Appellee's Expert, the parties filed

an additional *Joint Motion to Continue*. This Board finds that the scheduling conflicts constitute good cause to continue the Evidentiary Hearing previously scheduled for March 4, 2026. Because no party objects to the continuance and good cause exists, the *Joint Motion to Continue* is hereby GRANTED.

The Board has determined that the **evidentiary hearing** in Appeal No. 25-04-AQB shall be continued until the **May 6-7, 2026**, Board meeting. Said hearing will begin at 8:30 a.m. at the Board's offices located at 601 57<sup>th</sup> 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/87210776317>.

It is so **ORDERED and ENTERED** this 4<sup>th</sup> day of March, 2026.

**AIR QUALITY BOARD**

for Kenna M DeRamus  
**J. Michael Koon, Chairman**

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

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**Appeal No. 25-04-AQB**

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

**Appellee**

**and**

**MGSCNP1, LLC,**

**Intervenor.**

**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 4<sup>th</sup> day of March 2026, have served a true copy of the foregoing **ORDER GRANTING JOINT MOTION TO CONTINUE AND NOTICE OF HEARING** upon the following via Certified US Mail or via Interdepartmental Mail:

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 6776 5888 23  
and Electronic Mail*

C. Scott Driver, Esq.  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street, S.E.  
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*Counsel for Appellee*

*Via Interdepartmental Mail  
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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 6776 5888 30

*and Electronic Mail*

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Kenna M. DeRaimo, Clerk