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JUL 15 2025

Mink, Stephanie R <stephanie.r.mink@wv.gov>

25-01-AQB - Tucker United, Friends of Blackwater, and WV Highlands Conservancy

DeRaimo, Kenna M <kenna.m.deraimo@wv.gov>

Wed, Jun 18, 2025 at 4:58 PM

To: Laura M Crowder <laura.m.crowder@wv.gov>

Cc: Sandra K Adkins <sandra.k.adkins@wv.gov>, Stephanie R Mink <stephanie.r.mink@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>, Charles Scott Driver <charles.s.driver@wv.gov>, Nicole L Howard <nicole.l.howard@wv.gov>

Good Afternoon,

A new Air Quality Board (AQB) appeal was filed on June 10, 2025. A courtesy copy of the date-stamped **Notice of Appeal** is attached to this email for your reference along with a **Memorandum requesting the Certified Record**. I am kindly requesting that **on or before 4 p.m. on July 2, 2025**, DAQ please provide the AQB the following:

1. A paper copy of the Certified Record delivered to me in Room #1026; and
2. An electronic copy of the Certified Record emailed to me at Kenna.M.DeRaimo@wv.gov.

An evidentiary hearing has been scheduled for August 6, 2025. A courtesy copy of the **Order for Continuance and Notice of Hearing** is attached for your reference. The documents referenced above have been placed in DEP's interdepartmental mail to your attention.

At the direction of Mrs. Adkins, I have copied Ms. Mink and Mr. Kessler. If you have any questions, concerns, or need further clarification or information, please do not hesitate to contact me.

Thank you for your anticipated cooperation with this request.

Sincerely,

Kenna

Kenna M. DeRaimo, Clerk

Air Quality Board

Environmental Quality Board

Surface Mine Board

601 57th Street, SE

Charleston, West Virginia 25304

Office Desk Phone: (304) 414-1128

Office Cell Phone: (304) 993-8562

3 attachments **2025.06.10. 25-02-AQB. Notice of Appeal.pdf**
860K **2025.06.18. 25-01-AQB. DAQ Memo Requesting Certified Record.pdf**
44K **2025.06.18. 25-01-AQB. Order for Continuance and NOH. 08.06.2025.pdf**
92K

Certified File
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West Virginia Department of Environmental Protection

*Harold D. Ward
Cabinet Secretary*

Construction Permit



R13-3713

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§22-5-1 et seq.) and 45 C.S.R. 13 – Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the above-referenced facility is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

**Fundamental Data LLC
Ridgeline Facility
093-00034**

*Laura M. Crowder
Director, Division of Air Quality*

Issued: Draft

Facility Location: Off of US-48, Thomas, Tucker County, West Virginia
Mailing Address: 125 Hirst Rd. Suite 1A, Purcellville, VA 20132
Facility Description: Turbine Power Facility
NAICS Codes: 221112 – Fossil Fuel Electric Power Generation
UTM Coordinates: 632.512 km Easting • 4,334.946 km Northing • Zone 17
Latitude/Longitude: 39.15364 / -79.46641
Permit Type: Construction
Description of Change: Construction and operation of a turbine power facility.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §§22-5-14.

The source is not subject to 45CSR30.

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1.0. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
CT	CT	Combustion Turbines	2025	Natural Gas 5,649.6 MMBtu/hr (aggregate) Diesel 4,503.4 MMBtu/hr (aggregate)	NOx – SCR ¹ CO -CO Catalyst
TK1	TK1-E	Diesel Storage Tank	2025	10,000,000 gal (nominal ²)	None
TK2	TK2-E	Diesel Storage Tank	2025	10,000,000 gal (nominal ²)	None
TK3	TK3-E	Diesel Storage Tank	2025	10,000,000 gal (nominal ²)	None
UNLOAD	UNLOAD-E	Diesel Truck Unloading	2025	15,000,000 gal/yr	None

¹ Selective Catalytic Reduction

² Nominal capacity is “working volume” which considers design liquid levels

2.0. General Conditions

2.1. Definitions

- 2.1.1. All references to the “West Virginia Air Pollution Control Act” or the “Air Pollution Control Act” mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The “Clean Air Act” means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. “Secretary” means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary’s designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NO_x	Nitrogen Oxides
CBI	Confidential Business Information	NSPS	New Source Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM_{2.5}	Particulate Matter less than 2.5 μm in diameter
C.F.R. or CFR	Code of Federal Regulations	PM₁₀	Particulate Matter less than 10μm in diameter
CO	Carbon Monoxide	Ppb	Pounds per Batch
C.S.R. or CSR	Codes of State Rules	Pph	Pounds per Hour
DAQ	Division of Air Quality	Ppm	Parts per Million
DEP	Department of Environmental Protection	Ppm_v or ppm_v	Parts per Million by Volume
dscm	Dry Standard Cubic Meter	PSD	Prevention of Significant Deterioration
FOIA	Freedom of Information Act	Psi	Pounds per Square Inch
HAP	Hazardous Air Pollutant	SIC	Standard Industrial Classification
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower	SO₂	Sulfur Dioxide
lbs/hr	Pounds per Hour	TAP	Toxic Air Pollutant
LDAR	Leak Detection and Repair	TPY	Tons per Year
M	Thousand	TRS	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	TSP	Total Suspended Particulate
MDHI	Maximum Design Heat Input	USEPA	United States Environmental Protection Agency
MM	Million	UTM	Universal Transverse Mercator
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	VEE	Visual Emissions Evaluation
MMCF/hr or mmcf/hr	Million Cubic Feet per Hour	VOC	Volatile Organic Compounds
NA	Not Applicable	VOL	Volatile Organic Liquids
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		

2.3. Authority

This permit is issued in accordance with West Virginia air pollution control law W.Va. Code §§ 22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation*;

2.4. Term and Renewal

- 2.4.1. This Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any other applicable legislative rule;

2.5. Duty to Comply

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-3713 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;
[45CSR§§13-5.10 and -10.3.]
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-4.]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-5.4.]

2.10 Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.
[45CSR§13-5.1]

2.11. Inspection and Entry

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.12. [Reserved]

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety,

or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13. [45CSR§13-10.1.]

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management, and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1] *[State Enforceable Only]*
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

- 3.2.1. **Emission Limit Averaging Time.** Unless otherwise specified, compliance with all annual limits shall be based on a rolling twelve month total. A rolling twelve month total shall be the sum of the measured parameter of the previous twelve calendar months. Compliance with all hourly emission limits shall be based on the applicable NAAQS averaging times or, where applicable, as given in any approved performance test method.

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
 - b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
 - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
 - d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

1. The permit or rule evaluated, with the citation number and language;
2. The result of the test for each permit or rule condition; and,
3. A statement of compliance or noncompliance with each permit or rule condition.

[WV Code § 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports, and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. State Enforceable Only.]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class or by private carrier with postage prepaid to the address(es), or submitted in electronic format by email as set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

DAQ:
Director
WVDEP
Division of Air Quality
601 57th Street
Charleston, WV 25304-2345

US EPA:
Section Chief, USEPA, Region III
Enforcement and Compliance Assurance Division
Air Section (3ED21)
Four Penn Center
1600 John F Kennedy Blvd
Philadelphia, PA 19103-2852

DAQ Compliance and Enforcement¹:
DEPAirQualityReports@wv.gov

¹For all self-monitoring reports (MACT, GACT, NSPS, etc.), stack tests and protocols, Notice of Compliance Status Reports, Initial Notifications, etc.

3.5.4. Operating Fee

3.5.4.1. In accordance with 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

3.5.4.2. In accordance with 45CSR22 – Air Quality Management Fee Program, enclosed with this permit is an Application for a Certificate to Operate (CTO). The CTO will cover the time period beginning with the date of initial startup through the following June 30. Said application and the appropriate fee shall be submitted to this office prior to the date of initial startup. For any startup date other than July 1, the permittee shall pay a fee or prorated fee in accordance with Section 4.5 of 45CSR22. A copy of this schedule may be found on the reverse side of the CTO application.

3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

4.1.1. The Ridgeline Facility shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of this permit. In accordance with the information filed under Permit Application R13-3713, the equipment shall be installed, maintained and operated so as to minimize any fugitive escape of pollutants and the equipment/processes shall use the specified air pollution control devices.

4.1.2. **Maximum Design Heat Input.** The aggregate maximum design heat input (MDHI) of the combustion turbines/heat recovery steam generating units (HRSG) shall not be exceeded when firing the following fuels:

Fuel Type	MDHI (MMBtu/hr)
Natural Gas	5,649.6
Diesel Fuel	4,503.4

4.1.3. The maximum aggregate hourly emissions during steady state operations (excluding startups and shutdowns) from the combustion turbines/HRSG shall not exceed the following when firing the following fuels:

a. Natural Gas

Pollutant	Maximum Hourly Emissions (lb/hr) ²
Nitrogen Oxides	30.80
Carbon Monoxide	6.30
Volatile Organic Compounds	14.30
Particulate Matter-10/2.5 ¹	23.30
Sulfur Dioxide	19.21
Total Hazardous Air Pollutants	3.04

¹ Includes both filterable and condensable particulate matter.

² CT shall have zero duct burner firing emissions. All emissions are attributed to CT only.

b. Diesel

Pollutant	Maximum Hourly Emissions (lb/hr) ²
Nitrogen Oxides	74.50
Carbon Monoxide	5.40
Volatile Organic Compounds	30.90
Particulate Matter-10/2.5 ¹	22.10
Sulfur Dioxide	6.82
Total Hazardous Air Pollutants	5.64

¹ Includes both filterable and condensable particulate matter.

² CT shall have zero duct burner firing emissions. All emissions are attributed to CT only.

- 4.1.4. The maximum aggregate annual emissions during startups and shutdowns from the combustion turbines/HRSG shall not exceed the following when firing the following fuels:

a. Natural Gas

Pollutant ¹	Maximum Annual Emissions (tons/year)
Nitrogen Oxides	4.54
Carbon Monoxide	37.05

¹ Pollutants not listed in this table are limited to the rates in permit conditions 4.1.3 and 4.1.5 at all times including startups and shutdowns.

b. Diesel

Pollutant ¹	Maximum Annual Emissions (tons/year)
Nitrogen Oxides	6.22
Carbon Monoxide	46.10

¹ Pollutants not listed in this table are limited to the rates in permit conditions 4.1.3 and 4.1.5 at all times including startups and shutdowns.

- 4.1.5. The maximum aggregate total annual emissions¹ from the combustion turbines/HRSG shall not exceed the following emission limits when firing either fuel (natural gas or diesel exclusively) or any combination of natural gas or diesel:

Pollutant	Maximum Annual Emissions (tons/year) ³
Nitrogen Oxides	99.35
Carbon Monoxide	56.36
Volatile Organic Compounds	43.84
Particulate Matter-10/2.5 ²	71.44
Sulfur Dioxide	58.89
Total Hazardous Air Pollutants	9.33

¹ Includes annual startup and shutdown emissions in permit condition 4.1.4.

² Includes both filterable and condensable particulate matter.

³ CT has no duct burner firing emissions. All emissions are attributed to CT only.

- 4.1.6. The permittee shall meet the air pollution control technology requirements for the combustion turbines/HRSG:

Pollutant	Control Technology
Nitrogen Oxides	SCR
Carbon Monoxide	CO Catalyst

- 4.1.7. During startup and shutdown operations, the permittee shall minimize emissions by:

- a. Operating and maintaining the combustion turbines/HRSG and associated air pollution control devices in accordance with good combustion and air pollution control practices, safe operating practices, and protection of the facility. Good combustion and air pollution control practices shall mean proper operation and maintenance of combustion control systems and air pollution control equipment in accordance with manufacturer specifications. Additionally, it shall mean such practices that promote sufficient residence time of fuel in the combustion zone, thorough mixing of air and fuel, and proper combustion temperatures.

- b. Implementing operations and maintenance practices comprised of maintaining a high level of steady state operation time and minimizing (as much as practicable) the frequency of startup and shutdown events.

4.1.8. **Fuel Operating Parameters.** The combustion turbines/HRSG at the facility are capable of firing either natural gas or diesel fuel. The following fuel operating parameters apply to the permittee to address the various fuel firing scenarios:

Fuel Type	Operating Condition	Operating Parameter
Natural Gas	Maximum Hourly Fuel Consumption	5.35 MMscfh (all units)
Diesel	Maximum Hourly Fuel Consumption	32,872 gal/hr (all units)
	Sulfur Content	15 ppm (ULSD)

4.1.9. **Annual Operational Limitation.**

- a. The operating hours of each combustion turbine/HRSG, the throughput of each type of fuel (natural gas/diesel), and operation type (steady state or startup/shutdown) will be continuously monitored and recorded. The permittee will keep records of the fuel consumption (natural gas/diesel), and operating hours (natural gas/diesel) for each combustion turbine/HRSG. The 12-month rolling sum of emissions will be calculated monthly in accordance with permit condition 4.4.1.
- b. Natural gas and diesel fuel meters shall be installed on each combustion turbine/HRSG.
- c. Operational hour meters shall be installed on each combustion turbine/HRSG.

4.1.10. In order to minimize NO_x emissions, within 180 days of startup, the permittee shall determine the optimal injection rate of aqueous ammonia into each SCR. The permittee shall then operate the SCR at the determined optimal injection rate.

4.1.11. Emissions of NO_x from each of the combustion turbines/HRSG shall not exceed one of the following when firing natural gas:

- a. 25 ppm at 15% O₂; or
- b. 1.2 lb/MW-hr gross energy output.
[40 CFR §60.4320]

4.1.12. Emissions of NO_x from each of the combustion turbines/HRSG shall not exceed one of the following when firing diesel fuel:

- a. 74 ppm at 15% O₂; or
- b. 3.6 lb/MW-hr gross energy output.
[40 CFR §60.4320]

4.1.13. Each combustion turbine/HRSG shall meet one of the following requirements:

- a. The permittee shall not cause to be discharged into the atmosphere from the subject stationary combustion turbine any gases which contain SO₂ in excess of 110 nanograms per Joule (ng/J) (0.90 pounds per megawatt-hour (lb/MWh) gross output; or

- b. The permittee must not burn in the subject stationary combustion turbine any fuel which contains total potential sulfur emissions in excess of 26 ng SO₂/J (0.060 lb SO₂/MMBtu) heat input.

[40 CFR §60.4330(a)]

- 4.1.14. The combustion turbines/HRSG shall use the air pollution control devices specified in Section 1.0 and permit condition 4.1.6 and identified in Permit Application R13-3713 at all times when in operation except during periods of startup and shutdown when operating temperatures do not allow for proper use of the air pollution control devices.

- 4.1.15. The maximum annual throughput of diesel fuel to the storage tanks shall not exceed the following:

Storage Tank ID	Nominal Capacity (gal)	Product Stored	Maximum Annual Throughput (gal/yr)
TK1, TK2, TK3	10,000,000 (each)	Diesel Fuel	15,000,000 (all tanks)

- 4.1.16. The storage tanks (TK1, TK2, TK3) shall be designed and operated as specified in the paragraphs (a) through (c).

- a. The cover and all openings on the cover (e.g., access hatches, sampling ports, pressure relief valves and gauge wells) shall form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel.
- b. Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) whenever material is in the unit on which the cover is installed except during those times when it is necessary to use an opening as follows:
- (i) To add material to, or remove material from the unit (this includes openings necessary to equalize or balance the internal pressure of the unit following changes in the level of the material in the unit);
 - (ii) To inspect or sample the material in the unit; or
 - (iii) To inspect, maintain, repair, or replace equipment located inside the unit.
- c. The storage tanks (TK1, TK2, TK3) thief hatch shall be weighted and properly seated.
[45CSR§13-5.10]

- 4.1.17. The permittee shall comply with all applicable provisions of 45 CSR 17 to minimize fugitive particulate matter emissions on the plant roads.

- 4.1.18. The permittee shall comply with the alternative applicable provisions of 45 CSR 40 Section 6.6.

- a. The permittee shall conduct initial performance testing as required by 40 CFR 60 Subpart KKKK, as prescribed in permit condition 4.3.2.
- b. The permittee shall continuously monitor the parameters of the SCR systems to verify proper operation as required in permit conditions 4.2.4 and 4.4.3.
- c. The permittee shall continuously monitor and record the amount of each type of fuel to determine the heat input of each combustion turbine. The total monthly heat input will be determined using the monitored fuel data.

- d. The permittee will calculate the total monthly NO_x emissions for each month during the ozone season. The total NO_x mass emissions will be calculated for the ozone season each year. Ozone season is defined as May 1 through September 30 in the same calendar year.

- 4.1.19. The permittee shall comply with all applicable provisions of 45 CSR 33 (Acid Rain Provisions and Permits), 40 CFR 60 Subpart TTTTa (Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units), 40 CFR 72 (Permits Regulation – Acid Rain Program), and 40 CFR 97 Subpart DDDDD (Federal NO_x Budget Trading Program, CAIR NO_x and SO₂ Trading Programs, CSAPR NO_x and SO₂ Trading Programs, and Texas SO₂ Trading Program).

If it is determined that 45 CSR 33 and 40 CFR 72 applies, the permittee is required to submit applications for an Acid Rain permit and a 45 CSR 30 permit. These permit types are independent of the 45 CSR 13 permitting process.

- 4.1.20. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.

[45CSR§13-5.10]

- 4.1.21. The permittee shall install, maintain, and operate all above-ground piping, valves, pumps, etc. that service lines in the transport of potential sources of regulated air pollutants to minimize any fugitive escape of regulated air pollutants (leak). Any above-ground piping, valves, pumps, etc. that shows signs of excess wear that have a reasonable potential for fugitive emissions of regulated air pollutants shall be repaired or replaced.

[45CSR§13-5.10]

4.2. Monitoring Requirements

- 4.2.1. To determine compliance with permit conditions 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, and 4.1.9, the permittee shall monitor the operation type (steady state or startup/shutdown), number of startup/shutdown events, and hours of operation in each operating mode (natural gas/diesel) on a daily basis.
- 4.2.2. To demonstrate compliance with permit condition 4.1.8, the permittee shall monitor aggregate fuel consumption (natural gas/diesel) on a daily basis.
- 4.2.3. To demonstrate compliance with permit conditions 4.1.10 and 4.1.14, the permittee shall monitor the operating times for the SCR on at least an hourly basis.
- 4.2.4. The permittee will install SCR systems on each turbine to control NO_x emissions. The parameters of the SCR systems must be continuously monitored to verify proper operation. The permittee shall monitor each catalyst bed inlet temperature and pressure differential across each catalyst bed to indicate proper operation. [40CFR§60.4340(b)(iii)]
- 4.2.5. The permittee will install a CO catalyst on each turbine to control CO emissions. The CO catalyst shall be continuously monitored to verify proper operation. The permittee shall operate the CO catalyst in accordance with manufacturer specifications. [45CSR§13-5.10]
- 4.2.6. To demonstrate compliance with permit condition 4.1.15, the permittee shall monitor diesel fuel unloading throughput on a daily basis.

- 4.2.7. To demonstrate compliance with permit condition 4.1.17, the permittee shall conduct a visible inspection of the paved roads once each operating day to ensure no fugitive particulate matter emissions from diesel truck and employee traffic are generated. If necessary, roads will be swept and/or watered to minimize fugitive particulate matter.
- 4.2.8. The permittee shall, at the time of initial startup, maintain on-site and have readily available to be made available to the Director or his/her representative upon request, a copy of all current vendor guarantees relevant to the air emissions associated with the facility. This includes information relating to the performance of both emission units and air pollution control devices.
- 4.2.9. The permittee shall meet all applicable requirements, including those not specified above, as given under 45 CSR 4, 45 CSR 13, 45 CSR 16, 45 CSR 17, 45 CSR 22, 45 CSR 40, and 40 CFR 60, Subpart KKKK. Any final revisions made to the above rules will, where applicable, supercede those specifically cited in this permit.
- 4.2.10. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.

4.3. Testing Requirements

- 4.3.1. See Facility-Wide Testing Requirements Section 3.3.
- 4.3.2. The permittee shall perform an initial performance test for NO_x emissions as required under §60.8 and §60.4400, and to demonstrate compliance with permit condition 4.1.3 (compliance demonstration is on a per combustion turbine basis). The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel.
- 4.3.3. The permittee shall perform an initial performance test for SO₂ emissions as required under §60.8 and §60.4415, and to demonstrate compliance with permit condition 4.1.3 (compliance demonstration is on a per combustion turbine basis). The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel.
- 4.3.4. The permittee shall perform an initial performance test for CO emissions to demonstrate compliance with permit condition 4.1.3 (compliance demonstration is on a per combustion turbine basis). The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel. A representative number of combustion turbines will be tested as approved in the stack test protocol as required in permit condition 3.3.1.c.

The permittee shall utilize Method 10 – Determination of Carbon Monoxide Emissions from Stationary Sources (Instrumental Analyzer Procedure) or approved alternative procedure outlined in permit condition 3.3.1 to comply with this permit condition.
[45CSR§13-5.10]

4.4. Recordkeeping Requirements

- 4.4.1. To determine compliance with permit conditions 4.1.5, 4.1.8, and 4.1.9, the permittee shall keep records of the operating hours of each combustion turbine/HRS, the throughput of each type of fuel (natural gas/diesel), and operation type (steady state or startup/shutdown) on a daily basis. The permittee shall multiply the hourly steady state operation emissions in permit condition 4.1.3 by the number of hours of steady state operations and adding the appropriate startup and shutdown emission from permit condition 4.1.4. The permittee shall calculate the emissions monthly and on a twelve-month rolling total. A twelve-month rolling total shall mean the sum of emissions at any given time during the previous twelve consecutive calendar months.
- 4.4.2. To determine compliance with permit condition 4.1.2, the permittee shall keep a verifiable record of the total MDHI of the combustion turbines.
- 4.4.3. To determine compliance with permit condition 4.2.4, the permittee shall keep records of the SCR continuous monitoring data, and 4-hour rolling unit operating hour averages of the monitored parameters. The permittee will develop an SCR monitoring plan that will outline the procedures used to document proper operation of the SCR systems in accordance with §60.4355. The SCR monitoring plan must include the following:
 - a. Include the indicators to be monitored and show there is a significant relationship to emissions and proper operation of the NOx emission controls;
 - b. Select ranges (or designated conditions) of the indicators, or describe the process by which such range (or designated condition) will be established;
 - c. Explain the process used to make certain that the data that is obtained is representative of the emissions or parameters being monitored (such as detector location, installation specification if applicable);
 - d. Describe quality assurance and control practices that are adequate to ensure the continuing validity of the data;
 - e. Describe the frequency of monitoring and the data collection procedures which are used; and
 - f. Submit justification for the proposed elements of the monitoring. If a proposed performance specification differs from manufacturer recommendation, the differences must be explained.
[40CFR§60.4355]
- 4.4.4. To determine compliance with §60.4365(a), the permittee shall keep records of the fuel characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the fuel, specifying the following parameters:
 - a. The maximum total sulfur content of oil is 0.05 weight percent (500 ppmw) or less.
 - b. The total sulfur content for natural gas is 20 grains of sulfur or less per 100 standard cubic feet.
 - c. Potential sulfur emissions are less than 0.060 pounds SO₂/million Btu heat input.

- 4.4.5. To determine compliance with permit condition 4.2.7, the permittee shall keep records of the daily road particulate matter fugitive inspections and any corrective actions taken.
- 4.4.6. To determine compliance with permit conditions 4.1.15 and 4.2.6, the permittee shall keep records of the diesel unloading on a daily basis. Compliance with the throughput limit shall be determined on a 12 month rolling total basis.
- 4.4.7. To demonstrate compliance with permit condition 4.1.21, the permittee shall keep records of the fugitive emissions components repairs and replacements.

4.5. Reporting Requirements

- 4.5.1. See Facility-Wide Reporting Requirements Section 3.5.
- 4.5.2. The permittee shall submit notifications of the date construction commences, the actual date of initial startup as required under §60.7.
- 4.5.3. The permittee shall submit the results of the combustion turbines initial performance test before the close of business on the 60th day following the completion of the performance tests.
- 4.5.4. The permittee shall report excess emissions and monitor downtime semi-annually, in accordance with §60.4375(a) and §60.7(c). Excess emissions will be reported for all periods of unit operation, including startup, shutdown, and malfunction. An excess emission is a 4-hour rolling unit operating hour average in which any monitored parameter does not achieve the target value or is outside the acceptable range defined in the parameter monitoring plan. A period of monitor downtime is a unit operating hour in which any of the required parametric data are either not recorded or are invalid.

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature¹

(please use blue ink)

Responsible Official or Authorized Representative

Date

Name & Title

(please print or type)

Name

Title

Telephone No. _____

Fax No. _____

¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of U.S. EPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.



west virginia department of environmental protection

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Harold D. Ward, Cabinet Secretary
dep.wv.gov

ENGINEERING EVALUATION / FACT SHEET

BACKGROUND INFORMATION

Application No.:	R13-3713
Plant ID No.:	093-00034
Applicant:	Fundamental Data LLC
Facility Name:	Ridgeline Facility
Location	Thomas, Tucker County
NAICS Code:	221112 – Fossil Fuel Electric Power Generation
Application Type:	Construction
Received Date:	March 18, 2025
Engineer Assigned:	Jerry Williams
Fee Amount:	\$2,000 (\$1,000 45 CSR 13 Application Fee, \$1,000 NSPS Fee)
Date Received:	March 31, 2025
Complete Date:	April 9, 2025
Hold Date Start/Stop:	April 25, 2025/May 7, 2025 (Request for additional information)
Due Date:	July 20, 2025
Applicant Ad Date:	March 26, 2025
Newspaper	<i>The Parsons Advocate</i>
UTM's:	Easting: 632.512 km Northing: 4,334.946 km Zone: 17
Latitude/Longitude:	39.15364 / -79.46641
Description:	Construction and operation of a turbine power facility.

CONFIDENTIAL BUSINESS INFORMATION OVERVIEW

Fundamental Data LLC (Fundamental) submitted an air permit application for a turbine power facility to be located near Thomas and Davis in Tucker County. This permit application included confidential business information (CBI) submitted under 45 CSR 31, entitled “Confidential Information”. Therefore, both a CBI and redacted version of the application were submitted. Fundamental provided all CBI under the requirements of 45 CSR 31, which is the Division of Air Quality (DAQ) regulation that establishes the requirements for claiming information submitted to the DAQ as confidential and the procedures for determinations of confidentiality in accordance with the provisions of W. Va. Code §22-5-10.

The reason for the CBI submittal according to Fundamental is that the application contains information regarding the configuration of the proposed facility as well as confidential technical information related to the combustion turbines and control device manufacturer. For each submission of information any portion of which is claimed to be confidential, a complete set of the information, including the document justifying the claim of confidentiality shall be submitted simultaneously on uncolored paper with the information claimed to be confidential blacked out, and with the words “redacted copy – claim of confidentiality” marked clearly on each such page, so that such a set of information is suitable for public disclosure and provides notice to the public that a claim of confidentiality has been made. The DAQ allows for electronic submittals (via email) of redacted permit applications. However, all CBI applications must be submitted via mail or hand delivered. During the Notice of Application period, the DAQ received hundreds of public comments concerning the proposed project, many of which specifically requested the release of information that has been redacted.

As stated in 45 CSR 31, Section 4, during the course of the DAQ’s review of whether the information claimed to be confidential is a trade secret in accordance with this rule, the DAQ considered the following:

- The claim of confidentiality has not expired by its terms, nor been waived or withdrawn;
- The person asserting the claim of confidentiality has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information, and that it intends to continue to take such measures;
- The information claimed confidential is not, and has not been, reasonably obtainable without the person’s consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding);
- No statute specifically requires disclosure of the information; and
- Either the person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business’s competitive position or the information is voluntarily submitted information, and its disclosure would likely to impair the State’s ability to obtain necessary information in the future.

Additionally, 45 CSR 31, Section 6, states that no person shall claim as confidential, information concerning the types and amounts of pollutants discharged. “Types and amounts of air pollutants discharged” is defined in 45 CSR 31 Section 2.4. Furthermore, 45 CSR 31B entitled “Confidential Business Information and Emission Data” is an interpretive rule that provides guidance and clarification concerning the term “types and amounts of air pollutants discharged” defined under 45CSR§31-2.4, the

DAQ's legislative rule entitled "Confidential Information," and thus what information may not be claimed confidential in accordance with 45CSR§31-6.

The public comments received during the Notice of Application comment period triggered a review of the CBI claims by the DEP's Office of the General Counsel (OGC). A letter dated April 28, 2025, from the OGC was issued to Fundamental that stated that the information claimed as CBI *may* not qualify for such designation as it falls under the definition of "Types and Amounts of Pollutants Discharged" as excluded under §45-31-6 as defined under §45-31-2.4 (and further defined under 45 CSR 31B). This letter was made available to the public on the WVDEP Application Xtender (AX) website at that time. There was also concern that the claimed CBI *may* not meet the eligibility requirements under §45-31-4.1(b) and 4.1(c). The letter requested further justification that the information claimed as CBI is not defined as "Types and Amounts of Pollutants Discharged" and also does not conflict with the eligibility requirements of §45-31-4.1(b) and 4.1(c). The letter requested a written response within 15 days.

Fundamental provided a response to this request on May 7, 2025. This response was made available to the public on the AX website at that time. As part of this response, Fundamental states that the redacted materials do meet the statutory definition of 'trade secrets', under §45-31-2.3. Additionally, Fundamental's response referenced §45-31B-4.1, which states:

Information or data that is indispensable or essential to determining emissions or location in accordance with subsection 2.3 will be considered emission data and thus nonconfidential, unless there is a readily available non-confidential alternative for determining emissions or location. Where there is no readily available non-confidential alternative, the Secretary may approve non-confidential alternatives through the use of aggregation, categorization, surrogate parameters, emissions monitoring or sampling, or parametric monitoring; provided that such use is consistent with applicable rules and standards and results in a practically enforceable method of determining emissions.

This section specifically states that information that is indispensable or essential for determining emissions or location will be considered emission data and thus non-confidential, *unless* there is a readily available non-confidential alternative to make this determination. §45-31B-4.1 allows the WVDEP to approve non-confidential alternatives. These alternatives include aggregation, categorization, surrogate parameters, emissions monitoring or sampling, or parametric monitoring that result in a practically enforceable method of determining emissions from the proposed facility. These aforementioned terms are specifically defined in 45 CSR 31B, section 2.

"Aggregation" means the combining of individual elements, such as equipment, units, throughputs or capacities, into one total.

"Categorization" means the combining of individual elements, such as materials or chemicals, into one category.

"Emissions monitoring and sampling" means real-time monitoring, such as continuous emissions monitors, or statistically valid periodic sampling and monitoring that provides reliable and accurate data on emissions.

“Parametric monitoring” means combining the use of surrogate parameters and monitoring or sampling.

“Surrogate parameter” means a value that stands in place of throughput, production or some other variable claimed confidential. The term may include an alternative measure of production or throughput or some other production unit that correlates with production or throughput and with emissions. A surrogate parameter must have a simple direct relationship to the value it replaces.

The WVDEP reviewed the response provided by Fundamental and determined that there are non-confidential alternatives. These alternatives include the use of aggregate hours of operation tracking, aggregated heat input limitations, aggregate emission limits, aggregate fuel throughputs, and categorized fuels for the combustion turbines. The permit will establish emissions monitoring and sampling, parametric monitoring, and surrogate parameters that ensure that all applicable rules and standards will be met and will result in practical enforceability in determining emissions.

It was also determined that pursuant to §45-31-4.1(b) and (c), there are not reasonable means to obtain the information claimed CBI by using the publicly available aggregated data. Therefore, WVDEP made the determination that the information that was claimed CBI by Fundamental satisfied the necessary requirements to be deemed CBI and will be maintained as such. A response letter was sent from WVDEP to Fundamental on May 12, 2025, and was made available to the public on the AX website at that time.

The specifically approved non-confidential alternatives can be found in the associated draft permit in the following permit conditions:

Table 1.0	Combustion Turbines (Aggregate Heat Input Limitations (§45-31B-2.1).
4.1.2, 4.2.1, 4.4.2	Combustion Turbines (Aggregate Heat Input Limitations (§45-31B-2.1). Monitoring of operation type, startup/shutdown events, and hours of operation on a daily basis is required.
4.1.3, 4.2.1	Aggregate and categorized (fuel type) hourly combustion turbines emission limitations (§45-31B-2.1, 2.2, 2.4, 2.5). Monitoring of operation type, startup/shutdown events, and hours of operation on a daily basis is required.
4.1.5, 4.2.1, 4.4.1	Aggregate and categorized (fuel type) annual combustion turbines emission limitations (§45-31B-2.1, 2.2, 2.4, 2.5). Monitoring of operation type, startup/shutdown events, and hours of operation on a daily basis is required.
4.1.8, 4.2.2, 4.4.1	Aggregate and categorized (fuel type) operating parameters (§45-31B-2.1, 2.2, 2.4, 2.5). Monitoring of maximum natural gas hourly fuel consumption, diesel fuel hourly consumption, and diesel fuel sulfur content on a daily basis is required.
4.1.9, 4.2.1, 4.4.1	Emissions monitoring of the combustion turbines to validate emissions data (§45-31B-2.1, 2.2, 2.4).

It is important to note that 45 CSR 31B applies to all information submitted to the WVDEP, regardless of the regulatory context, and includes, but is not limited to, information submitted in the permitting, enforcement, and emission inventory contexts.

This engineering evaluation/fact sheet (EE/FS) contains only the information that was provided in the redacted version of the permit application. Furthermore, the information contained herein is more than adequate to make the appropriate permitting determinations and can be used to determine compliance with all applicable rules and regulations. This includes all necessary monitoring, recordkeeping, reporting, and testing that will be required as part of the proposed draft permit.

DESCRIPTION OF PROCESS

The proposed station will be powered via combustion turbines equipped with heat recovery steam generators (HRSG) which generate steam by using the heat present in the turbine exhaust gas. The HRSG units are designed where the turbine exhaust will pass through, and no additional firing emissions occur as a result of the HRSG units. This process has been designed to ensure that no duct burners are required as part of the HRSGs. The permit states that there shall be zero duct burner firing emissions. The turbines will be equipped with selective catalytic reduction (SCR) and carbon monoxide (CO) catalyst systems. SCR and oxidation catalysts are emission control technologies that reduce nitrogen oxides (NOx) and CO emissions.

SCR systems function by injecting ammonia into the combustion turbine exhaust stream. This injection reacts with NOx to convert into nitrogen (N₂), water (H₂O) and carbon dioxide (CO₂). An oxidation catalyst functions by facilitating chemical reactions. The oxidation process occurs as exhaust gases flow through the catalyst which converts CO and hydrocarbons into CO₂ and H₂O. In addition to the aforementioned emissions reductions, oxidation catalysts improve fuel efficiency which results in a reduction of particulates.

The turbines will primarily use natural gas as fuel. However, the turbines will also be permitted to use diesel as a backup fuel source when necessary, such as during a natural gas pipeline failure. It is the intention of Fundamental to operate the turbines solely on natural gas. To avoid designation as a Prevention of Significant Deterioration (PSD) and/or Title V facility, the proposed facility will restrict turbine operations as discussed below.

Fundamental is proposing to be permitted as a synthetic minor facility. Fundamental may operate using any combination of natural gas and diesel such that they restrict the total hours of operation as needed to remain under the permitted minor source thresholds. Fundamental will keep records of the total hours of operation for each turbine, including the total amount of hours each turbine uses natural gas as a fuel and the total amount of hours each turbine uses diesel as a fuel. Fundamental will keep rolling 12-month emission calculations to ensure their emissions remain below any major source thresholds. Pages 57 and 58 of Attachment N of the permit application are provided for illustrative purposes to represent the potential emissions from the proposed facility while combusting natural gas and/or diesel under operational limitations to remain below PSD and Title V permitting thresholds. The hourly values are represented for each fuel source and indicate the worst case operating hours when combusting either fuel on a continuous twelve month basis and does not take into account that the proposed facility intends to utilize diesel as a backup fuel source.

Additional emission sources at the proposed facility will include a paved roadway, three (3) - 10,000,000-gallon diesel storage tanks, and associated truck loading of the diesel fuel. The proposed facility will also have storage tanks for well water. The well water tanks are not expected to emit any regulated air pollutants and are therefore not included as sources in this application due to being de minimis sources under 45CSR13, Table 45-13 B, Item 50.

This proposed facility shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of the associated permit. In accordance with the information filed under Permit Application R13-3713, the equipment shall be installed, maintained and operated so as to minimize any fugitive escape of pollutants and the equipment/processes shall use the specified air pollution control devices. Additionally, the permit will require Fundamental to install, maintain, and operate all above-ground piping, valves, pumps, etc. that service lines in the transport of potential sources of regulated air pollutants to minimize any fugitive escape of regulated air pollutants (leak). Any above-ground piping, valves, pumps, etc. that shows signs of excess wear that have a reasonable potential for fugitive emissions of regulated air pollutants shall be repaired or replaced.

ADDITIONAL BACKGROUND INFORMATION

Data Center

Due to potential misinformation that has been circulated, it should be stated that Permit Application R13-3713 **did not** include a data center and was not definitive on the ultimate end user of the power that will be generated from the proposed site. The non-disclosure of the final end use of the power generated is not a cause for denial of the permit. How the power is used will have an impact on the need for Fundamental to potentially be required to obtain an Acid Rain Permit (45 CSR 33) and a Title V Permit (45 CSR 30). However, the process of applying for and receiving an Acid Rain or Title V Permit is independent of the 45 CSR 13 permitting process. These potential requirements are outlined in permit condition 4.1.19 and the regulatory applicability is discussed in the REGULATORY APPLICABILITY section of this document.

House Bill 2014 (HB 2014)

It is important to note that HB 2014 does not impact the 45 CSR 13 permitting process. HB 2014 known as the “Power Generation and Consumption Act of 2025” established the Certified Microgrid Program under the Division of Economic Development to encourage the continued development, construction, operation, maintenance, and expansion in West Virginia of high impact industrial plants and facilities, in certain circumstances where the availability of electricity generated from renewable sources is demonstrated to be necessary. HB 2014 also allows for the certification of high impact data centers, prohibits certain tax arrangements, and provides special valuation for these properties. HB 2014 also states the standards for certifying microgrid districts while highlighting the significance of data centers for economic growth and national security. HB 2014 also creates the Electric Grid Stabilization and Security Fund to establish regulations for certified microgrid districts and high impact data centers. As stated above, Permit Application R13-3713 did not include a data center and was not definitive on the ultimate end user of the power that will be generated from the proposed site. To restate, HB 2014 does not impact the 45 CSR 13 permitting process.

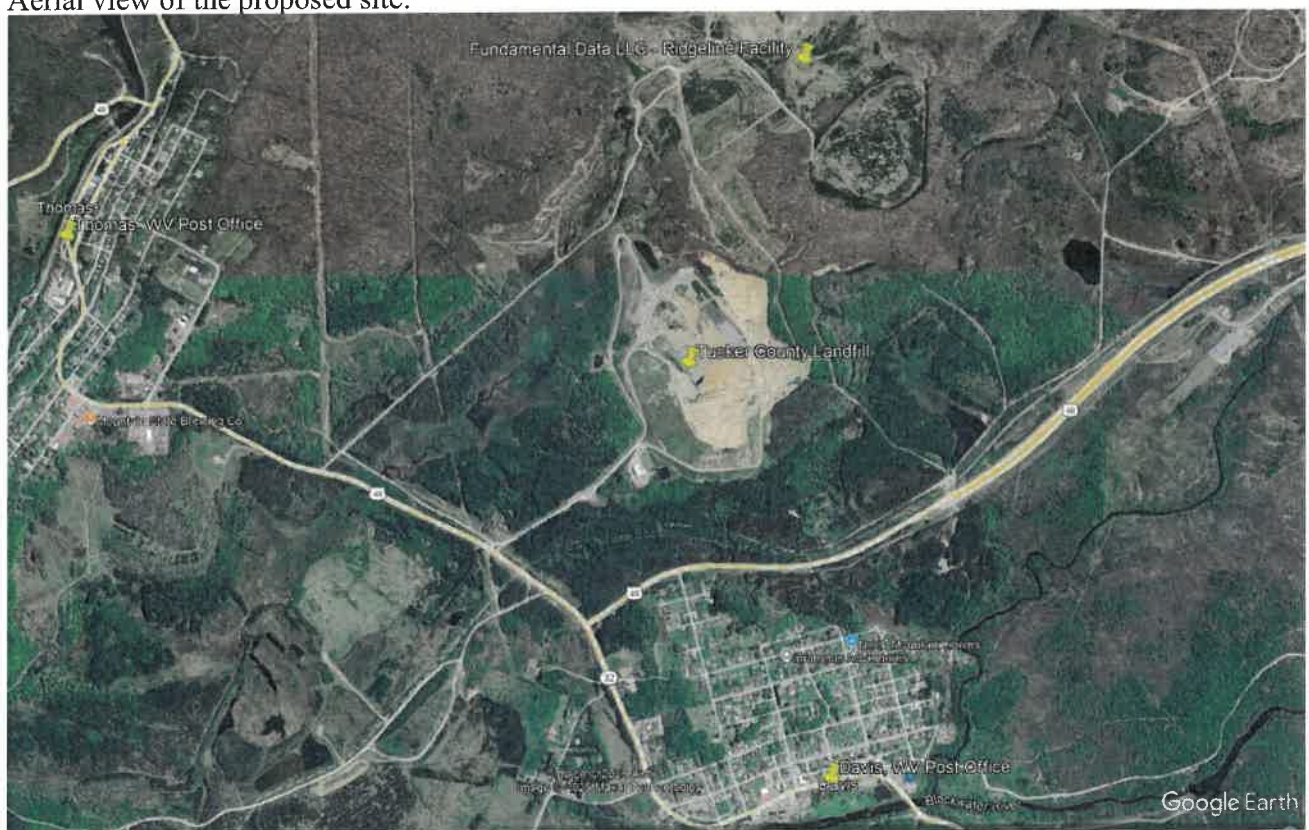
SITE INSPECTION

A site inspection of the proposed location was conducted on April 8, 2025, by the writer and Joe Kessler (NSR Program Manager) of the DAQ. We met with representatives of Fundamental Data and Western Pocahontas Land Company. This is a greenfield site, and no construction or equipment installation was visible at the time of the site inspection. The proposed site is in a remote location approximately 1.5 miles from US-48 that is only accessible by use of a private gate. The site will be located about 0.75 miles north of the Tucker County Landfill and will be situated on a reclaimed coal mine. For reference purposes, the proposed facility is located approximately 1.7 air miles from both the Thomas and Davis United States Post Offices. The closest residence is approximately 1.1 air miles from the proposed facility.

Directions to the site:

From Thomas, head north on Spruce Street toward 3rd Street. Take a sharp left onto US-48. An access road to the proposed facility will be located off of US-48, approximately 0.5 miles east of Thomas. The access road will be on the left. The site is located approximately 1.5 miles after passing through the private gate.

Aerial view of the proposed site:



The map above includes markers for the proposed Fundamental site, the Tucker County Landfill, and the Thomas and Davis United States Post Offices.

The proposed site will be located behind an elevated mound and situated approximately close to the arrow in the photo found below. This permit application review only includes the air quality elements afforded to the DAQ under West Virginia State Code. However, upon viewing the proposed remote location, it is not anticipated that any noise and/or viewshed issues would be encountered.



ESTIMATE OF EMISSIONS BY REVIEWING ENGINEER

Emissions associated with this proposed facility consist of the equipment listed in the following table and fugitive emissions.

Emission Unit ID#	Process Equipment	Calculation Methodology
Combustion Turbines	Combustion Turbines NG - 5,650 MMBtu/hr (aggregate) Diesel – 4,503.4 MMBtu/hr (aggregate)	Manufacturer Data (criteria pollutants) EPA AP-42 Emission Factors Chapter 3.1 (HAPs)
TK1 – TK3	3 – Diesel Storage Tanks (10 MM gal each)	EPA TANKS Emissions Estimation Software, Version 5.1
1R	Paved Roadways	EPA AP-42 Emission Factors, Chapter 13.2.1
UNLOAD	Diesel Truck Unloading	EPA AP-42 Emission Factors, Chapter 5.2

The potential emissions from the combustion turbines were estimated using the ability to fire the combustion turbines with natural gas or diesel. The combustion turbines at the proposed facility are capable of firing either fuel. Fundamental has requested that this proposed facility have enforceable emission limits that maintain the source as minor for New Source Review (NSR) and Title V. In order for the proposed facility to be a minor source, the potential emissions for any regulated air pollutant must be less than 100 tons per year. The supporting regulatory discussion can be found in the REGULATORY APPLICABILITY section under 45 CSR 14. Taking this limitation would establish the proposed facility as a synthetic minor for the purposes of PSD and Title V.

It is the intent of Fundamental to operate the combustion turbines solely using natural gas. However, diesel fuel is also being permitted as a backup fuel source if natural gas is not available.

If a combination of natural gas and diesel fuel are utilized to fire the combustion turbines, the total hours of operation will be restricted as needed to remain under the synthetic minor permitting thresholds. The operating hours of each turbine and the throughput of each type of fuel will be continuously monitored and recorded. Fundamental will be required to keep records of the total amount of hours each turbine uses natural gas as a fuel and the total amount of hours each turbine uses diesel as a fuel. The 12-month rolling sum of emissions will be calculated monthly.

The following tables represent the operating conditions associated with the combustion turbines firing the different fuels:

Natural Gas

Operating Condition	Parameter
Hourly Fuel Consumption	5.35 MMscfh (all units)
Maximum Design Heat Input	5,649.6 MMBtu/hr

Diesel

Operating Condition	Parameter
Hourly Fuel Consumption	32,872 gal/hr (all units)
Maximum Design Heat Input	4,503.4 MMBtu/hr
Sulfur Content	15 ppm (ULSD)

The tables on the following page represent the potential aggregate hourly emissions when the combustion turbines are operated in controlled steady state operations firing the different fuels if burning only that fuel source:

Natural Gas

Pollutant	Hourly Emissions (lb/hr)
Nitrogen Oxides	30.80
Carbon Monoxide	6.30
Volatile Organic Compounds	14.30
Particulate Matter-10/2.5	23.30
Sulfur Dioxide	19.21
Total Hazardous Air Pollutants	3.04
Formaldehyde (HAP)	1.26

Diesel

Pollutant	Hourly Emissions (lb/hr)
Nitrogen Oxides	74.50
Carbon Monoxide	5.40
Volatile Organic Compounds	30.90
Particulate Matter-10/2.5	22.10
Sulfur Dioxide	6.82
Total Hazardous Air Pollutants	5.64
Formaldehyde (HAP)	1.26
Manganese (HAP)	3.56

These combustion turbines experience different NO_x and CO emissions during startup and shutdown episodes. The following tables represent the potential annual emissions for the combustion turbines during startups and shutdown periods for each fuel type:

Natural Gas

Pollutant	Annual Emissions (tons/year)
Nitrogen Oxides	4.54
Carbon Monoxide	37.05

Diesel

Pollutant	Annual Emissions (tons/year)
Nitrogen Oxides	6.22
Carbon Monoxide	46.10

The following table represents the permitted emission limit for the combustion turbines. This will represent a worst-case scenario for each pollutant when combusting either fuel at its potential hourly emission limitation. Fundamental will be required to continuously monitor and record the hours of operation, fuel throughput, and operation mode for each turbine to show compliance with the annual permitted limits.

Pollutant	Fuel Type	Annual Emissions (tons/year)
Nitrogen Oxides	Diesel	99.35
Carbon Monoxide	Natural Gas	56.36
Volatile Organic Compounds	Natural Gas	43.84
Particulate Matter-10/2.5	Natural Gas	71.44
Sulfur Dioxide	Natural Gas	58.89
Total Hazardous Air Pollutants	Natural Gas	9.33
Formaldehyde (HAP)	Natural Gas	3.86
Manganese (HAP)	Diesel	4.45

The potential emissions for the 3 – 10-million-gallon diesel storage tanks include the losses from working, standing, rim seal, and deck fittings. It has been assumed that the tank rim vents will be open and weighted mechanical actuation, gasketed rim vents will be utilized. The hourly emissions have been averaged over 8,760 hours per year. Due to the very low vapor pressure of diesel fuel (0.005 psia), the emissions associated with the diesel fuel tanks are low. The applicant conservatively estimated that all diesel fuel tank emissions are being counted as HAPs. EPA TANKS 5.1 allows users to enter specific information about a storage tank (dimensions, construction, paint condition, etc.), the liquid contents (chemical components and liquid temperature), and the meteorological conditions and location of the tank (nearest city, ambient temperature, etc.) to generate an air emissions report. Report features include estimates of monthly, annual, or partial year emissions for each chemical or mixture of chemicals stored in the tank. The closest meteorological location available in EPA TANKS 5.1 that was used was Elkins. As stated above, due to the very low vapor pressure of diesel fuel, the emissions associated with the diesel fuel tanks are low. The results of the EPA TANKS 5.1 analysis resulted in the following diesel storage tank emissions:

Pollutant	Hourly Emissions (lb/hr)	Annual Emissions (tons/year)
Volatile Organic Compounds	0.20	0.10
Total Hazardous Air Pollutants	0.20	0.10

EPA TANKS 5.1 does allow customization of the meteorological data location. DAQ entered the atmospheric pressure, average minimum and maximum monthly temperatures, and average monthly wind speeds for Thomas, WV into the EPA TANKS 5.1 emission estimation software model to recalculate the emissions based on that location. Upon doing this, the resultant emissions of VOCs and HAPs were estimated to have a value of 0.08366 tons per year. Therefore, utilizing the meteorological data from Thomas in place of Elkins would result in a decrease of VOC and HAP emissions. Additionally, DAQ also estimated the diesel storage tank emissions using Bryan Research & Engineering, LLC ProMax 5.0 (ProMax). ProMax is a versatile process simulation software package that is used to simulate and optimize various processes in the oil and gas, refining, chemical, and sustainable energy sectors. Based upon storage tank data, diesel throughput values, and Thomas, WV weather data, the predicted total VOC emissions for the 3 diesel storage tanks were 0.01233 tons per

year, which is less than the values predicted by EPA TANKS 5.1 using Elkins or Thomas meteorological data. Therefore, the storage tank emission estimates used by Fundamental in permit application R13-3713 were deemed appropriate.

There will also be potential emissions associated with the truck loading of the 3 – 10-million-gallon diesel storage tanks. The estimated aggregate annual total throughput to the diesel tanks is 15 million gallons per year. AP-42, *Compilation of Air Pollutant Emissions Factors from Stationary Sources*, has been published since 1972 and is the primary compilation of EPA's emissions factor information. It contains emissions factors and process information for more than 200 air pollution source categories. A source category is a specific industry sector or group of similar emitting sources. The emissions factors have been developed and compiled from source test data, material balance studies, and engineering estimates. Chapter 5.2 for Transportation and Marketing of Petroleum Liquids is a standard that is commonly utilized to estimate the potential evaporation loss associated with tank truck unloading. The formula that is utilized to calculate the loading loss emission factor utilizes the type of loading performed, otherwise known as the saturation factor, the true vapor pressure of the liquid loaded (psia), the molecular weight (lb-lb/mol) and the temperature (°R). Due to the very low vapor pressure, the emissions associated with the diesel fuel tanks will only contain very small amounts of HAPs.

$$L_L = 12.46 * S * P * M / T$$

Where:

- L_L Loading Loss (pounds per 1,000 gallons of liquid loaded)
- S Saturation Factor (Loading Type)
- P True Vapor Pressure of Liquid Loaded (psia)
- M Molecular Weight of Vapors (lb/lb-mole)
- T Temperature of Bulk Liquid Loaded (° R)

Utilizing this formula results in the following diesel storage tank loading emissions.

Pollutant	Annual Emissions (tons/year)
Volatile Organic Compounds	0.17
Total Hazardous Air Pollutants	0.17

There are paved haul road activities associated with this facility. The following table indicates the assumptions made in estimating the emissions:

Operating Condition	Parameter
Potential Operating Days	365
Estimated Roundtrip Distance per Vehicle	2.99 miles/vehicle
Diesel Trucks per Year	2,308
Vehicle Miles Traveled per Year (Diesel Trucks)	6,909 miles/year
Employee Vehicles per Day	50
Vehicle Miles Traveled per Year (Employee Vehicles)	54,632 miles/year

Using these operating conditions, the potential emissions associated with these haul road operations result in the following:

Pollutant	Hourly Emissions (lb/hr)	Annual Emissions (tons/year)
Particulate Matter	0.48	2.11
Particulate Matter-10	0.10	0.42
Particulate Matter-2.5	0.02	0.10

At the time of application submittal, the fugitive equipment leaks (VOC/HAP) associated with fugitive components (valves, pressure relief valves, connections, flanges, etc.) were estimated to be negligible based upon the potential product leaking being natural gas/diesel and due to the final design of all piping not being finalized. In order to be conservative, it has been assumed that the fugitive equipment leaks (VOC/HAP) associated with this proposed facility would be less than 0.10 tons per year. This is based on industry-wide estimated component counts and utilization of Table 2-8 of EPA's Protocol for Equipment Leak Emission Estimates. The permit does require minimization of fugitive emissions and further requires any above-ground piping, valves, pumps, etc. that shows signs of excess wear that have a reasonable potential for fugitive emissions of regulated air pollutants to be repaired or replaced. The following table represents the emissions associated with this permit application:

Emission Source	Annual Emissions (tons/year)					
	NO_x	CO	VOC	SO₂	PM₁₀	Total HAPs
Combustion Turbines	99.35	56.36	43.84	58.89	71.44	9.33
Diesel Storage Tanks	-	-	0.10	-	-	0.10
Diesel Truck Unloading	-	-	0.17	-	-	0.17
Paved Haul roads	-	-	-	-	0.42	-
Fugitive Leaks	-	-	0.10	-	-	0.10
Proposed Facility PTE	99.35	56.36	44.21	58.89	71.86	9.70

REGULATORY APPLICABILITY

The following potential rules may apply to this permit application:

State

45 CSR 2 - Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers (*not applicable*)

This rule establishes emission limitations for smoke and particulate matter which are discharged from fuel burning units. 45 CSR 2 states that any fuel burning unit that has a heat input under ten (10) million B.T.U.'s per hour is exempt from sections 4 (weight emission standard), 5 (control of fugitive particulate matter), 6 (registration), 8 (testing, monitoring, recordkeeping, reporting) and 9 (startups, shutdowns, malfunctions).

The combustion turbines are equipped with HRSG units which generate steam by using the heat present in the turbine exhaust gas. The HRSG units are designed where the turbine exhaust will pass through, and no additional firing emissions occur as a result of the HRSG units. This process has been designed to ensure that no duct burners are required as part of the HRSGs. Therefore, these units would not be considered as fuel burning units and not subject to this rule. To ensure this, the permit states that there shall be zero duct burner firing emissions. The combustion turbines do not meet the definition of a fuel burning unit because they do not produce power through indirect heat transfer.

45 CSR 4 - To Prevent and Control the Discharge of Air Pollutants into the Open Air Which Causes or Contributes to an Objectionable Odor or Odors

The purpose of this rule is to prevent and control the discharge of pollutants into the open air which causes or contributes to an objectionable odor or odors. This proposed facility would generally be subject to this rule, however, this type of proposed facility normally does not have issues with odors. However, the DAQ will, using the authority under this rule to respond to complaints involving objectionable odors if confirmed while the facility is operating, and may require mitigation at that time to reduce the odor potential of the source. An objectionable odor must be determined by the DAQ in the course of an inspection or investigation of an actual odor, and is possible to prove quantitatively, pursuant to this rule, that an objectionable odor will be present before a facility is in operation.

45 CSR 10 -To Prevent and Control Air Pollution from the Emissions of Sulfur Oxides (*not applicable*)

This rule establishes emission limitations for sulfur dioxide which are discharged from fuel burning units. 45 CSR 10 states that any fuel burning unit that has a heat input under ten (10) million B.T.U.'s per hour is exempt from sections 3 (weight emission standard), 6 (registration), 7 (permits), and 8 (testing, monitoring, recordkeeping, reporting).

The combustion turbines are equipped with HRSG units which generate steam by using the heat present in the turbine exhaust gas. The HRSG units are designed where the turbine exhaust will pass through, and no additional firing emissions occur as a result of the HRSG units. This process has been designed to ensure that no duct burners are required as part of the HRSGs. Therefore, these units would not be considered as fuel burning units and not subject to this rule. To ensure this, the permit states that there shall be zero duct burner firing emissions. The combustion turbines do not meet the definition of a fuel burning unit because they do not produce power through indirect heat transfer.

45 CSR 13 - Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation

Pursuant to §45-13-5.1, “[n]o person shall cause, suffer, allow or permit the construction, modification, relocation and operation of any stationary source to be commenced without . . . obtaining a permit to construct.” Based upon the potential emissions for the facility, Fundamental is required to obtain a permit under 45CSR13 for this facility.

As required under §45-13-8.3 (“Notice Level A”), Fundamental placed a Class I legal advertisement in *The Parsons Advocate* on March 26, 2025. Additionally, Fundamental paid the appropriate application fee of \$2,000 (\$1,000 45 CSR 13 permit application fee, \$1,000 NSPS fee).

Because this permitting action will limit the physical and operational capacity of the proposed facility below major stationary source thresholds (45 CSR 14, 45 CSR 30), Fundamental is subject to Notice Level C in section 8.5 and will be required to place a commercial display advertisement in *The Parsons Advocate* as required in section 8.4.a within one week prior to the placement of the DAQ’s Class I legal advertisement of the agency’s intent to issue or within three working days of the placement of the advertisement. The commercial display advertisement shall be at least 3 inches by 5 inches and contain at a minimum, the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought, the proposed start-up date for the source and a contact telephone number for more information.

Additionally, Fundamental is required to post a visible and accessible sign as required in section 8.5.a, at a minimum of 2 feet square, at the entrance to the proposed site. The sign must be clearly marked indicating that an air quality permit has been applied for and include the West Virginia Division of Air Quality permitting section telephone number for additional information. The applicant must post the sign for the duration of the public notice period.

45 CSR 14 - Permits for Construction and Major Modification of Major Stationary Sources of Air Pollutants *(not applicable)*

45 CSR 19 - Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution which Cause or Contribute to Nonattainment *(not applicable)*

45CSR14 establishes and adopts a preconstruction permit program for the construction and major modification of major stationary sources in areas of attainment with the National Ambient Air Quality Standards (NAAQS). Tucker County is currently classified as in attainment/unclassifiable with the NAAQS and, therefore, a proposed new “major stationary source” in Tucker County would be subject to the provisions of 45CSR14. The proposed facility is defined as a source listed under §45-14-2.43(a) - “Fossil Fuel-fired Steam Electric Plants of More than 250 Million Btu/hr Heat Input” - and, therefore, pursuant to 2.4(b), would be defined as a “major stationary source” if any regulated pollutant has a PTE in excess of 100 TPY. The proposed facility, however, does not have PTE of any regulated pollutant in excess of 100 TPY as shown in the table below, therefore, not defined as a major stationary source and is not subject to the provisions of 45 CSR 14. 45 CSR 19 applies to sources that are located in areas that are classified as non-attainment with the NAAQS. Tucker County is an attainment/unclassified area, therefore, 45 CSR 19 would not apply.

Pollutant	PSD (45CSR14) Threshold (tpy)	NANSR (45CSR19) Threshold (tpy)	Ridgeline Facility PTE (tpy)	45CSR14 or 45CSR19 Review Required?
Carbon Monoxide	100	NA	56.36	No
Nitrogen Oxides	100	NA	99.35	No
Sulfur Dioxide	100	NA	58.89	No
Particulate Matter 2.5	100	NA	71.54	No
Ozone (VOC)	100	NA	44.21	No

45 CSR 16 - Standards of Performance for New Stationary Sources

This rule incorporates the federal Clean Air Act (CAA) standards of performance for new stationary sources (NSPS) set forth in 40 CFR Part 60 by reference. 45 CSR 16 applies to this source by reference of 40 CFR 60 Subpart KKKK. See detailed discussion in Federal Regulatory section under 40 CFR 60 Subpart KKKK.

45 CSR 17 - To Prevent and Control Particulate Matter Air Pollution from Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter

The purpose of this rule is to prevent and control particulate matter air pollution from materials handling, preparation, storage and other sources of fugitive particulate matter. Fundamental will ensure appropriate precautions are taken to prevent the escape of fugitive particulate matter beyond the boundary lines of the property.

45 CSR 21 - Control of Air Pollution from the Emission of Volatile Organic Compounds (*not applicable*)

This rule establishes reasonably available control technology to control emissions of volatile organic compounds from sources that manufacture, mix, store, use, or apply materials containing volatile organic compounds that are located in Cabell, Kanawha, Putnam, Wayne and Wood Counties. This proposed facility is located in Tucker County, and therefore, not applicable to this rule.

45 CSR 22 - Air Quality Management Fee Program

The proposed facility is a minor source and not subject to 45CSR30. Fundamental is required to pay the appropriate annual fees and keep their Certificate to Operate current. The fee class would be 1B (Electric Utility greater than 300 MW).

45 CSR 27 - To Prevent and Control the Emissions of Toxic Air Pollutants (*not applicable*)

The purpose of this rule is to prevent and control the discharge of toxic air pollutants requiring the application of best available technology (BAT) for chemical processing units. Section 2.4 defines a chemical processing unit as an assembly of reactors, tanks, distillation columns, heat exchangers, vaporizers, compressors, dryers, decanters, and/or other equipment used to treat, store, manufacture, or use toxic air pollutants. For the purpose of this rule, the term chemical processing unit includes surface coating equipment or similar equipment utilizing a toxic air pollutant as a solvent or for other purposes but does not include equipment used in the production and distribution of petroleum products providing that such equipment does not produce or contact materials containing more than 5% benzene by weight. Potential emissions of toxic air pollutants from the proposed facility result from the combustion of natural gas or diesel in the combustion turbines. Regulation of emissions of toxic air pollutants from these unit types are not included in this rule, and therefore, not applicable.

45 CSR 31 - Confidential Information

The purpose of this rule is to establish the requirements for claiming information submitted to the Director as confidential and the procedures for determinations of confidentiality in accordance with the provisions of W. Va. Code §22-5-10. The reason for the CBI submittal is that the application contains trade secrets regarding the configuration of the proposed facility as well as confidential technical information related to the combustion turbines. This was previously discussed in detail in the CONFIDENTIAL BUSINESS INFORMATION section.

45 CSR31B – Confidential Business Information and Emission Data

The purpose of this rule is to provide guidance and clarification concerning the term “types and amounts of pollutants discharged” defined under 45 CSR §31-2.4, the DAQ’s legislative rule (45 CSR 31) and thus what information may not be claimed confidential in accordance with 45 CSR §31-6. An in-depth discussion regarding this was previously discussed in detail in the CONFIDENTIAL BUSINESS INFORMATION section.

45 CSR 33 - Acid Rain Provisions and Permits

This rule establishes and adopts general provisions and the operating permit program requirements for affected sources and affected units under the Acid Rain Program promulgated by the United States Environmental Protection Agency under Title IV of the Clean Air Act, as amended (CAA). The rule and associated reference methods, performance specifications and other test methods which are appended to these standards are adopted by reference. At this time, it has not been determined that Fundamental is subject to this rule pending Fundamental’s selection of final power end user. If it is determined that Fundamental is subject, permit condition 4.1.19 requires Fundamental to comply with all applicable provisions of this rule. Additionally, Fundamental would be required to apply for an Acid Rain permit and comply with all applicable requirements of that permit.

As required in §72.30, the designated representative of any source with an affected unit under §72.9 shall submit a complete Acid Rain permit application by the applicable deadline in paragraphs (b) and (c) of this section, and the owners and operators of such source and any affected unit at the source shall not operate the source or unit without a permit that states its Acid Rain program requirements.

For any source with a new unit under §72.6(a)(3)(i), the designated representative shall submit a complete Acid Rain permit application governing such unit to the permitting authority at least 24 months before the later of January 1, 2000, or the date on which the unit commences operation.

Giving notice by publication in the Federal Register and in a newspaper of general circulation in the area where the source covered by the Acid Rain permit application is located or in a State publication designed to give general public notice is required. Notwithstanding the prior sentence, if a draft permit requires the affected units at a source to comply with §72.9(c)(1) and to meet any applicable emission limitation for NO_x under §§76.5, 76.6, 76.7, 76.8, or 76.11 of this chapter and does not include for any unit a compliance option under §72.44, part 74 of this chapter, or §76.10 of this chapter, the Administrator may, in his or her discretion, provide notice of the draft permit by Federal Register publication and may omit notice by newspaper or State publication.

45 CSR 34 - Emission Standards for Hazardous Air Pollutants (*not applicable*)

This rule incorporates the federal Clean Air Act (CAA) national emission standards for hazardous air pollutants (NESHAPs) set forth in 40 CFR Parts 61 and 63 by reference. There are no regulations in 40 CFR Parts 61 or 63 that apply to the Ridgeline Facility. Therefore, 45 CSR 34 does not apply.

45 CSR 40 (Control of Ozone Season Nitrogen Oxide Emissions)

The purpose of this rule is to establish ozone season NO_x emission limitation, monitoring, recordkeeping, reporting, excess emissions, and NO_x budget demonstration requirements for large industrial boilers and combustion turbines that have a maximum design heat input greater than 250 MMBTU/hr, in accordance with 40 CFR §51.121. Ozone season is defined as May 1 through September 30 in the same calendar year. The combustion turbines will be subject to an ozone season NO_x limitation, and will have monitoring, recordkeeping, and reporting requirements to demonstrate compliance.

§45-40-6 requires the owner or operator subject to this rule to comply with the provisions of 40 CFR part 75, subpart H, or shall install a CEMS or a certified PEMS as necessary to attribute ozone season mass emissions of NO_x to each unit. NO_x mass emissions recorded and reported shall be used to determine a unit's compliance with the ozone season NO_x emission limitation. Section 6.6 of this rule allows an owner or operator to elect an alternative monitoring scenario. Fundamental has met the requirement of this section by requesting an alternative in this permit application. Fundamental has proposed the following parameters to identify how NO_x emissions will be determined:

- Conduct initial performance testing as required by 40 CFR 60 Subpart KKKK., as prescribed in permit condition 4.3.2.
- Continuously monitor the parameters of the SCR systems to verify proper operation as required in permit conditions 4.2.4 and 4.4.3.
- Continuously monitor and record the amount of each type of fuel to determine the heat input of each combustion turbine. The total monthly heat input will be determined using the monitored fuel data.
- Calculate the total monthly NO_x emissions for each month during the ozone season. The total NO_x mass emissions will be calculated for the ozone season each year. Ozone season is defined as May 1 through September 30 in the same calendar year.

Federal

40 CFR 51.166 - Prevention of Significant Deterioration of Air Quality (*not applicable*)

Federal construction permitting programs regulate new and modified sources of attainment pollutants under Prevention of Significant Deterioration (PSD) and new and modified sources of non-attainment pollutants under Non-Attainment New Source Review (NANSR). The provisions of this section are captured in the West Virginia state rules discussed above known as 45 CSR 14 (PSD) and 45 CSR 19 (NANSR). Both of these rules are part of West Virginia's State Implementation Plan (SIP).

Tucker County is designated as attainment/unclassifiable for all criteria pollutants. PSD regulations apply when a new source is constructed in which emissions exceed major source thresholds, an existing minor source undergoes modification in which emission increases exceed PSD major source thresholds, or an existing major source undergoes a modification in which emission increases exceed PSD significant emission rates.

The permit application indicates that this proposed electric generation facility will be powered by combustion turbines equipped with HRSG. This description indicates that this proposed facility would be considered a natural gas combined cycle (NGCC) power plant. NGCC plants with a total heat input of more than 250 mmBtu per hour are identified as one of the 28 listed sources ("fossil fuel-fired steam electric plants" source category) that would be subject to the 100 tpy major source threshold.

The permit will implement physical and operational limitations so that the source is a synthetic minor and below major PSD thresholds and is not subject to PSD application review. These limitations will result in enhanced monitoring and recordkeeping and discussed in more detail in the MRRT OF OPERATIONS section of this document.

40 CFR 60 Subpart Kc - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023 (*not applicable*)

Subpart Kc applies to storage vessels of volatile organic liquids with capacities greater than or equal to 20,000 gallons for which construction commenced after October 4, 2023. § 60.110c(b)(8) exempts storage vessels that only store volatile organic liquids with a maximum true vapor pressure less than 0.25 psia (1.7 kPa absolute). Because the diesel fuel vapor pressure is 0.005 psia and is less than 0.25 psia, Subpart Kc is not applicable.

40 CFR 60 Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units (*not applicable*)

Subpart Db applies to each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 megawatts (MW) (100 MMBtu/hr). As stated in §60.40b(i), affected facilities (i.e., heat recovery steam generators) that are associated with stationary combustion turbines and that meet the applicability requirements of subpart KKKK of this part are not subject to this subpart. This subpart will continue to apply to all other affected facilities (i.e. heat recovery steam generators with duct burners) that are capable of combusting more than 29 MW (100 MMBtu/h) heat input of fossil fuel. If the proposed affected facility (i.e. heat recovery steam generator) is subject to this subpart, only emissions resulting from combustion of fuels in the steam generating unit are subject to this subpart. (The stationary combustion turbine emissions are subject to subpart GG or KKKK, as applicable, of this part.)

40 CFR 60 Subpart GG - Standards of Performance for Stationary Gas Turbines (*not applicable*)

Subpart GG applies to stationary gas turbines with a heat input at peak load of 10 MMBtu/hr or more based on the lower heating value of the fuel fired. As stated in §60.4305(b), stationary combustion

turbines regulated under 40 CFR 60 Subpart KKKK are exempt from the requirements of subpart GG of this part.

40 CFR 60 Subpart KKKK - Standards of Performance for Stationary Gas Turbines

Subpart KKKK applies to stationary combustion turbines with a heat input at peak load equal to or greater than 10 MMBtu per hour, based on the higher heating value of the fuel, which commenced construction, modification, or reconstruction after February 18, 2005. The turbines at the proposed facility rated at greater than 10 MMBtu per hour; therefore, this rule does apply. Subpart KKKK regulates NO_x and SO₂.

The NO_x emission limit for a new turbine firing natural gas with a heat input between 50 MMBtu per hour and 850 MMBtu per hour is 25 ppm at 15 percent O₂ or 1.2 lb/MWh of useful output. The NO_x emissions limit for a new turbine firing fuels other than natural gas with a heat input between 50 MMBtu per hour and 850 MMBtu per hour is 74 ppm at 15 percent O₂ or 3.6 lb/MWh of useful output.

SO₂ emissions are limited to either 0.90 lb/MWh gross output, or 0.060 lb/MMBtu heat input.

The combustion turbines located at the proposed facility meet the emission standards found in Subpart KKKK. Fundamental will be using selective catalytic reduction (SCR) systems to reduce NO_x emissions. Since Fundamental is not using water or steam injection to control NO_x emissions, they are required to perform initial and annual performance testing to demonstrate compliance. §60.4340(b) allows an alternative to the annual performance testing requirement by installing, calibrating, maintaining and operating a continuous parameter monitoring system. These requirements are found in permit conditions 4.2.4 and 4.4.4 of the draft permit.

40 CFR 60 Subpart TTTTa - Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units

Subpart TTTTa applies to stationary combustion turbines that commence construction after May 23, 2023, that also serve a generator or generators capable of selling greater than 25 MW of electricity to a utility power distribution system. At this time, a final decision on whether power will be sold has been determined by Fundamental. If it is determined that Fundamental is subject, permit condition 4.1.19 requires Fundamental to comply with all applicable provisions of this rule.

40 CFR 63 Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) (*not applicable*)

Subpart EEEE applies to organic liquids storage and distribution at major sources of HAPs. The proposed facility is not a major source of HAPs because its PTE of total HAPs is less than 25 tons per year and its PTE of any single HAP is less than 10 tons per year. Therefore, Subpart EEEE does not apply.

40 CFR 63 Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines (*not applicable*)

Subpart YYYY applies to stationary combustion turbines at major sources of HAPs. The proposed facility is not a major source of HAPs; therefore, Subpart YYYY does not apply.

40 CFR 63 Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (*not applicable*)

Subpart ZZZZ applies to reciprocating internal combustion engines located at major and area sources of HAP emissions. There are no reciprocating internal combustion engines located at the facility; therefore, Subpart ZZZZ does not apply.

40 CFR 64 - Compliance Assurance Monitoring (*not applicable*)

Compliance Assurance Monitoring (CAM) applies to pollutant-specific emissions units at a major source under 40 CFR 70. The proposed facility is not a major source under 40 CFR 70; therefore, CAM does not apply.

40 CFR 70 - Title V Operating Permit Program

Part 70 establishes the Title V Operating Permit Program. The Title V Operating Permit Program has also been incorporated in the West Virginia Code of State Regulations (CSR) 45-30. Under the West Virginia Title V Operating Permit Program, the major source thresholds are 10 tons per year of a single HAP, 25 tons per year of any combination of HAPs, and 100 tons per year for all other regulated pollutants. Fundamental will accept operating limitations on the proposed facility to be a synthetic minor source with respect to the Title V Operating Permit Program. Therefore, Part 70 does not apply. At this time, it has not been determined that Fundamental is subject to 45 CSR 33 due to selection of final power end user. If it is determined that Fundamental is subject to 45 CSR 33, this facility will be subject to Part 70 requirements and will be required to submit a Title V permit application.

40 CFR 72 - Permits Regulation

The purpose of this part is to establish certain general provisions and the operating permit program requirements for affected sources and affected units under the Acid Rain Program, pursuant to title IV of the Clean Air Act, 42 U.S.C. 7401, et seq., as amended by Public Law 101-549 (November 15, 1990).

At this time, it has not been determined that Fundamental is subject to this rule pending Fundamental's selection of final power end user. If it is determined that Fundamental is subject, permit condition 4.1.19 requires Fundamental to comply with all applicable provisions of this rule. Additionally, Fundamental would be required to apply for an Acid Rain permit and comply with all applicable requirements of that permit.

As required in §72.30, the designated representative of any source with an affected unit under §72.9 shall submit a complete Acid Rain permit application by the applicable deadline in paragraphs (b) and

(c) of this section, and the owners and operators of such source and any affected unit at the source shall not operate the source or unit without a permit that states its Acid Rain program requirements.

For any source with a new unit under §72.6(a)(3)(i), the designated representative shall submit a complete Acid Rain permit application governing such unit to the permitting authority at least 24 months before the later of January 1, 2000, or the date on which the unit commences operation.

Giving notice by publication in the Federal Register and in a newspaper of general circulation in the area where the source covered by the Acid Rain permit application is located or in a State publication designed to give general public notice is required. Notwithstanding the prior sentence, if a draft permit requires the affected units at a source to comply with §72.9(c)(1) and to meet any applicable emission limitation for NO_x under §§76.5, 76.6, 76.7, 76.8, or 76.11 of this chapter and does not include for any unit a compliance option under §72.44, part 74 of this chapter, or §76.10 of this chapter, the Administrator may, in his or her discretion, provide notice of the draft permit by Federal Register publication and may omit notice by newspaper or State publication.

40 CFR 97 Subpart DDDDD - Federal NO_x Budget Trading Program, CAIR NO_x and SO₂ Trading Programs, CSAPR NO_x and SO₂ Trading Programs, and Texas SO₂ Trading Program

This rule sets forth the general, designated representative, allowance, and monitoring provisions for the Cross-State Air Pollution Rule (CSAPR) SO₂ Group 2 Trading Program, under section 110 of the Clean Air Act and §52.39 of this chapter, as a means of mitigating interstate transport of fine particulates and sulfur dioxide.

This rule applies to fossil-fuel-fired combustion turbines serving at any time, on or after January 1, 2005, a generator with a nameplate capacity of more than 25 MWe producing electricity for sale. At this time, it has not been determined that Fundamental is subject to this rule pending Fundamental's selection of final power end user. If it is determined that Fundamental is subject, permit condition 4.1.19 requires Fundamental to comply with all applicable provisions of this rule.

ANALYSIS OF NON-CRITERIA REGULATED POLLUTANTS

This section provides information on those regulated pollutants that are not classified as "criteria pollutants". Criteria pollutants are defined as Carbon Monoxide (CO), Lead (Pb), Oxides of Nitrogen (NO_x), Ozone, Particulate Matter (PM₁₀ and PM_{2.5}), and Sulfur Dioxide (SO₂). These pollutants have National Ambient Air Quality Standards (NAAQS) set for each that are designed to protect public health and welfare. Other pollutants of concern, although designated as non-criteria *and without national air quality standards*, are regulated through various state and federal programs designed to limit their emissions and public exposure. These programs include federal source-specific HAP regulations promulgated under 40 CFR 61 and 40 CFR 63 (NESHAPS/MACT), and WV Legislative Rule 45 CSR 27 that regulates certain HAPs as Toxic Air Pollutants (TAPs). Any potential applicability to these programs were addressed in the REGULATORY APPLICABILITY section of this document.

The majority of non-criteria regulated pollutants fall under the definition of HAPs which, with some revision since, were 188 compounds identified under Section 112(b) of the Clean Air Act (CAA) as pollutants or groups of pollutants that EPA knows, or suspects *may* cause cancer or other serious human

health effects. These adverse health effects may be associated with a wide range of ambient concentrations and exposure times and are influenced by source-specific characteristics such as emission rates and local meteorological conditions. Health impacts are also dependent on multiple factors that affect variability in humans such as genetics, age, health status (e.g., the presence of pre-existing disease) and lifestyle. As stated previously, *there are no federal or state ambient air quality standards for these specific chemicals*. It is also important to note that the USEPA does not divide the various HAPs into further classifications based on toxicity or if the compound is a suspected carcinogen. The HAP emissions associated with this application are found in the ESTIMATE OF EMISSIONS section of this document. For a complete discussion of the known health effects of each compound refer to the IRIS database located at www.epa.gov/iris.

The HAPs emitted from the proposed facility are created during the combustion of natural gas. The HAP emission values were estimated using EPA AP-42: Compilation of Air Emissions Factors from Stationary Sources. AP-42 contains emission factors and process information for more than 200 air pollution source categories. AP-42 Chapter 3.1 contains emission factors for stationary gas turbines. Available data indicate that emission levels of HAP are lower for gas turbines than for other combustion sources. This is due to the high combustion temperatures reached during normal operation. The emissions data also indicate that formaldehyde is the most significant HAP emitted from combustion turbines. For natural gas fired turbines, formaldehyde accounts for about two-thirds of the total HAP emissions. Polycyclic aromatic hydrocarbons (PAH), benzene, toluene, xylenes, and others account for the remaining one-third of HAP emissions. For diesel-fired turbines, small amount of metallic HAPs are present in the turbine's exhaust in addition to the gaseous HAP identified under natural gas fired turbines. These metallic HAP are carried over from the fuel constituents.

The following table lists each HAP currently identified by Fundamental as potentially being emitted based upon the information available in AP-42 Chapter 3.1 Tables 3.1.3, 3.1.4, and 3.1.5 and manufacturer data. Additionally, the Chemical Abstracts Service (CAS) registry number, the type of HAP, the potential to emit (PTE) of the individual HAP, and any potentially applicable Most Available Control Technology (MACT) is provided.

Pollutant	CAS #	Type	PTE (TPY)	MACT ¹
1, 3 Butadiene	106-99-0	VOC	0.09	None
Acetaldehyde	75-07-0	VOC	0.69	None
Acrolein	107-02-8	VOC	0.11	None
Benzene	71-43-2	VOC	0.31	None
Propylene Oxide	75-56-9	VOC	0.50	None
Ethylbenzene	100-41-4	VOC	0.55	None
Formaldehyde	50-00-0	VOC	3.86	None
Naphthalene	91-20-3	VOC	0.20	None
Toluene	108-88-3	VOC	2.25	None
Xylenes	1330-20-7	VOC	1.11	None
Arsenic	7440-38-2	Non-VOC	0.06	None
Cadmium	7440-43-9	Non-VOC	0.03	None
Chromium	18540-29-9	Non-VOC	0.06	None
Manganese	7439-96-5	Non-VOC	4.45	None

Mercury	7439-97-6	Non-VOC	0.01	None
Nickel	12035-72-2	Non-VOC	0.03	None
Selenium	7446-34-6	Non-VOC	0.14	None

¹ Does a MACT apply to this specific HAP for any emission unit at the facility? See REGULATORY APPLICABILITY section for discussion.

AIR QUALITY IMPACT ANALYSIS

Air dispersion modeling is not required of this source because the proposed facility is not subject to 45 CSR 14 (Permits for Construction and Major Modification of Major Stationary Sources of Air Pollutants) as discussed in the Regulatory Discussion Section.

SOURCE AGGREGATION

“Building, structure, facility, or installation” is defined as all the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous and adjacent properties, and are under the control of the same person.

Fundamental does have control of the proposed site. There are no other emission units located on contiguous or adjacent properties with the Ridgeline Facility. Therefore, the emissions from the proposed facility should not be aggregated in determining Title V or PSD status.

MONITORING, RECORDKEEPING, REPORTING, AND TESTING (MRRT) OF OPERATIONS

Fundamental will be required to perform the following MRRT:

- **Synthetic Minor Limitations (40 CFR 51.166 and 40 CFR 70)**
 - Operating limits have been established for the combustion turbines. Fundamental will be required to restrict the total number of operating hours for the turbines.
 - Combination of natural gas and diesel - Restrict the total hours of operation as needed to remain under all major source thresholds. The operating hours of each turbine and the throughput of each type of fuel will be continuously monitored and recorded. Keep records of the total amount of hours each turbine uses natural gas as a fuel and the total amount of hours each turbine uses diesel as a fuel. The permittee shall multiply the hourly steady state operation emissions represented in draft permit condition 4.1.3 by the number of hours of steady state operations and adding the appropriate startup and shutdown emission from draft permit condition 4.1.4. The permittee shall calculate the emissions monthly and on a twelve-month rolling total. A twelve-month rolling total shall mean the sum of emissions at any given time during the previous twelve consecutive calendar months.

▪ **40 CFR 60 Subpart KKKK MRRT and 45 CSR 13**

- Install selective catalytic reduction (SCR) systems on each turbine to control NO_x emissions. SCR parameters will be continuously monitored to verify proper operation (§60.4340(b)(iii)). Monitor the catalyst bed inlet temperature and pressure differential across the catalyst bed to indicate proper operation.
- Keep records of the SCR continuous monitoring data, and 4-hour rolling unit operating hour averages of the monitored parameters.
- An SCR parameter monitoring plan will be developed which explains the procedures used to document proper operation of the SCR units in accordance with §60.4355. The plan must:
 - Include the indicators to be monitored and show there is a significant relationship to emissions and proper operation of the NO_x emission controls
 - Pick ranges (or designated conditions) of the indicators, or describe the process by which such range (or designated condition) will be established
 - Explain the process used to make certain that data is obtained that are representative of the emissions or parameters being monitored (such as detector location, installation specification if applicable)
 - Describe quality assurance and control practices that are adequate to ensure the continuing validity of the data
 - Describe the frequency of monitoring and the data collection procedures which you will use, and
 - Submit justification for the proposed elements of the monitoring. If a proposed performance specification differs from manufacturer's recommendation, the reasons for the differences must be explained.
- In accordance with §60.4365(a), keep records of the fuel characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the fuel, specifying:
 - The maximum total sulfur content of oil is 0.05 weight percent (500 ppmw) or less
 - The total sulfur content for natural gas is 20 grains of sulfur or less per 100 standard cubic feet
 - Potential sulfur emissions are less than 0.060 pounds SO₂/million Btu heat input
- Submit notifications of the date construction commences, the actual date of initial startup as required under §60.7.
- Report excess emissions and monitor downtime semiannually, in accordance with §60.4375(a) and §60.7(c). Excess emissions will be reported for all periods of unit operation, including start-up, shutdown, and malfunction. An excess emission is a 4-hour rolling unit operating hour average in which any monitored parameter does not achieve the target value or is outside the acceptable range defined in the parameter monitoring plan. A period of monitor downtime is a unit operating hour in which any of the required parametric data are either not recorded or are invalid.
- Submit the results of the initial performance test within 60 days following completion of the test.
- An initial performance test for NO_x and SO₂ emissions is required under §60.8 and §60.4400. The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of

- 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel.
 - An initial performance test for CO emissions to demonstrate compliance with permit condition 4.1.3. The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel. **[45CSR§13-5.10]**
- **45 CSR 17 Fugitive Sources of Particulate Matter**
 - Sources of fugitive particulate matter at the proposed facility include diesel truck and employee traffic on paved plant roads. Conduct a visual inspection of the paved roads once each operating day to ensure no fugitive emissions are generated. When needed, roads will be swept and/or watered to minimize fugitive dust. Records will be kept of the inspections and any corrective actions.
- **45 CSR 40 – Control of Ozone Season NOx**
 - Fundamental is proposing an alternative monitoring scenario in accordance with Section 6.6 of 45 CSR 40. The alternative monitoring scenario is consistent with the requirements in 40 CFR 60 Subpart KKKK.
 - Conduct initial performance testing to determine the NOx emission rate in pounds per million Btu. Approved SCR parameters will be monitored to demonstrate compliance with the NOx emission limit.
 - To determine the heat input for each turbine, the amount of each type of fuel will be continuously monitored and recorded. The total monthly heat input will be determined using the monitored fuel data. The total monthly NOx emissions will be calculated for each month during ozone season. The total NOx mass emissions will be calculated for the ozone season each year.
 - It should be noted, as stated in permit condition 4.1.14, the combustion turbines/HRSG shall use the air pollution control devices specified in Section 1.0 and permit condition 4.1.6 and identified in Permit Application R13-3713 *at all times when in operation* except during periods of startup and shutdown when operating temperatures do not allow for proper use of the air pollution control devices.
- Maintain records of diesel fuel unloading operations in accordance with the permit. Said records shall be maintained on-site or in a readily accessible off-site location.
- Maintain records of testing conducted in accordance with the permit. Said records shall be maintained on-site or in a readily accessible off-site location.
- Maintain the corresponding records specified by the on-going monitoring requirements of and testing requirements of the permit.
- Maintain a record of all PTE HAP calculations for the entire facility.

The records shall be maintained on site or in a readily available off-site location maintained by Fundamental for a period of five (5) years.

STATUTORY AUTHORITY OF THE DAQ

The statutory authority of the DAQ is given under the Air Pollution Control Act (APCA) – West Virginia Code §22-5-1, *et. seq.* – which states, under §22-5-1 (“Declaration of policy and purpose”), that:

It is hereby declared that public policy of this state and the purpose of this article is to achieve and maintain such levels of air quality ***as will*** (underlining and emphasis added) protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state and facilitate the enjoyment of the natural attractions of this state.

Therefore, while the code states that the intent of the rule includes the criteria outlined in the latter part of the above sentence, it is clear by the underlined and bolded section of the above sentence that the scope of the delegated authority does not extend beyond the *impact of air quality* on these criteria. Based on the language under §22-5-1, *et. seq.*, the DAQ, in making determinations on issuance or denial of permits under WV Legislative Rule 45 CSR 13 (45 CSR 13), does not take into consideration substantive non-air quality issues such as job creation, economic viability of proposed project, strategic energy issues, non-air quality environmental impacts, nuisance issues, etc.

The basis for issuance or denial of an air quality permit is given under 45 CSR 13. Pursuant to §45-13-5.7, the DAQ shall issue a permit unless:

a determination is made that the proposed construction, modification, registration or relocation will violate applicable emission standards, will interfere with attainment or maintenance of an applicable ambient air quality standard, cause or contribute to a violation of an applicable air quality increment, or be inconsistent with the intent and purpose of this rule or W. Va. Code § 22-5-1, *et seq.*, in which case the Secretary shall issue an order denying such construction, modification, relocation and operation. The Secretary shall, to the extent possible, give priority to the issuance of any such permit so as to avoid undue delay and hardship.

It is clear under 45 CSR 13 that denial of a permit must be based on one of the above explicitly stated criteria or, as noted, is inconsistent with 45 CSR 13 or §22-5-1, *et. seq.* As is stated above, it is the DAQ’s position that the intent of both the APCA and 45 CSR 13 is to circumscribe the authority of the DAQ to air quality issues as outlined in the APCA and in West Virginia’s State Implementation Plan (SIP).

The air quality issues evaluated relating to Fundamental’s proposed construction are outlined in this document. All applicable and potentially applicable rules were evaluated in the REGULATORY DISCUSSION section. The items covered under that section represent the extent of the substantive air quality issues over which the DAQ has authority to evaluate under 45 CSR 13 and the APCA as relating to this permit application.

PUBLIC INVOLVEMENT

From the date of Fundamental's notice of application (March 26, 2025) until the release of this EE/FS and draft permit, the DAQ received comments and requests for a public meeting from various individuals and organizations concerning the proposed facility. All comments/public meeting requests received were provided with an email response acknowledging receipt.

The DAQ provided notice to the public of an open comment period for permit application R13-3713 in *The Parsons Advocate* on June 18, 2025. This notice of open comment period provided information on the facility and proposed emissions.

Additionally, the DAQ will hold an in person public meeting to provide information and answer questions on air quality issues relevant to this permit application. The meeting will be held at the Maple/Balsam/Spruce Rooms at Canaan Valley Resort State Park, 230 Main Lodge Road, Davis, WV 26260 on Monday, June 30, 2025, from 6:00 p.m. until 9:00 p.m. Doors will open at 5:00 p.m. to register attendees. If you plan to attend the in-person public meeting, to save time and ensure all participants in attendance are registered, please fill out the pre-registration form at <<https://forms.gle/jEQTGGPUP73xBmRJ7>> by 8:00 a.m. on Monday, June 30, 2025. Upon arrival, we request that you sign your name on the pre-registration list. While pre-registration is not required, it is encouraged to save time and ensure all participants in attendance are registered. If you do not have internet access and want to pre-register, please contact Nicole Ernest at 304-926-0475.

The DAQ will also hold a virtual public meeting to accept oral comments that are relevant to this permit application on Thursday, July 17, 2025, from 6:00 p.m. until 8:00 p.m. The purpose of this virtual public meeting is ONLY to accept oral comments, the DAQ will not be responding to questions during this virtual public meeting. Registration is required by 4:00 p.m. on Thursday, July 17, 2025, to participate in the virtual public meeting. To register, please complete the participant registration form at <<https://forms.gle/dYSUgFZigRGe8WQp9>>. To register to provide an oral comment, please indicate "yes" you want to provide oral comments for the record when you register with the previously provided link. A confirmation e-mail will be sent with your responses when you register. A separate email with information on how to join the public meeting will be sent shortly after registration closes at 4:00 p.m. on Thursday, July 17, 2025. If you do not have internet access and want to register, please contact Nicole Ernest at 304-926-0475. If you have previously provided written comments, you do not need to read your written comment during the virtual public meeting to accept oral comments.

Written comments must be received by the DAQ by 5:00 pm on Friday, July 18, 2025. Written comments may be submitted by:

- Email: Jerry Williams at Jerry.Williams@WV.gov with "Fundamental Data Comments" as the subject line, or
- Mail: WVDEP - Air Quality, Attention: Jerry Williams, 601 57th Street SE, Charleston, WV 25304.

According to information provided by the applicant, the proposed facility could begin operation in 2027. The purpose of the DAQ's permitting process is to make a preliminary determination if the proposed construction will meet all state and federal air quality requirements. The purpose of the public review process is to accept public comments on air quality issues relevant to this determination. Only written

comments received at the email address/physical address noted above within the specified time frame, or comments presented orally at the scheduled public meeting, will be considered prior to final action on the permit. All such comments will become part of the public record.

The draft permit and engineering evaluation can be downloaded at:

<https://dep.wv.gov/daq/permitting/Pages/NSR-Permit-Applications.aspx>

At the conclusion of the Notice of Open Comment Period which begins on June 18, 2025 and ends on July 18, 2025, the DAQ will prepare a RESPONSE TO PUBLIC COMMENTS document which will include background information, overview of comments received, a response to comments, list of commenters, the actual comments received, and any other pertinent information that is needed as a result of the public comments received.

This document will be made available for review on DEP's AX website (<https://documents.dep.wv.gov/AppXtender/>) and a copy will be provided via email to all parties that commented during either public comment period.

RECOMMENDATION TO DIRECTOR

The information provided in permit application R13-3713 indicates that compliance with all applicable state and federal air quality regulations will be achieved. Therefore, I recommend to the Director that the DAQ go to public notice with a preliminary determination to issue Permit Number R13-3713 to Fundamental Data for the proposed construction of a turbine power facility located in Thomas, Tucker County, WV.

**Jerry
Williams**

Jerry Williams, P.E.
Engineer

Digitally signed by: Jerry
Williams
DN: CN = Jerry Williams email =
jerry.williams@wv.gov C = US
Date: 2025.06.17 06:46:15 -
04'00'

AIR QUALITY PERMIT NOTICE

Notice of Open Comment Period

On March 18, 2025, Fundamental Data LLC applied to the WV Department of Environmental Protection (WVDEP), Division of Air Quality (DAQ) for a permit to construct a turbine power facility (Ridgeline Facility) located off of US-48, near Thomas, Tucker County WV at latitude 39.15364 and longitude -79.46641. A preliminary evaluation has determined that all State and Federal air quality requirements will be met by the proposed facility. The DAQ is providing notice to the public of an open comment period for permit application R13-3713.

The following potential emissions will be authorized by this permit action: Volatile Organic Compounds, 44.21 tons per year (TPY); Nitrogen Oxides, 99.35 TPY; Carbon Monoxide, 56.36 TPY; Sulfur Dioxide, 58.89 TPY; Total Particulate Matter, 97.46 TPY; Particulate Matter less than 10 microns in diameter, 71.86 TPY; Particulate Matter less than 2.5 microns in diameter, 71.54 TPY; Total Hazardous Air Pollutants, 9.70 TPY.

The WVDEP DAQ will hold an in person public meeting to provide information and answer questions on air quality issues relevant to this permit application. The meeting will be held at the Maple/Balsam/Spruce Rooms at Canaan Valley Resort State Park, 230 Main Lodge Road, Davis, WV 26260 on Monday, June 30, 2025 from 6:00 p.m. until 9:00 p.m. Doors will open at 5:00 p.m. to register attendees. If you plan to attend the in-person public meeting, to save time and ensure all participants in attendance are registered, please fill out the pre-registration form at <<https://forms.gle/jEQTGGPUP73xBmRJ7>> by 8:00 a.m. on Monday, June 30, 2025. Upon arrival, we request that you sign your name on the pre-registration list. While pre-registration is not required, it is encouraged to save time and ensure all participants in attendance are registered. If you do not have internet access and want to pre-register, please contact Nicole Ernest at 304-926-0475.

The WVDEP DAQ will also hold a virtual public meeting to accept oral comments that are relevant to this permit application on Thursday, July 17, 2025 from 6:00 p.m. until 8:00 p.m. The purpose of this virtual public meeting is ONLY to accept oral comments, the DAQ will not be responding to questions during this virtual public meeting. Registration is required by 4:00 p.m. on Thursday, July 17, 2025 to participate in the virtual public meeting. To register, please complete the participant registration form at < <https://forms.gle/dYSUgFZigRGe8WQp9>>. To register to provide an oral comment, please indicate "yes" you want to provide oral comments for the record when you register with the previously provided link. A confirmation e-mail will be sent with your responses when you register. A separate email with information on how to join the public meeting will be sent shortly after registration closes at 4:00 p.m. on Thursday, July 17, 2025. If you do not have internet access and want to register, please contact Nicole Ernest at 304-926-0475. If you have previously provided written comments, you do not need to read your written comment during the virtual public meeting to accept oral comments.

Written comments must be received by the DAQ by 5:00 pm on Friday, July 18, 2025. Written comments may be submitted by:

- Email: Jerry Williams at Jerry.Williams@WV.gov with "Fundamental Data Comments" as the subject line, or
- Mail: WVDEP - Air Quality, Attention: Jerry Williams, 601 57th Street SE, Charleston, WV 25304.

According to information provided by the applicant, the proposed facility could begin operation in 2027. The purpose of the DAQ's permitting process is to make a preliminary determination if the proposed construction will meet all state and federal air quality requirements. The purpose of the public review process is to accept public comments on air quality issues relevant to this determination. Only written comments received at the address noted above within the specified time frame, or comments presented orally at the scheduled public meeting, will be considered prior to final action on the permit. All such comments will become part of the public record.

Additional information, including copies of the draft permit, application and all other supporting materials relevant to the permit decision may be obtained by contacting the engineer listed above. The draft permit and engineering evaluation can be downloaded at:

<https://dep.wv.gov/daq/permitting/Pages/NSR-Permit-Applications.aspx>



Williams, Jerry <jerry.williams@wv.gov>

WV DAQ Permit Application Status for Fundamental Data LLC; Ridgeline Facility

1 message

Mink, Stephanie R <stephanie.r.mink@wv.gov>

Wed, Mar 19, 2025 at 10:33 AM

To: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, lblinn@cecinc.com

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, Casey M Samples <casey.m.samples@wv.gov>, Gregory L Null <gregory.l.null@wv.gov>, Kathy M Sullivan <kathy.m.sullivan@wv.gov>, Barbara A Miles <barbara.a.miles@wv.gov>

Application Status**Fundamental Data LLC; Ridgeline Facility****Facility ID: 093-00034****Application No. R13-3713**

Mr. Chapman:

Your application for a Construction Permit for the Ridgeline facility was received by this division on March 18, 2025, and was assigned to Jerry Williams. The following items were not included in the initial application submittal:

Copy of Class I legal advertisement affidavit.**Application fee of \$2,000.00.**

- Credit card payments may be made by contacting the Accounts Receivable section at 304-926-0499 x 41195. DEP accepts Visa and MasterCard only. Please have the Facility ID and Application Number available when calling.

These items are necessary for the assigned permit writer to continue the 30-day completeness review.

Within 30 days, you should receive notification from Jerry Williams stating the status of the permit application and, if complete, given an estimated time frame for the agency's final action on the permit.

Any determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit decision.

Should you have any questions, please contact the assigned engineer, Jerry Williams, at 304-926-0499, extension 41214.

--

Stephanie Mink

Environmental Resources Associate

3/19/25, 12:21 PM

State of West Virginia Mail - WV DAQ Permit Application Status for Fundamental Data LLC; Ridgeline Facility

West Virginia Department of Environmental Protection

Division of Air Quality, Title V & NSR Permitting

601 57th Street SE

Charleston, WV 25304

Phone: 304-926-0499 x41281

The Parsons Advocate

Mountain Media, LLC
P.O. Box 429
Lewisburg, WV 24901

Invoice

DATE	INVOICE #
3/26/2025	25-429861

BILL TO

Civil & Environmental Consultants, Inc.
Casey Spiker
700 Cherrington Parkway
Moon Township, PA 15108

PAID
03/20/2025

P.O. NO.	TERMS	PROJECT
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QUANTITY	DESCRIPTION	RATE	AMOUNT
	Legal Advertising in The Parsons Advocate.	38.18	38.18

FEIN 26-0028834
Air Quality Permit Notice
332 words set solid @ .115 per word
3/26

	Total	\$38.18
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Mountain Media, LLC publishes the Clay County Free Press, the Mountain Messenger, Properties and Lifestyles, mountainmessenger.com and numerous Specialty Publications

The Parsons Advocate

MOUNTAIN MEDIA LLC
PO Box 429 Lewisburg, WV 24901
304-647-5724

CERTIFICATE OF PUBLICATION

State of West Virginia
County of Tucker, SS:

I, **Kathleen Stickley**, one of the Editors or Agents of **The Parsons Advocate**, a weekly newspaper of general circulation published at Parsons, WV in the County of Tucker, State of West Virginia, do certify that publication of the advertisement or advertisements **Air Quality Permit Notice**, attached here to was made in **1 issue(s)** of the newspaper, dated **March 26th, 2025**.

Given under my hand this **31st Day of March 2025**.

K. Stickley

Editor or Publisher

\$38.18
Publication fee

Subscribed and Sworn to before me

This 31 day of March, 2025

My commission expires: August 20, 2028

Signature *Kathy L S Hunter*
Notary Public





Williams, Jerry <jerry.williams@wv.gov>

WV DAQ NSR Permit Application Complete for Fundamental Data LLC - Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Wed, Apr 9, 2025 at 10:42 AM

To: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Blinn, Leah" <lblinn@cecinc.com>, "Spiker, Casey" <cspiker@cecinc.com>

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>

**RE: Application Status: Complete
Fundamental Data, LLC - Ridgeline Facility
Permit Application R13-3713
Plant ID No. 093-00034**

Casey,

Your application for a 45 CSR 13 Construction Permit for a turbine power facility was received by this Division on March 18, 2025 and assigned to the writer for review. Upon review of said application, it has been determined that the application is complete and the statutory review period commenced on April 9, 2025.

In the case of this application, the agency believes it will take approximately 90 days to make a final permit determination.

This determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit determination.

Should you have any questions, please contact me at (304) 926-0499 ext. 41214 or reply to this email.

Thank you,
Jerry

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov



west virginia department of environmental protection

Division of Air Quality
601 57th Street, SE
Charleston, WV 25304
(304) 926-0475

Harold D. Ward, Cabinet Secretary
dep.wv.gov

April 25, 2025

Mr. Casey Chapman
Responsible Official
Fundamental Data LLC
cchapman@fundamentaldata.com

Re: Confidential Business Information
Fundamental Data LLC
Permit Number: R13-3717
Facility ID Number: 093-00034

Mr. Chapman:

On March 18, 2025, Fundamental Data LLC (FD) submitted an air permit application (R13-3713) that contained information claimed as confidential business information (CBI). A redacted copy of the permit application was provided that has been made available for public review. As you are aware, the Division of Air Quality (DAQ) has received hundreds of public comments concerning the proposed project, many of which have specifically requested release of the information that has been redacted in the public version of the application. These written requests for release of information currently redacted have triggered a review of the CBI claims by the DEP's Office of the General Counsel (OGC). This review is governed by the applicable WV Legislative Rules 45CSR31, 31a, and 31b. At this time, the review has determined that the information claimed as CBI may not qualify for such designation as it falls under the definition of "Types and Amounts of Air Pollutants Discharged" as excluded under §45-31-6 and defined under §45-31-2.4 (and further defined under 45CSR31b). There is also some concern that the claimed CBI may not meet the eligibility requirements under §45-31-4.1(b) and 4.1(c).

At this time the OGC is requesting further justification (beyond that which is given on the CBI cover document) that the information claimed as CBI is not defined as "Types and Amounts of Air Pollutants Discharged" and also does not conflict with the eligibility requirements under §45-31-4.1(b) and 4.1(c). Please note that no information will be released without both FD having a full opportunity to justify the claims of CBI and the opportunity to have a full consultation with the WVDEP over this matter.

Promoting a healthy environment.

While the technical review of the permit application will continue, this request for additional information will pause the statutory review clock and place the permit application in a status of incomplete. Please provide a written response within fifteen (15) days of receipt of this request to facilitate the continued review of Permit Application R13-3713.

Sincerely,



Jason Wandling,
WVDEP General Counsel

cc: Lewis Reynolds, lreynolds@fundamentaldata.com
Leah Blinn, CEC, lblinn@cecinc.com



FUNDAMENTAL DATA

May 7, 2025

Jason Wandling
General Counsel
WV Department of Environmental Protection
601 57th Street, SE
Charleston, WV 25304

Re: Confidential Business Information

Permit Number: RB-3717

Facility ID Number: 093-00034

Dear Mr. Wandling,

We write in reply to your letter dated April 25, 2025, concerning the West Virginia Department of Environmental Protection's (WVDEP) purported rescission of its prior completeness determination for our permit application. We address the confidentiality claims contained in our application and to reaffirm the basis for the redaction of certain proprietary information, which is critical to the Ridgeline project and, by extension, to the broader success of innovative initiatives in the State of West Virginia.

We respond in the spirit of constructive dialogue and cooperation; however, we respectfully assert that the Department's decision appears inconsistent with applicable administrative procedures. We reserve all rights available to us in law and equity.

The Ridgeline project arises at a time of extraordinary technological transformation and global competition. The United States faces growing pressure from foreign adversaries, particularly in areas of artificial intelligence and advanced computing. The essential infrastructure to support this innovation, particularly reliable power generation, has lagged nationwide due to regulatory and permitting delays. Policymakers in West Virginia, including Governor Morrissey and the Legislature, should be commended for their foresight in enacting the Power Generation and Consumption Act of 2025 (the "Power Act"), which positions the State to capitalize on this fleeting opportunity. Our project directly supports West Virginia's stated goal and represents more than a power generation resource — it is a strategic investment in national and economic security.

In this environment, Rule 31 plays a critical role in protecting confidential business information (CBI) and trade secrets from disclosure to the public and to Fundamental's

competitors. The proper interpretation and application of Rule 31 will determine whether West Virginia can compete successfully for next-generation technology and energy infrastructure. The ability to maintain the confidentiality of proprietary business information is not only vital to our company's competitiveness but is also a key factor considered by other investors evaluating projects within the State. If the State cannot protect confidential business information in a manner consistent with its laws, the State will chill investment and drive away businesses the Power Act intends to attract.

We understand that public interest in the project has increased, and we are committed to engaging constructively with local stakeholders. Our confidentiality claims are not intended to obscure our operations from the public but are necessary to protect sensitive, proprietary data from our competitors, as the regulations correctly allow. The public should not assume that redacting information from the public version of our application is an attempt to hide relevant data; rather, such redactions are necessary to protect innovation from theft. Although not directly relevant to the Department's position here, we emphasize the following to provide some comfort to the public:

1. Ridgeline does not plan any consumption or use of water resources from or discharge of wastewater to local rivers, streams, or municipal systems.
2. If advanced, the project will result in the creation of substantial, high-paying, permanent jobs and generate unprecedented tax revenue for local jurisdictions.
3. The plant is sited in a lowland area surrounded by hills that should substantially limit and may even completely obscure visibility of the plant from public roadways or populated areas.
4. The facility expects to operate at noise levels below the threshold requiring hearing protection under OSHA regulations and is physically more than one mile from the nearest occupied structure and is buffered by topography and forest.

Turning to the core issue of confidentiality: while your letter does not explicitly reference a Freedom of Information Act (FOIA) request, §45-31 suggests that a determination under Rule 31 was initiated upon receipt of a public records request under §29B-1-1. We presume, therefore, that such a request has been made and request a copy of all such requests.

We remain confident that the redacted materials meet the statutory definition of "trade secrets" under §45-31-2.3, as

"trade secrets" may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or

other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors.

Note that "trade secrets" includes plans, patterns and processes, such as the identity, number and configuration of power sources that provide an advantage over competitors. With that in mind, the redacted materials in our application fall within two categories:

1. Information governed by binding confidentiality and non-disclosure agreements with third-party vendors, and
2. Proprietary data constituting trade secrets under applicable law.

Your letter states that your

"review has determined that the information claimed as CBI may not qualify for such designation as it falls under the definition of "Types and Amounts of Air Pollutants Discharged" as excluded under §45-31-6 and defined under §45-31-2.4 (and further defined under 45CSR31 b). There is also some concern that the claimed CBI may not meet the eligibility requirements under §45-31-4.l(b) and 4.l(c)."

The above reflects claims that the redacted information may constitute "types and amounts of air pollutants discharged," which cannot be claimed as confidential under §45-31-6 and the definitions provided in §45-31-2.4 and 45CSR31B. However, this interpretation is not supported by the text of §45-31-2.4, which reads as follows:

2.4.a.1. Emission data necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

2.4.a.2. Emission data necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

2.4.a.3. A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

As we are a proposed new facility and have not yet emitted any pollutants, §45-31-2.4.a.1 is inapplicable. We have duly provided all the required information under §45-31-2.4.a.2 and §45-31-2.4.a.3. The redacted portions of our application pertain solely to specific equipment identification and our system configuration, which do not constitute emissions data. Even without the redacted material, the Department has sufficient information to set verifiable limits on the collective emissions from this equipment, which cumulatively constitute the source. A "stationary source" is defined in §45-13-2.24 as "any building, structure, facility, installation, or emission unit, or combination thereof" This definition supports our position that emissions data requirements need not extend to the disclosure of sub-emissions from individual components of a source but rather pertain to the source in its entirety. The rule contemplates disclosure of emissions from the "source," not necessarily from each subcomponent of a source, where total emissions can be effectively limited by reasonable permit conditions. The source is broadly defined under §45-13-2.24 as including combinations of emission units, further reinforcing this point. The public, therefore, has full access to all required emissions data as defined, without compromising sensitive technical information.

Furthermore, §45-31-2.4.a.2 refers to "emission data necessary to determine the identity, amount, frequency, concentration or other characteristics" of the emission source, meaning that the information necessary to development of emission limits cannot be CBI. The redacted information can be CBI because 'it is not necessary to the determination of emission limits. Verifiable limits can be developed without the redacted material, based on general knowledge of turbine operations, permissible fuel sources, hours of operation and other factors that can be specified in the permit. The proposed project is one where alternatives to CBI, such as use of "aggregation, categorization, surrogate parameters, emissions monitoring or sampling, or parametric monitoring", can result in "a practically enforceable method of determining emissions." §45-31B-4.1.

Finally, your letter references potential deficiencies under §45-31-4.1(b) and 4.1(c), which relate to the applicant's efforts to maintain confidentiality. We are uncertain what "concern" exists in this regard, as we have taken and continue to take robust measures to protect the confidentiality of our trade secrets. If WVDEP has reason to believe otherwise, we respectfully request the detailed and specific factual basis for such a concern so we may address it directly.

The Department has an unredacted version of the application before it and its review should continue without pause. The number of inquiries about the project received by the Department does not affect the nature of the information redacted. We respectfully submit that our redactions are correct, consistent with applicable law, and are absolutely crucial to our competitive position in our field.

We trust this response clarifies the basis for our confidentiality designations and supports a determination by Secretary Ward that the information in question qualifies for CBI protection under Rule 31. Should that not be the case, we request further and immediate clarification

of the Department's position without release of any redacted material to the general public. In the event of a disagreement between the Department and an applicant regarding CBI, the Department might suspend permitting, but there is no authority for the Department to release information.

Please contact me if you would like to further discuss this response or the project that we have proposed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Casey Chapman".

Casey Chapman



west virginia department of environmental protection

Office of Legal Services
601 57th Street, SE
Charleston, WV 25304
(304) 926-0460

Harold D. Ward, Cabinet Secretary
dep.wv.gov

May 12, 2025

Mr. Casey Chapman
Responsible Official
Fundamental Data LLC
cchapman@fundamentaldata.com

Re: Confidential Business Information
Fundamental Data LLC
Permit Number: R13-3713
Facility ID Number: 093-00034

Mr. Chapman:

The WVDEP appreciates your timely response to the letter from the WVDEP's Office of the General Counsel ("OGC") sent to you on April 25, 2025. To be clear, as stated in the OGC's letter, while the review of your confidential business information ("CBI") claims was triggered by the public comments received that requested additional information to be released, the subsequent letter was sent under the authority granted to the Secretary under 45CSR13, Sections 5.4 and 5.8 relating to the information required for a complete application. It is important to note that all public comments received by the WVDEP are part of the public record and available for your review upon request.

Further, 45CSR13 grants the Secretary the authority to determine when a permit application is complete (§45-13-5.8), and is explicit that such a designation does not preclude the WVDEP from requesting additional information (language that was included in your completeness e-mail sent on April 9, 2025). Clearly, if additional information is requested, the application can no longer be considered complete, and the WVDEP believes that a reasonable interpretation of 45CSR13 allows for the Secretary to have discretion when requesting additional information to pause (or in some cases even later restart) the statutory clock. If this is not the case, an applicant could control the review process through delay in submitting additional information or, detrimental to the regulated community, strip the WVDEP of the flexibility and time to work with applicants to provide a complete application. However, as stated in the OGC's letter, the DAQ's technical review of the permit application was not affected by the change of application status and is on-going, and WVDEP remains as before committed to a full and complete review, pursuant to the rules governing such a review, and done in a timely manner.


Letter to Fundamental Data LLC
Dated: May 12, 2025
Page 2 of 2

Concerning your further justification of the CBI claims, the WVDEP has reviewed the information provided and has determined that there are non-confidential alternatives through the use of aggregation, categorization, surrogate parameters, emissions monitoring or sampling, or parametric monitoring that result in a practically enforceable method of determining emissions from the proposed facility (as provided for under §45-31B-4.1). These alternatives may include, but are not limited to, the use of aggregate hours of operation tracking, aggregate heat input limitations, aggregate emission units, aggregate fuel throughputs, and categorized fuels. These non-confidential alternatives are consistent with applicable rules and standards and will result in a practically enforceable method of determining emissions., etc. Further, the WVDEP has determined that, pursuant to §45-31-4.1(b) and 4.1(c), there are not reasonable means to obtain the information claimed as CBI by using the publicly available aggregated data. It is therefore the WVDEP's determination that the information claimed by Fundamental Data, LLC as CBI in Permit Application R13-3713 satisfies the necessary requirements to be deemed confidential and will be maintained as such.

As noted above, the WVDEP has received a significant number of comments from concerned citizens. Accordingly, the WVDEP encourages sensitivity to those concerns and the exercise of transparency to the greatest extent possible regarding information not claimed as confidential.

Please note that this determination is specific to Permit Application R13-3713 and does not necessarily apply to any changes to the current application or modifications in the future without additional review. With this response, the statutory clock shall restart and will be backdated to the date of submission of the response letter on May 7, 2025.

Sincerely,


C. Scott Driver,
Chief, Office of Legal Services

Division of Air Quality Permit Application Submittal

Please find attached a permit application for : RIDGELINE FACILITY; Tucker County, West Virginia

[Company Name; Facility Location]

- DAQ Facility ID (for existing facilities only): N/A
- Current 45CSR13 and 45CSR30 (Title V) permits associated with this process (for existing facilities only): N/A

- Type of NSR Application (check all that apply):
 - ☒ Construction
 - ☐ Modification
 - ☐ Class I Administrative Update
 - ☐ Class II Administrative Update
 - ☐ Relocation
 - ☐ Temporary
 - ☐ Permit Determination
- Type of 45CSR30 (TITLE V) Revision (if any)**:
 - ☐ Title V Initial
 - ☐ Title V Renewal
 - ☐ Administrative Update
 - ☐ Minor Modification
 - ☐ Significant Modification
 - ☐ Off Permit Change

** If any box above is checked, include the Title V revision information as ATTACHMENT S to this application.

- Payment Type:
 - ☒ Credit Card (Instructions to pay by credit card will be sent in the Application Status email.)
 - ☐ Check (Make checks payable to: WVDEP – Division of Air Quality)
Mail checks to:
WVDEP – DAQ – Permitting
Attn: NSR Permitting Secretary
601 57th Street, SE
Charleston, WV 25304

Please wait until DAQ emails you the Facility ID Number and Permit Application Number. Please add these identifiers to your check or cover letter with your check.

- If the permit writer has any questions, please contact (all that apply):

☒ Responsible Official/Authorized Representative

- Name: Casey L. Chapman
- Email: cchapman@fundamentaldata.com
- Phone Number: (540) 338-8271

☐ Company Contact

- Name:
- Email:
- Phone Number:

☒ Consultant

- Name: Leah E. Blinn
- Email: lblinn@cecinc.com
- Phone Number: (412) 249-1607

Company Name	FUNDAMENTAL DATA LLC	Responsible Official		
Company Address	125 Hirst Rd. Suite 1A Purcellville, VA 20132	Confidential Information Designee	Name	Casey Chapman
			Title	Responsible Official
Address	125 Hirst Rd. Suite 1A			
	Purcellville, VA 20132			
	Phone		(540) 338-8271	
Person/Title Submitting Confidential Information	Casey Chapman Responsible Official		Fax	(540) 338-1301

Reason for Submittal of Confidential Information
The application contains trade secrets regarding the configuration of the proposed facility as well as technical information related to the turbines.

Permit Section	Identification of Confidential Information	Rationale for Confidential Claim	Confidential Treatment Time Period
Attachment E – Plot Plans	Turbines Configuration and Identification Information	The configuration of turbines is considered a trade secret.	Permanently
Attachment F – Process Flow Diagram	Turbines Configuration and Identification Information	The configuration of turbines is considered a trade secret.	Permanently
Attachment I – Emission Units Table	Turbine Identification Information	The configuration of turbines is considered a trade secret.	Permanently
Attachment J - Emission Points Data Summary Sheet	Turbine Identification and Individual Turbine Information	The configuration of turbines is considered a trade secret.	Permanently
Attachment L – Emissions Unit Data Sheet General	Turbine Identification Information	The configuration of turbines is considered a trade secret.	Permanently
Attachment M – Air Pollution Control Device Sheet	Control Device Manufacturer	The turbine control device manufacturer is considered a trade secret.	Permanently
Attachment N – Supporting Emission Calculations; Sheet 1	Individual Turbine Information	The configuration of turbines is considered a trade secret.	Permanently

Attachment N – Supporting Emission Calculations; Sheet 2	Individual Turbine Information	The configuration of turbines is considered a trade secret.	Permanently
Attachment N – Supporting Emission Calculations; Sheet 3	Individual Turbine and Operational Information	The configuration of turbines and operational plans are considered trade secrets.	Permanently
Attachment N – Supporting Emission Calculations; Sheet 4	Individual Turbine and Operational Information	The configuration of turbines and operational plans are considered trade secrets.	Permanently
Attachment N – Supporting Emission Calculations; Turbine Specification Sheets	Turbine Specification Sheets	The technical information contained in the turbine specification sheets is considered a trade secret.	Permanently

Responsible Official Signature:	
Responsible Official Title:	Responsible Official
Date Signed:	3/18-25

NOTE: Must be signed and dated in **BLUE INK**.



March 18, 2025

WVDEP - DAQ - Permitting
Attn: NSR Permitting Secretary
601 57th Street SE
Charleston, WV 25304

To Whom it May Concern:

Subject: 45CSR13 Permit Application
FUNDAMENTAL DATA LLC – RIDGELIE FACILITY
CEC Project 350-613

FUNDAMENTAL DATA LLC (FUNDAMENTAL) is submitting this initial R13 permit application for its RIDGELINE FACILITY located in Tucker County, West Virginia.

The following NSR Application Forms and required supplemental documents in accordance with the instructions for NSR permit application forms are enclosed as follows:

- Application for NSR Permit
- Attachment A – Business Registration
- Attachment B – Facility Location Map
- Attachment C – Installation and Start-Up Schedule
- Attachment D – Regulatory Discussion
- Attachment E – Plot Plan
- Attachment F – Process Flow Diagram
- Attachment G – Process Description
- Attachment I – Emission Units Table
- Attachment J – Emission Points Data Summary Sheet
- Attachment K – Fugitive Emissions Data Summary Sheet
- Attachment L – Emissions Unit Data Sheet(s)
- Attachment M – Air Pollution Control Device Sheet(s)
- Attachment N – Supporting Emissions Calculations
- Attachment O – Monitoring/Recordkeeping/Reporting/Testing Plans
- Attachment P – Public Notice
- Attachment Q – Business Confidential Claims

Please contact Leah Blinn at (412) 249-1607 or Casey Chapman at (540) 454-7775 if you have any questions regarding the application.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Casey N. Spiker
Project Manager

Leah E. Blinn
Vice President

Enclosures

APPLICATION FOR 45CSR13
RIDGELINE FACILITY
TUCKER COUNTY, WEST VIRGINIA

Submitted to:
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY
601 57TH STREET, SE
CHARLESTON, WV 25304

Prepared For:
FUNDAMENTAL DATA LLC
125 HIRST RD. SUITE 1A
PURCELLVILLE, VA 20132

Prepared By:
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
PITTSBURGH, PENNSYLVANIA

CEC Project 350-613

MARCH 2025



Civil & Environmental Consultants, Inc.

45CSR13 PERMIT APPLICATION
RIDGELINE FACILITY
TUCKER COUNTY, WEST VIRGINIA
TABLE OF CONTENTS

West Virginia Department of Environmental Protection NSR Application Form

Attachment A – Business Certificate

Attachment B – Facility Location Map

Attachment C – Installation and Start-Up Schedule

Attachment D – Regulatory Discussion

Attachment E – Plot Plan

Attachment F – Process Flow Diagram

Attachment G – Process Description

Attachment I – Emission Units Table

Attachment J – Emission Points Data Summary Sheet

Attachment K – Fugitive Emissions Data Summary Sheet

Attachment L – Emissions Unit Data Sheet(s)


Attachment M – Air Pollution Control Device Sheet(s)

Attachment N – Supporting Emissions Calculations

Attachment O – Monitoring/Recordkeeping/Reporting/Testing Plans

Attachment P – Public Notice

Attachment Q – Business Confidential Claims

 <p>WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF AIR QUALITY 601 57th Street, SE Charleston, WV 25304 (304) 926-0475 www.dep.wv.gov/daq</p>	<p>APPLICATION FOR NSR PERMIT AND TITLE V PERMIT REVISION (OPTIONAL)</p>
<p>PLEASE CHECK ALL THAT APPLY TO NSR (45CSR13) (IF KNOWN):</p> <p> <input checked="" type="checkbox"/> CONSTRUCTION <input type="checkbox"/> MODIFICATION <input type="checkbox"/> RELOCATION <input type="checkbox"/> CLASS I ADMINISTRATIVE UPDATE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> CLASS II ADMINISTRATIVE UPDATE <input type="checkbox"/> AFTER-THE-FACT </p>	<p>PLEASE CHECK TYPE OF 45CSR30 (TITLE V) REVISION (IF ANY):</p> <p> <input type="checkbox"/> ADMINISTRATIVE AMENDMENT <input type="checkbox"/> MINOR MODIFICATION <input type="checkbox"/> SIGNIFICANT MODIFICATION </p> <p>IF ANY BOX ABOVE IS CHECKED, INCLUDE TITLE V REVISION INFORMATION AS ATTACHMENT S TO THIS APPLICATION</p>
<p>FOR TITLE V FACILITIES ONLY: Please refer to "Title V Revision Guidance" in order to determine your Title V Revision options (Appendix A, "Title V Permit Revision Flowchart") and ability to operate with the changes requested in this Permit Application.</p>	
<p>Section I. General</p>	
<p>1. Name of applicant (as registered with the WV Secretary of State's Office): FUNDAMENTAL DATA LLC</p>	<p>2. Federal Employer ID No. (FEIN): 99-2595953</p>
<p>3. Name of facility (if different from above): RIDGELINE FACILITY</p>	<p>4. The applicant is the: <input type="checkbox"/> OWNER <input type="checkbox"/> OPERATOR <input checked="" type="checkbox"/> BOTH </p>
<p>5A. Applicant's mailing address: 125 Hirst Rd. Suite 1A Purcellville, VA 20132</p>	<p>5B. Facility's present physical address: Off of US-48, near the City of Thomas, in Tucker County, West Virginia.</p>
<p>6. West Virginia Business Registration. Is the applicant a resident of the State of West Virginia? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>– If YES, provide a copy of the Certificate of Incorporation/Organization/Limited Partnership (one page) including any name change amendments or other Business Registration Certificate as Attachment A.</p> <p>– If NO, provide a copy of the Certificate of Authority/Authority of L.L.C./Registration (one page) including any name change amendments or other Business Certificate as Attachment A.</p>	
<p>7. If applicant is a subsidiary corporation, please provide the name of parent corporation: N/A</p>	
<p>8. Does the applicant own, lease, have an option to buy or otherwise have control of the <i>proposed site</i>? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>– If YES, please explain: FUNDAMENTAL DATA LLC has an executed Purchase and Sale Agreement signed by both the Seller and Purchaser on July 19, 2024. Under this agreement, FUNDAMENTAL DATA LLC has control of the proposed site.</p> <p>– If NO, you are not eligible for a permit for this source.</p>	
<p>9. Type of plant or facility (stationary source) to be constructed, modified, relocated, administratively updated or temporarily permitted (e.g., coal preparation plant, primary crusher, etc.): Turbine Facility</p>	<p>10. North American Industry Classification System (NAICS) code for the facility: 221112</p>
<p>11A. DAQ Plant ID No. (for existing facilities only): –</p>	<p>11B. List all current 45CSR13 and 45CSR30 (Title V) permit numbers associated with this process (for existing facilities only): N/A</p>

All of the required forms and additional information can be found under the Permitting Section of DAQ's website, or requested by phone.

12A.

- For **Modifications, Administrative Updates** or **Temporary permits** at an existing facility, please provide directions to the *present location* of the facility from the nearest state road;
- For **Construction** or **Relocation permits**, please provide directions to the *proposed new site location* from the nearest state road. Include a **MAP** as **Attachment B**.

An access road to the facility will be located off of US-48, approximately 0.5 miles east of the City of Thomas. If traveling from the City of Thomas, the access road will be on the left.

12.B. New site address (if applicable): N/A	12C. Nearest city or town: Thomas	12D. County: Tucker
12.E. UTM Northing (KM): 4334.94618	12F. UTM Easting (KM): 632.51221	12G. UTM Zone: 17

13. Briefly describe the proposed change(s) at the facility:
N/A

14A. Provide the date of anticipated installation or change: / / TBD – If this is an After-The-Fact permit application, provide the date upon which the proposed change did happen: / /	14B. Date of anticipated Start-Up if a permit is granted: / / TBD
---	---

14C. Provide a **Schedule** of the planned **Installation of/Change** to and **Start-Up** of each of the units proposed in this permit application as **Attachment C** (if more than one unit is involved).

15. Provide maximum projected **Operating Schedule** of activity/activities outlined in this application:
Hours Per Day 24 Days Per Week 7 Weeks Per Year 52

16. Is demolition or physical renovation at an existing facility involved? ☐ YES ☒ NO

17. **Risk Management Plans.** If this facility is subject to 112(r) of the 1990 CAAA, or will become subject due to proposed changes (for applicability help see www.epa.gov/ceppo), submit your **Risk Management Plan (RMP)** to U. S. EPA Region III.

18. **Regulatory Discussion.** List all Federal and State air pollution control regulations that you believe are applicable to the proposed process (*if known*). A list of possible applicable requirements is also included in Attachment S of this application (Title V Permit Revision Information). Discuss applicability and proposed demonstration(s) of compliance (*if known*). Provide this information as **Attachment D**.

Section II. Additional attachments and supporting documents.

19. Include a check payable to WVDEP – Division of Air Quality with the appropriate **application fee** (per 45CSR22 and 45CSR13).

20. Include a **Table of Contents** as the first page of your application package.

21. Provide a **Plot Plan**, e.g. scaled map(s) and/or sketch(es) showing the location of the property on which the stationary source(s) is or is to be located as **Attachment E** (Refer to **Plot Plan Guidance**).

- Indicate the location of the nearest occupied structure (e.g. church, school, business, residence).

22. Provide a **Detailed Process Flow Diagram(s)** showing each proposed or modified emissions unit, emission point and control device as **Attachment F**.

23. Provide a **Process Description** as **Attachment G**.

- Also describe and quantify to the extent possible all changes made to the facility since the last permit review (*if applicable*).

All of the required forms and additional information can be found under the Permitting Section of DAQ's website, or requested by phone.

24. Provide Material Safety Data Sheets (MSDS) for all materials processed, used or produced as Attachment H . – For chemical processes, provide a MSDS for each compound emitted to the air.																	
25. Fill out the Emission Units Table and provide it as Attachment I .																	
26. Fill out the Emission Points Data Summary Sheet (Table 1 and Table 2) and provide it as Attachment J .																	
27. Fill out the Fugitive Emissions Data Summary Sheet and provide it as Attachment K .																	
28. Check all applicable Emissions Unit Data Sheets listed below: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Bulk Liquid Transfer Operations</td> <td><input checked="" type="checkbox"/> Haul Road Emissions</td> <td><input type="checkbox"/> Quarry</td> </tr> <tr> <td><input type="checkbox"/> Chemical Processes</td> <td><input type="checkbox"/> Hot Mix Asphalt Plant</td> <td><input type="checkbox"/> Solid Materials Sizing, Handling and Storage Facilities</td> </tr> <tr> <td><input type="checkbox"/> Concrete Batch Plant</td> <td><input type="checkbox"/> Incinerator</td> <td><input checked="" type="checkbox"/> Storage Tanks</td> </tr> <tr> <td><input type="checkbox"/> Grey Iron and Steel Foundry</td> <td><input type="checkbox"/> Indirect Heat Exchanger</td> <td></td> </tr> <tr> <td colspan="3"><input checked="" type="checkbox"/> General Emission Unit, specify: Turbines</td> </tr> </table>			<input type="checkbox"/> Bulk Liquid Transfer Operations	<input checked="" type="checkbox"/> Haul Road Emissions	<input type="checkbox"/> Quarry	<input type="checkbox"/> Chemical Processes	<input type="checkbox"/> Hot Mix Asphalt Plant	<input type="checkbox"/> Solid Materials Sizing, Handling and Storage Facilities	<input type="checkbox"/> Concrete Batch Plant	<input type="checkbox"/> Incinerator	<input checked="" type="checkbox"/> Storage Tanks	<input type="checkbox"/> Grey Iron and Steel Foundry	<input type="checkbox"/> Indirect Heat Exchanger		<input checked="" type="checkbox"/> General Emission Unit, specify: Turbines		
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<input type="checkbox"/> Grey Iron and Steel Foundry	<input type="checkbox"/> Indirect Heat Exchanger																
<input checked="" type="checkbox"/> General Emission Unit, specify: Turbines																	
Fill out and provide the Emissions Unit Data Sheet(s) as Attachment L .																	
29. Check all applicable Air Pollution Control Device Sheets listed below: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Absorption Systems</td> <td><input type="checkbox"/> Baghouse</td> <td><input type="checkbox"/> Flare</td> </tr> <tr> <td><input type="checkbox"/> Adsorption Systems</td> <td><input type="checkbox"/> Condenser</td> <td><input type="checkbox"/> Mechanical Collector</td> </tr> <tr> <td><input type="checkbox"/> Afterburner</td> <td><input type="checkbox"/> Electrostatic Precipitator</td> <td><input type="checkbox"/> Wet Collecting System</td> </tr> <tr> <td colspan="3"><input checked="" type="checkbox"/> Other Collectors, specify: SCR and CO Catalyst Systems</td> </tr> </table>			<input type="checkbox"/> Absorption Systems	<input type="checkbox"/> Baghouse	<input type="checkbox"/> Flare	<input type="checkbox"/> Adsorption Systems	<input type="checkbox"/> Condenser	<input type="checkbox"/> Mechanical Collector	<input type="checkbox"/> Afterburner	<input type="checkbox"/> Electrostatic Precipitator	<input type="checkbox"/> Wet Collecting System	<input checked="" type="checkbox"/> Other Collectors, specify: SCR and CO Catalyst Systems					
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<input checked="" type="checkbox"/> Other Collectors, specify: SCR and CO Catalyst Systems																	
Fill out and provide the Air Pollution Control Device Sheet(s) as Attachment M .																	
30. Provide all Supporting Emissions Calculations as Attachment N , or attach the calculations directly to the forms listed in Items 28 through 31.																	
31. Monitoring, Recordkeeping, Reporting and Testing Plans. Attach proposed monitoring, recordkeeping, reporting and testing plans in order to demonstrate compliance with the proposed emissions limits and operating parameters in this permit application. Provide this information as Attachment O . ➤ Please be aware that all permits must be practically enforceable whether or not the applicant chooses to propose such measures. Additionally, the DAQ may not be able to accept all measures proposed by the applicant. If none of these plans are proposed by the applicant, DAQ will develop such plans and include them in the permit.																	
32. Public Notice. At the time that the application is submitted, place a Class I Legal Advertisement in a newspaper of general circulation in the area where the source is or will be located (See 45CSR§13-8.3 through 45CSR§13-8.5 and Example Legal Advertisement for details). Please submit the Affidavit of Publication as Attachment P immediately upon receipt.																	
33. Business Confidentiality Claims. Does this application include confidential information (per 45CSR31)? <div style="text-align: center;"> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO </div> ➤ If YES , identify each segment of information on each page that is submitted as confidential and provide justification for each segment claimed confidential, including the criteria under 45CSR§31-4.1, and in accordance with the DAQ's " Precautionary Notice – Claims of Confidentiality " guidance found in the General Instructions as Attachment Q .																	

Section III. Certification of Information

34. Authority/Delegation of Authority. Only required when someone other than the responsible official signs the application. Check applicable Authority Form below: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Authority of Corporation or Other Business Entity</td> <td><input type="checkbox"/> Authority of Partnership</td> </tr> <tr> <td><input type="checkbox"/> Authority of Governmental Agency</td> <td><input type="checkbox"/> Authority of Limited Partnership</td> </tr> </table>		<input type="checkbox"/> Authority of Corporation or Other Business Entity	<input type="checkbox"/> Authority of Partnership	<input type="checkbox"/> Authority of Governmental Agency	<input type="checkbox"/> Authority of Limited Partnership
<input type="checkbox"/> Authority of Corporation or Other Business Entity	<input type="checkbox"/> Authority of Partnership				
<input type="checkbox"/> Authority of Governmental Agency	<input type="checkbox"/> Authority of Limited Partnership				
Submit completed and signed Authority Form as Attachment R .					
All of the required forms and additional information can be found under the Permitting Section of DAQ's website, or requested by phone.					

35A. Certification of Information. To certify this permit application, a Responsible Official (per 45CSR§13-2.22 and 45CSR§30-2.28) or Authorized Representative shall check the appropriate box and sign below.

Certification of Truth, Accuracy, and Completeness

I, the undersigned ☒ **Responsible Official** / ☐ **Authorized Representative**, hereby certify that all information contained in this application and any supporting documents appended hereto, is true, accurate, and complete based on information and belief after reasonable inquiry I further agree to assume responsibility for the construction, modification and/or relocation and operation of the stationary source described herein in accordance with this application and any amendments thereto, as well as the Department of Environmental Protection, Division of Air Quality permit issued in accordance with this application, along with all applicable rules and regulations of the West Virginia Division of Air Quality and W.Va. Code § 22-5-1 et seq. (State Air Pollution Control Act). If the business or agency changes its Responsible Official or Authorized Representative, the Director of the Division of Air Quality will be notified in writing within 30 days of the official change.

Compliance Certification

Except for requirements identified in the Title V Application for which compliance is not achieved, I, the undersigned hereby certify that, based on information and belief formed after reasonable inquiry, all air contaminant sources identified in this application are in compliance with all applicable requirements.

SIGNATURE _____

(Please use blue ink)

DATE: 3-18-25

(Please use blue ink)

35B. Printed name of signer: Casey L. Chapman

35C. Title: Responsible Official

35D. E-mail:
cchapman@fundamentaldata.com

36E. Phone: (540) 338-8271

36F. FAX: (540) 338-1301

36A. Printed name of contact person (if different from above): Same as above

36B. Title:

36C. E-mail:

36D. Phone:

36E. FAX:

PLEASE CHECK ALL APPLICABLE ATTACHMENTS INCLUDED WITH THIS PERMIT APPLICATION:

- ☒ Attachment A: Business Certificate
- ☒ Attachment B: Map(s)
- ☒ Attachment C: Installation and Start Up Schedule
- ☒ Attachment D: Regulatory Discussion
- ☒ Attachment E: Plot Plan
- ☒ Attachment F: Detailed Process Flow Diagram(s)
- ☒ Attachment G: Process Description
- ☐ Attachment H: Material Safety Data Sheets (MSDS)
- ☒ Attachment I: Emission Units Table
- ☒ Attachment J: Emission Points Data Summary Sheet

- ☒ Attachment K: Fugitive Emissions Data Summary Sheet
- ☒ Attachment L: Emissions Unit Data Sheet(s)
- ☒ Attachment M: Air Pollution Control Device Sheet(s)
- ☒ Attachment N: Supporting Emissions Calculations
- ☒ Attachment O: Monitoring/Recordkeeping/Reporting/Testing Plans
- ☒ Attachment P: Public Notice
- ☒ Attachment Q: Business Confidential Claims
- ☐ Attachment R: Authority Forms
- ☐ Attachment S: Title V Permit Revision Information
- ☒ Application Fee

Please mail an original and three (3) copies of the complete permit application with the signature(s) to the DAQ, Permitting Section, at the address listed on the first page of this application. Please DO NOT fax permit applications.

FOR AGENCY USE ONLY – IF THIS IS A TITLE V SOURCE:

- ☐ Forward 1 copy of the application to the Title V Permitting Group and:
- ☐ For Title V Administrative Amendments:
 - ☐ NSR permit writer should notify Title V permit writer of draft permit,
- ☐ For Title V Minor Modifications:
 - ☐ Title V permit writer should send appropriate notification to EPA and affected states within 5 days of receipt,
 - ☐ NSR permit writer should notify Title V permit writer of draft permit.
- ☐ For Title V Significant Modifications processed in parallel with NSR Permit revision:
 - ☐ NSR permit writer should notify a Title V permit writer of draft permit,
 - ☐ Public notice should reference both 45CSR13 and Title V permits,
 - ☐ EPA has 45 day review period of a draft permit.

All of the required forms and additional information can be found under the Permitting Section of DAQ's website, or requested by phone.

ATTACHMENT A
BUSINESS CERTIFICATE



*I, Kris Warner, Secretary of State of the State of
West Virginia, hereby certify that*

FUNDAMENTAL DATA LLC

was duly authorized under the laws of this state to transact business in West Virginia as
a foreign limited liability company on July 16, 2024.

The company is filed as an at-will company, for an indefinite period.

I further certify that the company has not been revoked or administratively dissolved by
the State of West Virginia nor has the West Virginia Secretary of State issued a
Certificate of Cancellation or Termination to the company.

Accordingly, I hereby issue this Certificate of Authorization

CERTIFICATE OF AUTHORIZATION

Validation ID:6WV6B_T54PD



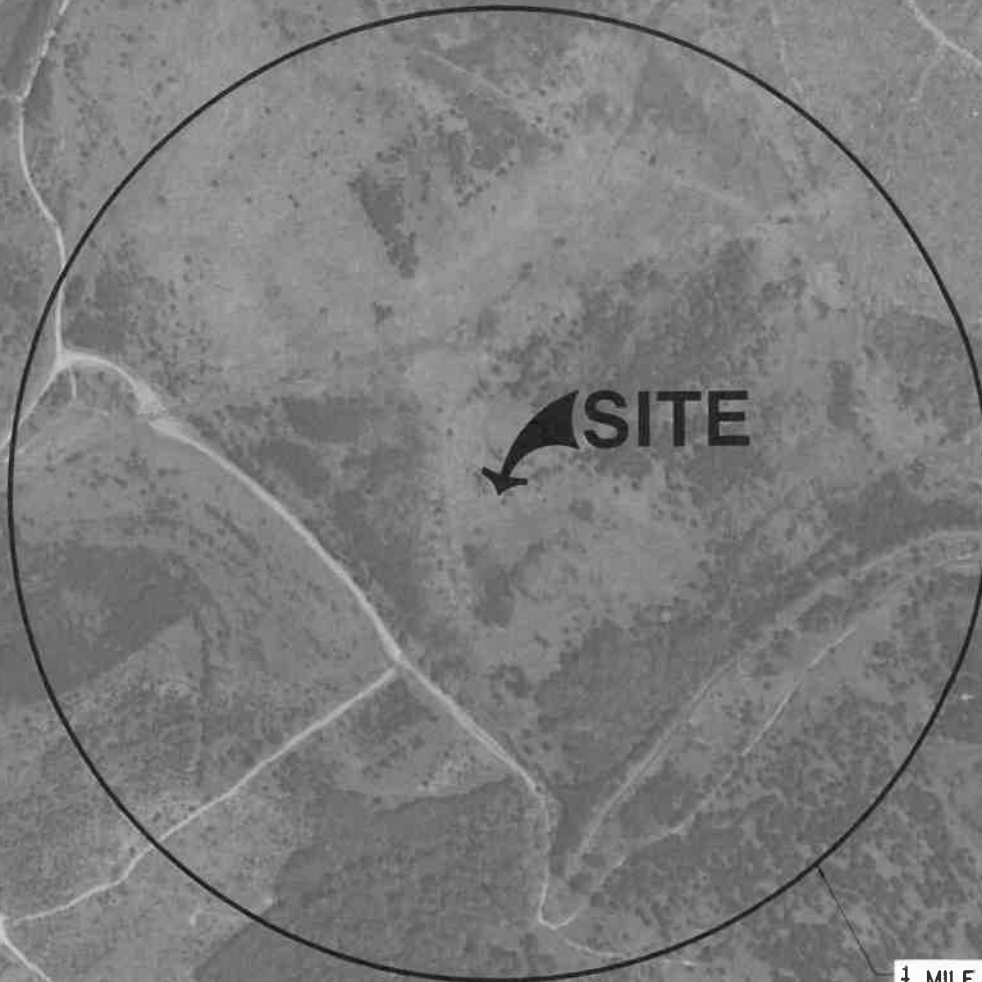
*Given under my hand and the
Great Seal of the State of
West Virginia on this day of*

February 24, 2025

A handwritten signature in black ink, appearing to read "Kris Warner".

Secretary of State

ATTACHMENT B
FACILITY LOCATION MAP

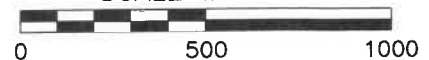


1/4 MILE RADIUS

REFERENCE

AERIAL TAKEN FROM MICROSOFT CORPORATION, 2025 MAXAR,
DATED: 2025.

SCALE IN FEET



*HAND SIGNATURE ON FILE



Civil & Environmental
Consultants, Inc.

700 Cherrington Parkway
Moon Township, PA 15108
Ph: 412.429.2324 · 800.365.2324
www.cecinc.com

FUNDAMENTAL DATA LLC
RIDGELINE FACILITY
TUCKER COUNTY, WEST VIRGINIA

FACILITY LOCATION MAP

DRAWN BY:	DWP	CHECKED BY:	CNS	APPROVED BY:	LEB*	ATTACHMENT:
DATE:	02/27/2025	DWG SCALE:	AS NOTED	PROJECT NO:	350-613.0001	B-1



COALFIELD HWY

SITE

US-48

7TH ST

US-48

REFERENCE

AERIAL TAKEN FROM MICROSOFT CORPORATION, 2025 MAXAR,
DATED: 2025.

SCALE IN FEET

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*HAND SIGNATURE ON FILE



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FACILITY LOCATION MAP

DRAWN BY:	DWP	CHECKED BY:	CNS	APPROVED BY:	LEB*	ATTACHMENT:
DATE:	02/27/2025	DWG SCALE:	AS NOTED	PROJECT NO:	350-613.0001	B-2

ATTACHMENT C

INSTALLATION AND START-UP SCHEDULE

RIDGELINE FACILITY
Attachment C – Installation and Start-Up Schedule

The sources described in this application will be installed at the facility and start-up will occur as soon as possible. However, the schedule is entirely dependent on the availability of equipment from the manufacturers. It is anticipated that the entire facility may begin operating in 2027 or 2028, but this is subject to change.

ATTACHMENT D

REGULATORY DISCUSSION

RIDGELINE FACILITY

Attachment D – Regulatory Discussion

The regulatory discussion reviews the federal and West Virginia regulations potentially applicable to the proposed RIDGELINE FACILITY in Tucker County, West Virginia, owned and operated by FUNDAMENTAL DATA LLC (FUNDAMENTAL).

Federal Regulations

40 CFR 52.21 – Prevention of Significant Deterioration (PSD) (not applicable)

Federal construction permitting programs regulate new and modified sources of attainment pollutants under PSD and new and modified sources of non-attainment pollutants under Non-Attainment New Source Review. Tucker County, West Virginia is designated as attainment/unclassifiable for all criteria pollutants. PSD regulations apply when a new source is constructed in which emissions exceed major source thresholds, an existing minor source undergoes modification in which emission increases exceed PSD major source thresholds, or an existing major source undergoes a modification in which emission increases exceed PSD significant emission rates. PSD major source thresholds are 250 tons per year of a regulated pollutant, except for the 28 regulated facility categories. FUNDAMENTAL will accept operating limitations on the proposed RIDGELINE FACILITY to be a synthetic minor source with respect to PSD.

40 CFR 60 Subpart Kc – Standards of Performance for Volatile Organic Liquid Storage Vessels (not applicable)

Subpart Kc applies to storage vessels of volatile organic liquids with capacities greater than or equal to 20,000 gallons for which construction commenced after October 4, 2023. § 60.110c(b)(8) exempts storage vessels that only store volatile organic liquids with a maximum true vapor pressure less than 0.25 psia (1.7 kPa absolute). Diesel fuel has a maximum true vapor pressure of less than 0.25 psia; therefore, Subpart Kc is not applicable.

40 CFR 60 Subpart GG – Standards of Performance for Stationary Gas Turbines (not applicable)

Subpart GG applies to stationary gas turbines with a heat input at peak load of 10 million Btu (MMBtu) per hour or more based on the lower heating value of the fuel fired. Because the turbines at RIDGELINE FACILITY are subject to the requirements of 40 CFR 60 Subpart KKKK, they are exempt from the requirements of Subpart GG.

40 CFR 60 Subpart KKKK – Standards of Performance for Stationary Combustion Turbines (applicable)

Subpart KKKK applies to stationary combustion turbines with a heat input at peak load equal to or greater than 10 MMBtu per hour, based on the higher heating value of the fuel, which commenced construction, modification, or reconstruction after February 18, 2005. The turbines at RIDGELINE FACILITY are rated at greater than 10 MMBtu per hour; therefore, Subpart KKKK is applicable. Subpart KKKK regulates emissions of nitrogen oxides (NO_x) and sulfur dioxide (SO₂). The NO_x emission limit for a new turbine firing natural gas with a heat input between 50 MMBtu per hour and 850 MMBtu per hour is 25 ppm at 15 percent O₂ or 1.2 lb/MWh of useful output. The NO_x emissions limit for a new turbine firing fuels other than natural gas with a heat input between 50 MMBtu per hour and 850 MMBtu per hour is 74 ppm at 15

percent O₂ or 3.6 lb/MWh of useful output. SO₂ emissions are limited to either 0.90 lb/MWh gross output, or 0.060 lb/MMBtu heat input.

40 CFR 60 Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units and 40 CFR 60 Dc Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units

Because the turbines at RIDGELINE FACILITY are subject to the requirements of 40 CFR 60 Subpart KKKK, they are exempt from the requirements of Subparts Db or Dc.

40 CFR 60 Subpart TTTTa – Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units (not applicable)

Subpart TTTTa applies to stationary combustion turbines that commence construction after May 23, 2023, that also serve a generator or generators capable of selling greater than 25 MW of electricity to a utility power distribution system. The RIDGELINE FACILITY will not sell electricity to the grid; therefore, Subpart TTTTa is not applicable.

40 CFR 63 Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) (not applicable)

Subpart EEEE applies to organic liquids storage and distribution at major sources of HAPs. The facility is not a major source of HAPs because its potential to emit total HAPs is less than 25 tons per year and its potential to emit any single HAP is less than 10 tons per year. Therefore, Subpart EEEE is not applicable.

40 CFR 63 Subpart YYYY – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines (not applicable)

Subpart YYYY applies to stationary combustion turbines at major sources of HAPs. The facility is not a major source of HAPs; therefore, Subpart YYYY is not applicable.

40 CFR 64 – Compliance Assurance Monitoring (not applicable)

Compliance Assurance Monitoring (CAM) applies to pollutant-specific emissions units at a major source under 40 CFR 70. The facility is not a major source under 40 CFR 70; therefore, CAM is not applicable.

40 CFR 70 – Title V Operating Permit Program (not applicable)

Part 70 establishes the Title V Operating Permit Program. The Title V Operating Permit Program has also been incorporated in the West Virginia Code of State Regulations (CSR) 45-30. Under the West Virginia Title V Operating Permit Program, the major source thresholds are 10 tons per year of a single HAP, 25 tons per year of any combination of HAPs, and 100 tons per year for all other regulated pollutants. FUNDAMENTAL will accept operating limitations on the proposed RIDGELINE FACILITY to be a synthetic minor source with respect to the Title V Operating Permit Program.

State Regulations

45 CSR 2: To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers (not applicable)

45 CSR 2 applies to fuel burning units, defined as equipment burning fuel “for the primary purpose of producing heat or power by indirect heat transfer”. The combustion turbines are equipped with HRSG units which generate steam by using the heat present in the turbine exhaust gas. However, the turbines are not fuel burning units because this operation is not their primary purpose.

45 CSR 4: To Prevent and Control the Discharge of Air Pollutants into the Open Air which Causes or Contributes to an Objectionable Odor or Odors (applicable)

According to 45 CSR 4-3: “No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.” The facility is generally subject to this requirement.

45 CSR 10: To Prevent and Control Air Pollution from the Emission of Sulfur Oxides (not applicable)

45 CSR 10 establishes emissions standards for sulfur oxides from fuel burning units. The combustion units are not fuel burning units because their primary purpose is not to produce power through indirect heat transfer.

45 CSR 13: Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permission to Commence Construction, and Procedures for Evaluation (applicable)

FUNDAMENTAL is applying for a Permit to Construct and Operate a new stationary source which is not a major stationary source.

45 CSR 14: Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality (not applicable)

45 CSR 14 applies to the construction of any new major stationary source or any proposed project at an existing major stationary source in an area designated as attainment or unclassifiable. The potential emissions from the facility will not exceed PSD major source thresholds for any regulated pollutant.

45 CSR 16: Standards of Performance for New Stationary Sources (applicable)

45 CSR 16-1 incorporates the federal Clean Air Act (CAA) standards of performance for new stationary sources set forth in 40 CSR Part 60 by reference. As such, by complying with all applicable requirements of 40 CFR Part 60 at the RIDGELINE FACILITY, FUNDAMENTAL will be complying with 45 CSR 16.

45 CSR 17: To Prevent and Control Particulate Matter Air Pollution from Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter (applicable)

According to 45 CSR 17-3.1: “No person shall cause, suffer, allow or permit fugitive particulate matter to be discharged beyond the boundary lines of the property lines of the property on which the discharge originates or at any public or residential location, which causes or contributes to statutory air pollution.”

FUNDAMENTAL will take measures to ensure that any fugitive particulate matter emissions will not cross the property boundary should any emissions occur.

45 CSR 21: Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds (VOC) (not applicable)

45 CSR 21 applies to VOC emissions from facilities located in Putnam County, Kanawha County, Cabell County, Wayne County, and Wood County. The RIDGELINE FACILITY is not located in a listed county. Therefore, 45 CSR 21 does not apply.

45 CSR 34: Emissions Standards for Hazardous Air Pollutants (not applicable)

45 CSR 34-1 incorporates the federal Clean Air Act (CAA) national emissions standards for hazardous air pollutants (NESHAPs) as set forth in 40 CFR Parts 61 and 63 by reference. As such, by complying with all applicable requirements of 40 CFR Parts 61 and 63 at RIDGELINE FACILITY, FUNDAMENTAL will be complying with 45 CSR 34. No requirements of 40 CFR Parts 61 and 63 are applicable to the facility.

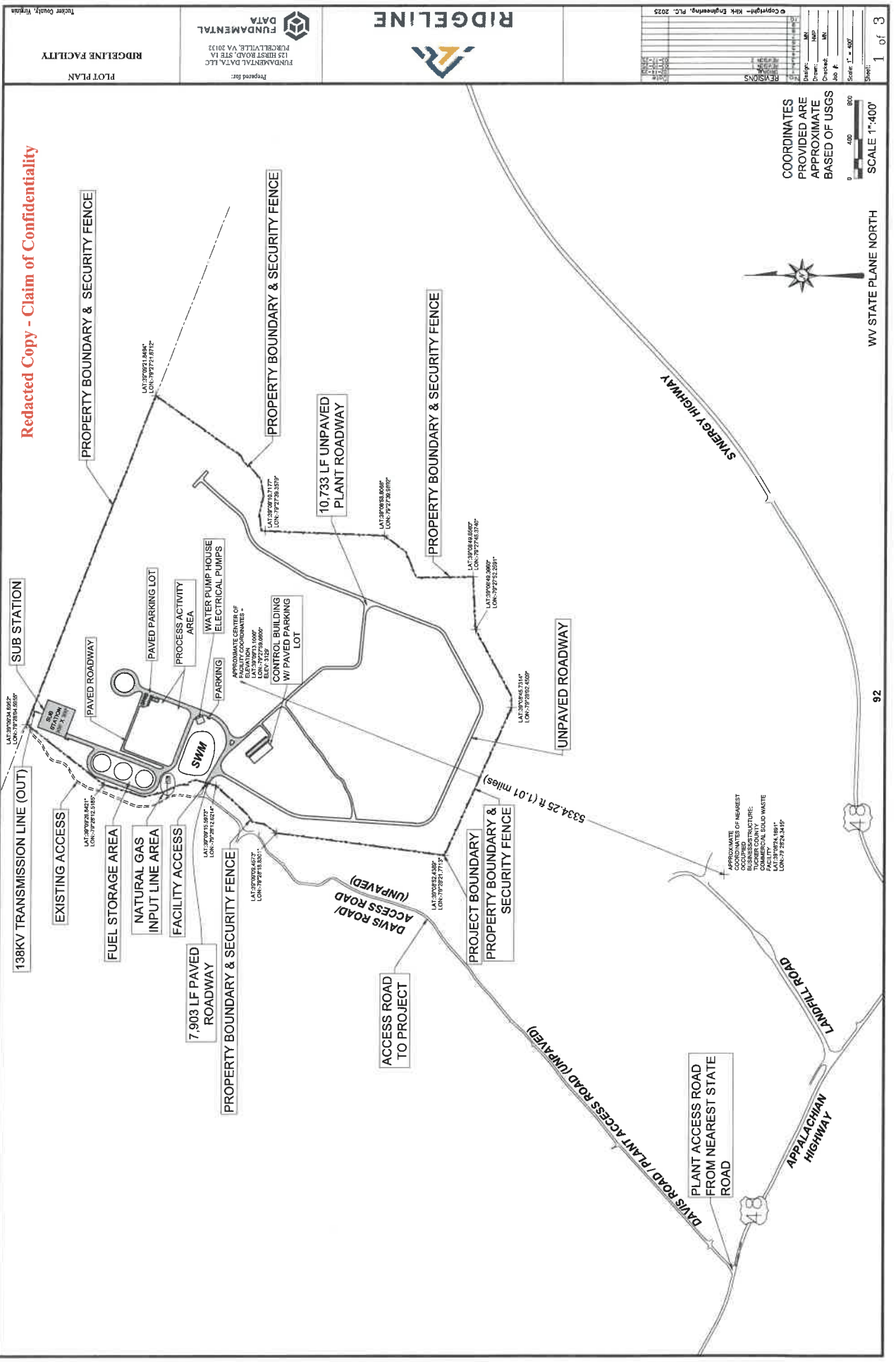
45 CSR 40: Control of Ozone Season Nitrogen Oxides Emissions (applicable)

45 CSR 40 applies to combustion turbines with a maximum design heat input of 250 MMBtu per hour or greater. Ozone season is defined as May 1 through September 30 in the same calendar year. The combustion turbines will be subject to an ozone season NOx limitation, and will have monitoring, recordkeeping, and reporting requirements to demonstrate compliance.

ATTACHMENT E

PLOT PLAN

Redacted Copy - Claim of Confidentiality



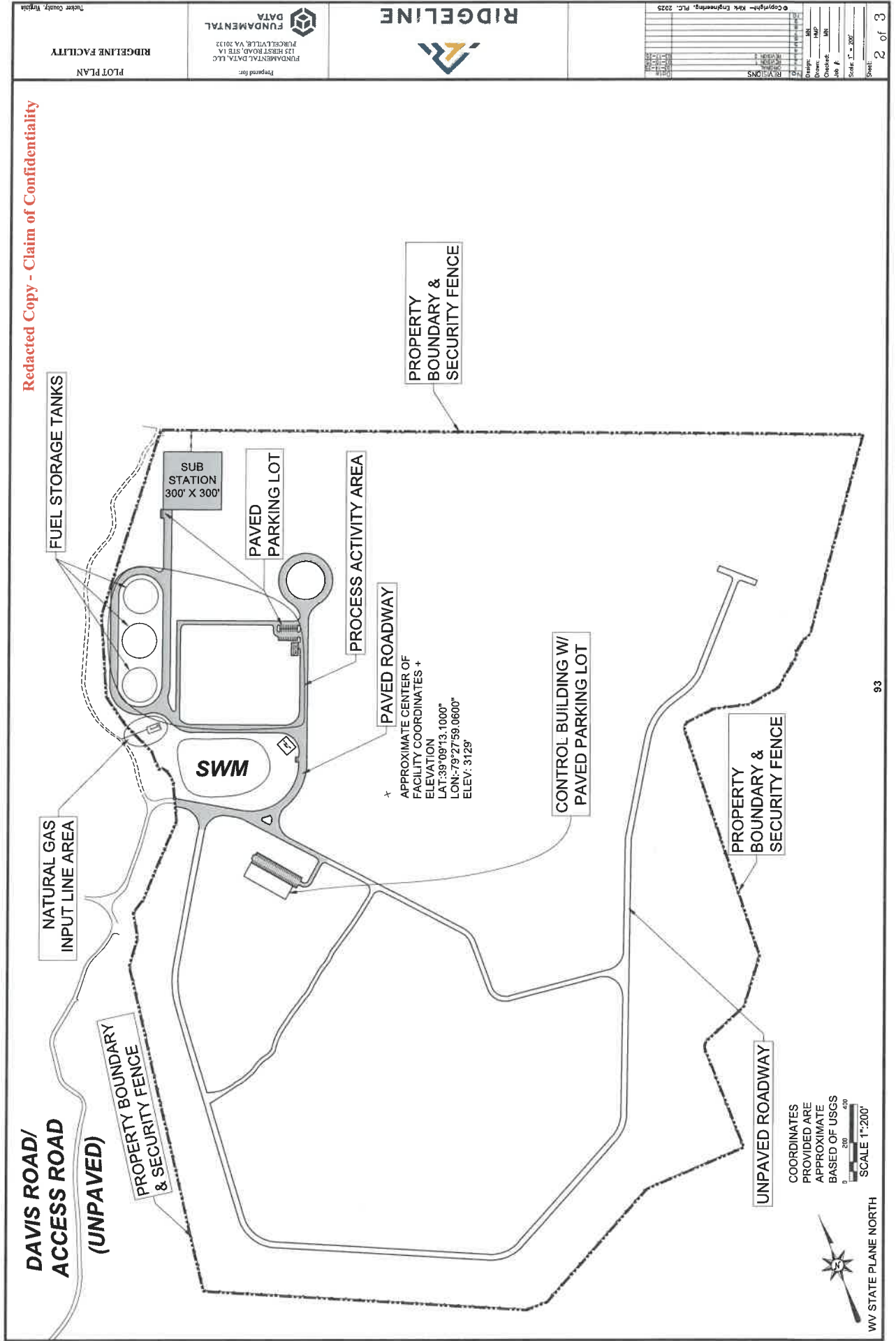
PLOT PLAN
RIDGELINE FACILITY

FUNDAMENTAL DATA
FUNDAMENTAL DATA, LLC
121857 ROAD, STE 1A
FARMINGTON, VA 20112
Prepared for:

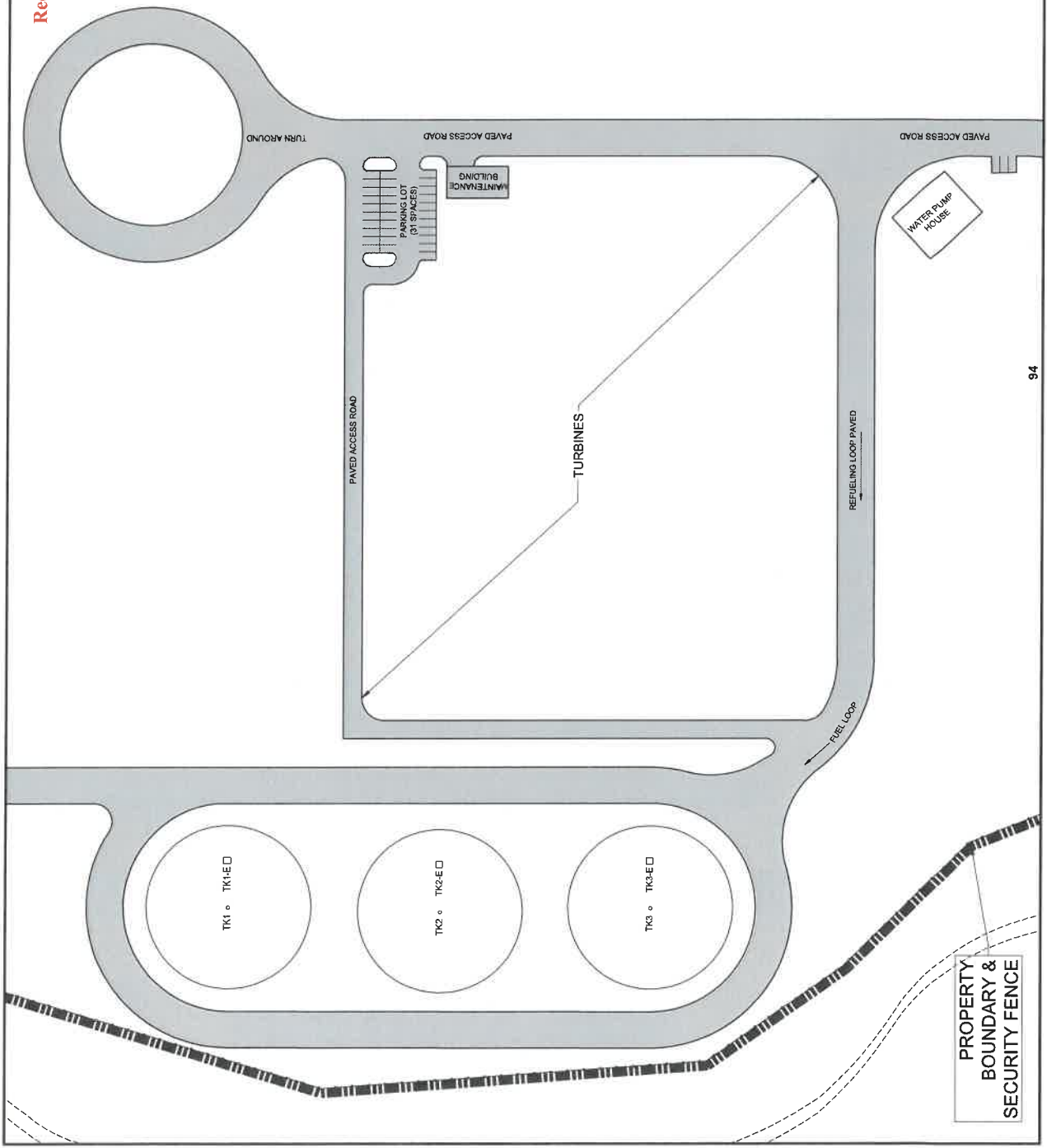
RIDGELINE

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COORDINATES
PROVIDED ARE
APPROXIMATE
BASED OF USGS
SCALE 1"=50'

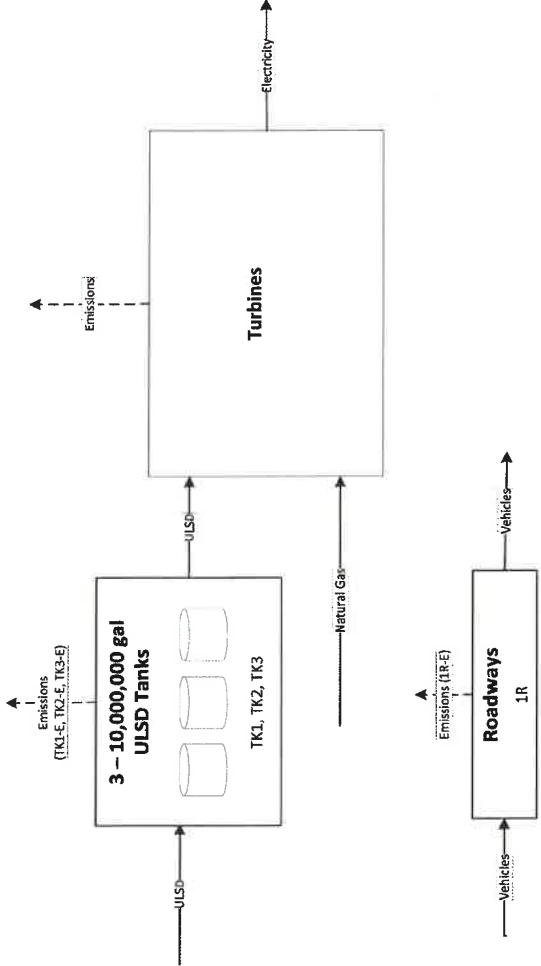



WV STATE PLANE NORTH

ATTACHMENT F

PROCESS FLOW DIAGRAM

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*HAND SIGNATURE ON FILE	
 Civil & Environmental Consultants, Inc.	700 Cherrington Parkway Moon Township, PA 15108 Ph: 412.429.2324 - 800.365.2324 www.cecinc.com
FUNDAMENTAL DATA LLC RIDGELINE FACILITY TUCKER COUNTY, WEST VIRGINIA	
PROCESS FLOW DIAGRAM	
DRAWN BY: TAF	CNS
CHECKED BY: 03/18/2025	NTS
DATE: 03/18/2025	DWG SCALE: 1"=100'
APPROVED BY: LEB*	ATTACHMENT: F
PROJECT NO: 350-613.0001	

ATTACHMENT G
PROCESS DESCRIPTION

RIDGELINE FACILITY

Attachment G - Process Description

FUNDAMENTAL DATA LLC (FUNDAMENTAL) is constructing the RIDGELINE FACILITY in Tucker County, West Virginia. The station will be powered via turbines equipped with heat recovery steam generators. The turbines will be equipped with SCR and CO Catalyst systems to reduce NO_x and CO emissions. The turbines will primarily use natural gas as fuel. However, they may be required to use diesel as a backup fuel source when necessary, such as during a natural gas pipeline failure. It is the intention of FUNDAMENTAL to operate the turbines solely on natural gas. In order to avoid designation as a Title V facility, the facility will restrict turbine operations as discussed below.

If operating solely with natural gas, without any operational restrictions, the facility would exceed the major source threshold for NO_x, PM, PM₁₀, and PM_{2.5} based on the Potential-to-Emit (PTE) calculations included as Attachment N to this application. For natural gas operations, which is the intended operating scenario, the total hours of turbine operations would be restricted to 61,320 hours per year. This limitation also includes an assumed amount of turbine startups and shutdowns.

If operating solely with diesel fuel, without any operational restrictions, the facility would exceed the major source threshold for NO_x, PM, and Manganese based on the Potential-to-Emit (PTE) calculations included as Attachment N to this application. For diesel operations, the total hours of turbine operations would be restricted to 25,000 hours per year to avoid exceeding any major source thresholds. This limitation also includes an assumed amount of turbine startups and shutdowns.

FUNDAMENTAL is proposing to be permitted as a synthetic minor facility. FUNDAMENTAL will restrict total turbine operations to 61,320 hours per year for natural gas operations. Total turbine hours for diesel operations will be restricted to 25,000 hours per year. FUNDAMENTAL may operate using any combination of natural gas and diesel such that they restrict the total hours of operation as needed to remain under all major source thresholds. FUNDAMENTAL will keep records of the total hours of operation for each turbine including the total amount of hours each turbine uses natural gas as a fuel and the total amount of hours each turbine uses diesel as a fuel. FUNDAMENTAL will keep rolling 12-month emission calculations to ensure their emissions remain below any major source thresholds.

Additional sources at the facility will include a paved roadway and three (3), 10,000,000-gallon diesel storage tanks. These sources are included in this application. The facility will also have storage tanks for well water. These are not expected to emit any regulated air pollutants and are therefore not included as sources in this application due to being de minimis sources under 45CSR13, Table 45-13 B, Item 50. A diesel fire pump may be installed as part of the facility's fire suppression system. This system is not included in this application since fire suppression systems are considered to be de minimis sources under 45CSR13, Table 45-13 B, Item 27. The facility may also have an unpaved roadway, but this will not regularly be utilized for hauling activities, so it is not considered in the remainder of this application.

ATTACHMENT I

EMISSION UNITS TABLE

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Attachment I

Emission Units Table

(includes all emission units and air pollution control devices that will be part of this permit application review, regardless of permitting status)

[illegible]

¹ For Emission Units (or Sources) use the following numbering system: 1S, 2S, 3S,... or other appropriate designation.

² For Emission Points use the following numbering system: 1E, 2E, 3E, ... or other appropriate designation.

³ New, modification, removal

⁴ For Control Devices use the following numbering system: 1C, 2C, 3C,... or other appropriate designation.

ATTACHMENT J

EMISSION POINTS DATA SUMMARY SHEET

EMISSION POINTS DATA SUMMARY SHEET

Table 1: Emissions Data															
Emission Point ID No. (Must match Emission Units Table & Plot Plan)	Emission Point Type ¹	Emission Unit Vented Through This Point (Must match Emission Units Table & Plot Plan)		Air Pollution Control Device (Must match Emission Units Table & Plot Plan)		Vent Time for Emission Unit (chemical processes only)		All Regulated Pollutants - Chemical Name/CAS ³ (Speciate VOCs & HAPS)	Maximum Potential Uncontrolled Emissions ⁴ With Annual Hourly Restrictions		Maximum Potential Controlled Emissions ⁵ With Annual Hourly Restrictions		Emission Form or Phase (At exit conditions, Solid, Liquid or Gas/Vapor)	Est. Method Used ⁶	Emission Concentration ⁷ (ppmv or mg/m ³)
		ID No.	Source	ID No.	Device Type	Short Term ²	Max (hr/yr)		lb/hr	ton/yr	lb/hr	ton/yr			
TBD		Turbines		SCR and CO Catalyst Systems		N/A	N/A	NOx (normal operation)	744.90	945.55	74.50	94.43	Gas/Vapor	O – AP42/ Vendor Data	N/A
								CO (normal operation)	62.60	191.93	6.30	19.32			N/A
								VOC	30.90	43.84	30.90	43.84			N/A
								SO2	19.21	58.89	19.21	58.89			N/A
								PM	44.20	95.35	44.20	95.35			N/A
								PM10	23.30	71.44	23.30	71.44			N/A
								PM2.5	23.30	71.44	23.30	71.44			N/A
								Total HAPs	5.64	9.33	5.64	9.33			N/A
								HCHO	1.26	3.86	1.26	3.86			N/A
								Lead	0.06	0.08	0.06	0.08			N/A
								CO2e	744,913	2,051,684	744,913	2,051,684			N/A

Table 1: Emissions Data Continued															
Emission Point ID No. (Must match Emission Units Table & Plot Plan)	Emission Point Type ¹	Emission Unit Vented Through This Point (Must match Emission Units Table & Plot Plan)		Air Pollution Control Device (Must match Emission Units Table & Plot Plan)		Vent Time for Emission Unit (chemical processes only)		All Regulated Pollutants - Chemical Name/CAS ³ (Speciate VOCs & HAPS)	Maximum Potential Uncontrolled Emissions ⁴		Maximum Potential Controlled Emissions ⁵		Emission Form or Phase (At exit conditions, Solid, Liquid or Gas/Vapor)	Est. Method Used ⁶	Emission Concentration ⁷ (ppmv or mg/m ³)
		ID No.	Source	ID No.	Device Type	Short Term ²	Max (hr/yr)		lb/hr	ton/yr	lb/hr	ton/yr			
TK1-E	TBD	TK1	Diesel Tank	N/A	N/A	N/A	N/A	VOC	0.01	0.03	0.01	0.03	Gas/Vapor	O – TANKS 5.1	N/A
								Total HAPs	0.01	0.03	0.01	0.03			
TK2-E	TBD	TK2	Diesel Tank	N/A	N/A	N/A	N/A	VOC	0.01	0.03	0.01	0.03	Gas/Vapor	O – TANKS 5.1	N/A
								Total HAPs	0.01	0.03	0.01	0.03			
TK3-E	TBD	TK3	Diesel Tank	N/A	N/A	N/A	N/A	VOC	0.01	0.03	0.01	0.03	Gas/Vapor	O – TANKS 5.1	N/A
								Total HAPs	0.01	0.03	0.01	0.03			

The EMISSION POINTS DATA SUMMARY SHEET provides a summation of emissions by emission unit. Note that uncaptured process emission unit emissions are not typically considered to be fugitive and must be accounted for on the appropriate EMISSIONS UNIT DATA SHEET and on the EMISSION POINTS DATA SUMMARY SHEET. Please note that total emissions from the source are equal to all vented emissions, all fugitive emissions, plus all other emissions (e.g. uncaptured emissions). Please complete the FUGITIVE EMISSIONS DATA SUMMARY SHEET for fugitive emission activities.

¹ Please add descriptors such as upward vertical stack, downward vertical stack, horizontal stack, relief vent, rain cap, etc.

² Indicate by "C" if venting is continuous. Otherwise, specify the average short-term venting rate with units, for intermittent venting (e.g., 15 min/hr). Indicate as many rates as needed to clarify frequency of venting (e.g., 5 min/day, 2 days/wk).

³ List all regulated air pollutants. Speciate VOCs, including all HAPs. Follow chemical name with Chemical Abstracts Service (CAS) number. **LIST** Acids, CO, CS₂, VOCs, H₂S, Inorganics, Lead, Organics, O₃, NO, NO₂, SO₂, SO₃, all applicable Greenhouse Gases (including CO₂ and methane), etc. **DO NOT LIST** H₂, H₂O, N₂, O₂, and Noble Gases.

⁴ Give maximum potential emission rate with no control equipment operating. If emissions occur for less than 1 hr, then record emissions per batch in minutes (e.g. 5 lb VOC/20 minute batch).

⁵ Give maximum potential emission rate with proposed control equipment operating. If emissions occur for less than 1 hr, then record emissions per batch in minutes (e.g. 5 lb VOC/20 minute batch).

⁶ Indicate method used to determine emission rate as follows: MB = material balance; ST = stack test (give date of test); EE = engineering estimate; O = other (specify).

⁷ Provide for all pollutant emissions. Typically, the units of parts per million by volume (ppmv) are used. If the emission is a mineral acid (sulfuric, nitric, hydrochloric or phosphoric)

use units of milligram per dry cubic meter (mg/m³) at standard conditions (68 °F and 29.92 inches Hg) (see 45CSR7). If the pollutant is SO₂, use units of ppmv (See 45CSR10).

Attachment J

EMISSION POINTS DATA SUMMARY SHEET

Table 2: Release Parameter Data								
Emission Point ID No. <i>(Must match Emission Units Table)</i>	Inner Diameter (ft.)	Exit Gas			Emission Point Elevation (ft)		UTM Coordinates (km)	
		Temp. (°F)	Volumetric Flow ¹ (acfm) <i>at operating conditions</i>	Velocity (fps)	Ground Level <i>(Height above mean sea level)</i>	Stack Height ² <i>(Release height of emissions above ground level)</i>	Northing	Easting
	TBD	~1,000 - 1,100	Approx. 11,000,000 (total for all turbines)	TBD	3,129 (facility center)	TBD	TBD	TBD
TK1-E	TBD	Ambient	TBD	TBD	3,129 (facility center)	TBD	TBD	TBD
TK2-E	TBD	Ambient	TBD	TBD	3,129 (facility center)	TBD	TBD	TBD
TK3-E	TBD	Ambient	TBD	TBD	3,129 (facility center)	TBD	TBD	TBD

¹ Give at operating conditions. Include inerts.

² Release height of emissions above ground level.

ATTACHMENT K

FUGITIVE EMISSIONS DATA SUMMARY SHEET

Attachment K

FUGITIVE EMISSIONS DATA SUMMARY SHEET

The FUGITIVE EMISSIONS SUMMARY SHEET provides a summation of fugitive emissions. Fugitive emissions are those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening. Note that uncaptured process emissions are not typically considered to be fugitive, and must be accounted for on the appropriate EMISSIONS UNIT DATA SHEET and on the EMISSION POINTS DATA SUMMARY SHEET.

Please note that total emissions from the source are equal to all vented emissions, all fugitive emissions, plus all other emissions (e.g. uncaptured emissions).

APPLICATION FORMS CHECKLIST - FUGITIVE EMISSIONS	
1.)	Will there be haul road activities? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, then complete the HAUL ROAD EMISSIONS UNIT DATA SHEET.
2.)	Will there be Storage Piles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If YES, complete Table 1 of the NONMETALLIC MINERALS PROCESSING EMISSIONS UNIT DATA SHEET.
3.)	Will there be Liquid Loading/Unloading Operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If YES, complete the BULK LIQUID TRANSFER OPERATIONS EMISSIONS UNIT DATA SHEET.
4.)	Will there be emissions of air pollutants from Wastewater Treatment Evaporation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If YES, complete the GENERAL EMISSIONS UNIT DATA SHEET.
5.)	Will there be Equipment Leaks (e.g. leaks from pumps, compressors, in-line process valves, pressure relief devices, open-ended valves, sampling connections, flanges, agitators, cooling towers, etc.)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, complete the LEAK SOURCE DATA SHEET section of the CHEMICAL PROCESSES EMISSIONS UNIT DATA SHEET.
6.)	Will there be General Clean-up VOC Operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If YES, complete the GENERAL EMISSIONS UNIT DATA SHEET.
7.)	Will there be any other activities that generate fugitive emissions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If YES, complete the GENERAL EMISSIONS UNIT DATA SHEET or the most appropriate form.
If you answered "NO" to all of the items above, it is not necessary to complete the following table, "Fugitive Emissions Summary."	

FUGITIVE EMISSIONS SUMMARY		All Regulated Pollutants - Chemical Name/CAS # ¹	Maximum Potential Uncontrolled Emissions ²		Maximum Potential Controlled Emissions ³		Est. Method Used ⁴
			lb/hr	ton/yr	lb/hr	ton/yr	
Haul Road/Road Dust Emissions Paved Haul Roads		PM	0.48	2.11	0.48	2.11	EE/O - AP42
		PM10	0.10	0.42	0.10	0.42	
		PM2.5	0.02	0.10	0.02	0.10	
Unpaved Haul Roads		N/A	N/A	N/A	N/A	N/A	N/A
Storage Pile Emissions		N/A	N/A	N/A	N/A	N/A	N/A
Loading/Unloading Operations		N/A	N/A	N/A	N/A	N/A	N/A
Wastewater Treatment Evaporation & Operations		N/A	N/A	N/A	N/A	N/A	N/A
Equipment Leaks	Fugitive emissions from component leaks are possible but would consist mostly of natural gas which contains an insignificant amount of regulated pollutants.		Does not apply	N/A	Does not apply	N/A	N/A
General Clean-up VOC Emissions		N/A	N/A	N/A	N/A	N/A	N/A
Other		N/A	N/A	N/A	N/A	N/A	N/A

¹ List all regulated air pollutants. Speciate VOCs, including all HAPs. Follow chemical name with Chemical Abstracts Service (CAS) number. LIST Acids, CO, CS₂, VOCs, H₂S, Inorganics, Lead, Organics, O₃, NO, NO₂, SO₂, SO₃, all applicable Greenhouse Gases (including CO₂ and methane), etc. DO NOT LIST H₂, H₂O, N₂, O₂, and Noble Gases.

² Give rate with no control equipment operating. If emissions occur for less than 1 hr, then record emissions per batch in minutes (e.g. 5 lb VOC/20 minute batch).

³ Give rate with proposed control equipment operating. If emissions occur for less than 1 hr, then record emissions per batch in minutes (e.g. 5 lb VOC/20 minute batch).

⁴ Indicate method used to determine emission rate as follows: MB = material balance; ST = stack test (give date of test); EE = engineering estimate; O = other (specify).

ATTACHMENT L

EMISSIONS UNIT DATA SHEET(S)

Redacted Copy - Claim of Confidentiality

**Attachment L
EMISSIONS UNIT DATA SHEET
GENERAL**

To be used for affected sources other than asphalt plants, foundries, incinerators, indirect heat exchangers, and quarries.

Identification Number (as assigned on *Equipment List Form*): [REDACTED]

1. Name or type and model of proposed affected source: Combustion Turbines
2. On a separate sheet(s), furnish a sketch(es) of this affected source. If a modification is to be made to this source, clearly indicated the change(s). Provide a narrative description of all features of the affected source which may affect the production of air pollutants. Please see process description (Attachment G) and plot plan (Attachment E)
3. Name(s) and maximum amount of proposed process material(s) charged per hour: N/A
4. Name(s) and maximum amount of proposed material(s) produced per hour: N/A
5. Give chemical reactions, if applicable, that will be involved in the generation of air pollutants: Emissions are generated via combustion.

* The identification number which appears here must correspond to the air pollution control device identification number appearing on the *List Form*.

6. Combustion Data (if applicable): (a) Type and amount in appropriate units of fuel(s) to be burned: Fuel usage is representative of total for all units. Maximum natural gas fuel input - 32,806 MMSCF/year Maximum ULSD fuel input - 583.5 MMBb/year		
(b) Chemical analysis of proposed fuel(s), excluding coal, including maximum percent sulfur and ash: Natural gas – negligible sulfur and ash content ULSD – maximum 15 ppm sulfur; negligible ash content		
(c) Theoretical combustion air requirement (ACF/unit of fuel): <div style="display: flex; justify-content: space-between;"> TBD @ °F and psia. </div>		
(d) Percent excess air: TBD		
(e) Type and BTU/hr of burners and all other firing equipment planned to be used: N/A		
(f) If coal is proposed as a source of fuel, identify supplier and seams and give sizing of the coal as it will be fired: N/A		
(g) Proposed maximum design heat input: 5650 (total for all units) × 10 ⁶ BTU/hr.		
7. Projected operating schedule:		
24 Hours/Day	7 Days/Week	52 Weeks/Year

8. Projected amount of pollutants that would be emitted from this affected source if no control devices were used: **Emissions are representative of total for all units.**

@		0	°F and	13.120	psia
a.	NO _x (for normal operation)	744.90	lb/hr	N/A	grains/ACF
b.	SO ₂	19.21	lb/hr	N/A	grains/ACF
c.	CO (for normal operation)	62.60	lb/hr	N/A	grains/ACF
d.	PM ₁₀	23.30	lb/hr	N/A	grains/ACF
e.	Hydrocarbons	62.89	lb/hr	N/A	grains/ACF
f.	VOCs	30.90	lb/hr	N/A	grains/ACF
g.	Pb	0.06	lb/hr	N/A	grains/ACF
h.	Specify other(s)				
	Please see attached emission calculations for additional pollutants.		lb/hr		grains/ACF
			lb/hr		grains/ACF
			lb/hr		grains/ACF
			lb/hr		grains/ACF

NOTE: (1) An Air Pollution Control Device Sheet must be completed for any air pollution device(s) used to control emissions from this affected source.

(2) Complete the Emission Points Data Sheet.

9. Proposed Monitoring, Recordkeeping, Reporting, and Testing

Please propose monitoring, recordkeeping, and reporting in order to demonstrate compliance with the proposed operating parameters. Please propose testing in order to demonstrate compliance with the proposed emissions limits.

MONITORING

Please see Attachment O

RECORDKEEPING

Please see Attachment O

REPORTING

Please see Attachment O

TESTING

Please see Attachment O

MONITORING. PLEASE LIST AND DESCRIBE THE PROCESS PARAMETERS AND RANGES THAT ARE PROPOSED TO BE MONITORED IN ORDER TO DEMONSTRATE COMPLIANCE WITH THE OPERATION OF THIS PROCESS EQUIPMENT OPERATION/AIR POLLUTION CONTROL DEVICE.

RECORDKEEPING. PLEASE DESCRIBE THE PROPOSED RECORDKEEPING THAT WILL ACCOMPANY THE MONITORING.

REPORTING. PLEASE DESCRIBE THE PROPOSED FREQUENCY OF REPORTING OF THE RECORDKEEPING.

TESTING. PLEASE DESCRIBE ANY PROPOSED EMISSIONS TESTING FOR THIS PROCESS EQUIPMENT/AIR POLLUTION CONTROL DEVICE.

10. Describe all operating ranges and maintenance procedures required by Manufacturer to maintain warranty

TBD

Attachment L EMISSIONS UNIT DATA SHEET STORAGE TANKS

Provide the following information for each new or modified bulk liquid storage tank as shown on the *Equipment List Form* and other parts of this application. A tank is considered modified if the material to be stored in the tank is different from the existing stored liquid.

IF USING US EPA'S TANKS EMISSION ESTIMATION PROGRAM (AVAILABLE AT www.epa.gov/tnn/tanks.html), APPLICANT MAY ATTACH THE SUMMARY SHEETS IN LIEU OF COMPLETING SECTIONS III, IV, & V OF THIS FORM. HOWEVER, SECTIONS I, II, AND VI OF THIS FORM MUST BE COMPLETED. US EPA'S AP-42, SECTION 7.1, "ORGANIC LIQUID STORAGE TANKS," MAY ALSO BE USED TO ESTIMATE VOC AND HAP EMISSIONS (<http://www.epa.gov/tnn/chief/>).

I. GENERAL INFORMATION (required)

1. Bulk Storage Area Name RIDGELINE FACILITY	2. Tank Name Diesel Tanks
3. Tank Equipment Identification No. (as assigned on <i>Equipment List Form</i>) TK1, TK2, TK3	4. Emission Point Identification No. (as assigned on <i>Equipment List Form</i>) TK1-E, TK2-E, TK3-E
5. Date of Commencement of Construction (for existing tanks) N/A	
6. Type of change <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> New Stored Material <input type="checkbox"/> Other Tank Modification	
7. Description of Tank Modification (if applicable) N/A	
7A. Does the tank have more than one mode of operation? (e.g. Is there more than one product stored in the tank?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7B. If YES, explain and identify which mode is covered by this application (Note: A separate form must be completed for each mode). N/A	
7C. Provide any limitations on source operation affecting emissions, any work practice standards (e.g. production variation, etc.): N/A	

II. TANK INFORMATION (required)

8. Design Capacity (specify barrels or gallons). Use the internal cross-sectional area multiplied by internal height. <div style="text-align: right;">Approx. 12.6 MMgal</div>	
9A. Tank Internal Diameter (ft) <div style="text-align: center;">180</div>	9B. Tank Internal Height (or Length) (ft) <div style="text-align: center;">66</div>
10A. Maximum Liquid Height (ft) <div style="text-align: center;">Assume 90% fill. Approx. 162 ft</div>	10B. Average Liquid Height (ft) <div style="text-align: center;">TBD</div>
11A. Maximum Vapor Space Height (ft) <div style="text-align: center;">N/A</div>	11B. Average Vapor Space Height (ft) <div style="text-align: center;">N/A</div>
12. Nominal Capacity (specify barrels or gallons). This is also known as "working volume" and considers design liquid levels and overflow valve heights. <div style="text-align: right;">10,000,000 gallons</div>	

13A. Maximum annual throughput (gal/yr) 15,000,000 gallons, total for all tanks	13B. Maximum daily throughput (gal/day) TBD
14. Number of Turnovers per year (annual net throughput/maximum tank liquid volume) 0.5	
15. Maximum tank fill rate (gal/min) TBD	
16. Tank fill method TBD <input type="checkbox"/> Submerged <input type="checkbox"/> Splash <input type="checkbox"/> Bottom Loading	
17. Complete 17A and 17B for Variable Vapor Space Tank Systems <input checked="" type="checkbox"/> Does Not Apply	
17A. Volume Expansion Capacity of System (gal) N/A	17B. Number of transfers into system per year N/A
18. Type of tank (check all that apply): <input type="checkbox"/> Fixed Roof <input type="checkbox"/> vertical <input type="checkbox"/> horizontal <input type="checkbox"/> flat roof <input type="checkbox"/> cone roof <input type="checkbox"/> dome roof <input type="checkbox"/> other (describe) <input type="checkbox"/> External Floating Roof <input type="checkbox"/> pontoon roof <input type="checkbox"/> double deck roof <input type="checkbox"/> Domed External (or Covered) Floating Roof <input checked="" type="checkbox"/> Internal Floating Roof <input checked="" type="checkbox"/> vertical column support <input type="checkbox"/> self-supporting <input type="checkbox"/> Variable Vapor Space <input type="checkbox"/> lifter roof <input type="checkbox"/> diaphragm <input type="checkbox"/> Pressurized <input type="checkbox"/> spherical <input type="checkbox"/> cylindrical <input type="checkbox"/> Underground <input type="checkbox"/> Other (describe)	

III. TANK CONSTRUCTION & OPERATION INFORMATION (optional if providing TANKS Summary Sheets)

19. Tank Shell Construction: <input type="checkbox"/> Riveted <input type="checkbox"/> Gunitite lined <input type="checkbox"/> Epoxy-coated rivets <input checked="" type="checkbox"/> Other (describe) Welded		
20A. Shell Color White	20B. Roof Color White	20C. Year Last Painted TBD
21. Shell Condition (if metal and unlined): Tanks will be new, but light rust conditions were used for calculations. <input checked="" type="checkbox"/> No Rust <input checked="" type="checkbox"/> Light Rust <input type="checkbox"/> Dense Rust <input type="checkbox"/> Not applicable		
22A. Is the tank heated? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Heating will only be used to prevent freezing.		
22B. If YES, provide the operating temperature (°F) Tanks will be ambient unless freeze protection is needed.		
22C. If YES, please describe how heat is provided to tank. Internal steam coils on bottom of tank.		
23. Operating Pressure Range (psig): to Tanks will be kept at ambient pressure.		
24. Complete the following section for Vertical Fixed Roof Tanks <input checked="" type="checkbox"/> Does Not Apply		
24A. For dome roof, provide roof radius (ft) N/A		
24B. For cone roof, provide slope (ft/ft) N/A		
25. Complete the following section for Floating Roof Tanks <input type="checkbox"/> Does Not Apply		
25A. Year Internal Floaters Installed: TBD		
25B. Primary Seal Type: <input checked="" type="checkbox"/> Metallic (Mechanical) Shoe Seal <input type="checkbox"/> Liquid Mounted Resilient Seal (check one) <input type="checkbox"/> Vapor Mounted Resilient Seal <input type="checkbox"/> Other (describe):		
25C. Is the Floating Roof equipped with a Secondary Seal? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
25D. If YES, how is the secondary seal mounted? (check one) <input type="checkbox"/> Shoe <input checked="" type="checkbox"/> Rim <input type="checkbox"/> Other (describe):		
25E. Is the Floating Roof equipped with a weather shield? TBD <input type="checkbox"/> YES <input type="checkbox"/> NO		

25F. Describe deck fittings; indicate the number of each type of fitting:		
ACCESS HATCH		
BOLT COVER, GASKETED:	UNBOLTED COVER, GASKETED: 1	UNBOLTED COVER, UNGASKETED:
AUTOMATIC GAUGE FLOAT WELL		
BOLT COVER, GASKETED: 1	UNBOLTED COVER, GASKETED:	UNBOLTED COVER, UNGASKETED:
COLUMN WELL		
BUILT-UP COLUMN – SLIDING COVER, GASKETED:	BUILT-UP COLUMN – SLIDING COVER, UNGASKETED:	PIPE COLUMN – FLEXIBLE FABRIC SLEEVE SEAL: 72 Round Pipe, Gasketed Sliding Cover
LADDER WELL		
PIP COLUMN – SLIDING COVER, GASKETED: 1	PIPE COLUMN – SLIDING COVER, UNGASKETED:	
GAUGE-HATCH/SAMPLE PORT		
SLIDING COVER, GASKETED: 1 – Weighted Mechanical Actuation, Gasketed	SLIDING COVER, UNGASKETED:	
ROOF LEG OR HANGER WELL		
WEIGHTED MECHANICAL ACTUATION, GASKETED:	WEIGHTED MECHANICAL ACTUATION, UNGASKETED:	SAMPLE WELL-SLIT FABRIC SEAL (10% OPEN AREA)
VACUUM BREAKER		
WEIGHTED MECHANICAL ACTUATION, GASKETED:	WEIGHTED MECHANICAL ACTUATION, UNGASKETED:	
RIM VENT		
WEIGHTED MECHANICAL ACTUATION GASKETED: 19 – open rim vents. Weighted mechanical actuation, gasketed type assumed for calculations.	WEIGHTED MECHANICAL ACTUATION, UNGASKETED:	
DECK DRAIN (3-INCH DIAMETER)		
OPEN:	90% CLOSED:	
STUB DRAIN		
1-INCH DIAMETER:		
OTHER (DESCRIBE, ATTACH ADDITIONAL PAGES IF NECESSARY)		
1 – Slotted guidepole and well; gasketed sliding cover with pole sleeve 1 – Center deck leg; adjustable, internal floating roof 1 – Ladder-slotted guidepole combination well; ladder sleeve, gasketed sliding cover		

26. Complete the following section for Internal Floating Roof Tanks <input type="checkbox"/> Does Not Apply	
26A. Deck Type: <input type="checkbox"/> Bolted <input checked="" type="checkbox"/> Welded	
26B. For Bolted decks, provide deck construction: N/A	
26C. Deck seam: TBD <input type="checkbox"/> Continuous sheet construction 5 feet wide <input type="checkbox"/> Continuous sheet construction 6 feet wide <input type="checkbox"/> Continuous sheet construction 7 feet wide <input type="checkbox"/> Continuous sheet construction 5 × 7.5 feet wide <input type="checkbox"/> Continuous sheet construction 5 × 12 feet wide <input type="checkbox"/> Other (describe)	
26D. Deck seam length (ft) TBD	26E. Area of deck (ft²) TBD
For column supported tanks:	26G. Diameter of each column:
26F. Number of columns: 18	1 ft

IV. SITE INFORMATION (optional if providing TANKS Summary Sheets)

27. Provide the city and state on which the data in this section are based. Elkins, WV	
28. Daily Average Ambient Temperature (°F)	50.25
29. Annual Average Maximum Temperature (°F)	61.5
30. Annual Average Minimum Temperature (°F)	39
31. Average Wind Speed (miles/hr)	4.5
32. Annual Average Solar Insulation Factor (BTU/(ft²·day))	1173
33. Atmospheric Pressure (psia)	13.69

V. LIQUID INFORMATION (optional if providing TANKS Summary Sheets)

34. Average daily temperature range of bulk liquid:			
34A. Minimum (°F)	N/A	34B. Maximum (°F)	N/A
35. Average operating pressure range of tank:			
35A. Minimum (psig)	Ambient	35B. Maximum (psig)	Ambient
36A. Minimum Liquid Surface Temperature (°F)	N/A	36B. Corresponding Vapor Pressure (psia)	N/A
37A. Average Liquid Surface Temperature (°F)	52.13	37B. Corresponding Vapor Pressure (psia)	0.005
38A. Maximum Liquid Surface Temperature (°F)	N/A	38B. Corresponding Vapor Pressure (psia)	N/A
39. Provide the following for <u>each</u> liquid or gas to be stored in tank. Add additional pages if necessary.			
39A. Material Name or Composition	Diesel		
39B. CAS Number	Varies		
39C. Liquid Density (lb/gal)	Approx. 7.1		
39D. Liquid Molecular Weight (lb/lb-mole)	Approx. 188		
39E. Vapor Molecular Weight (lb/lb-mole)	Approx. 130		

Maximum Vapor Pressure			
39F. True (psia)	0.006 (at 60°F)		
39G. Reid (psia)	TBD		
Months Storage per Year	12		
39H. From	January		
39I. To	December		

VI. EMISSIONS AND CONTROL DEVICE DATA (required)

40. Emission Control Devices (check as many as apply): <input checked="" type="checkbox"/> Does Not Apply <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Carbon Adsorption¹ <input type="checkbox"/> Condenser¹ <input type="checkbox"/> Conservation Vent (psig) <div style="display: flex; justify-content: space-between; margin-left: 40px;"> Vacuum Setting Pressure Setting </div> <input type="checkbox"/> Emergency Relief Valve (psig) <input type="checkbox"/> Inert Gas Blanket of <input type="checkbox"/> Insulation of Tank with <input type="checkbox"/> Liquid Absorption (scrubber)¹ <input type="checkbox"/> Refrigeration of Tank <input type="checkbox"/> Rupture Disc (psig) <input type="checkbox"/> Vent to Incinerator¹ <input type="checkbox"/> Other¹ (describe): </div> <div style="width: 45%;"></div> </div> <p>¹ Complete appropriate Air Pollution Control Device Sheet.</p>					
41. Expected Emission Rate (submit Test Data or Calculations here or elsewhere in the application).					
Material Name & CAS No.	Breathing Loss (lb/hr)	Working Loss Amount	Units	Annual Loss (lb/yr)	Estimation Method ¹
Please see attached emission calculations and TANKS Report.					

¹ EPA = EPA Emission Factor, MB = Material Balance, SS = Similar Source, ST = Similar Source Test, Throughput Data, O = Other (specify)

☐ Remember to attach emissions calculations, including TANKS Summary Sheets if applicable.

Attachment L
FUGITIVE EMISSIONS FROM UNPAVED HAULROADS – N/A

UNPAVED HAULROADS (including all equipment traffic involved in process, haul trucks, endloaders, etc.)

		PM	PM-10
k =	Particle size multiplier	0.80	0.36
s =	Silt content of road surface material (%)		
p =	Number of days per year with precipitation >0.01 in.		

Item Number	Description	Number of Wheels	Mean Vehicle Weight (tons)	Mean Vehicle Speed (mph)	Miles per Trip	Maximum Trips per Hour	Maximum Trips per Year	Control Device ID Number	Control Efficiency (%)
1									
2									
3									
4									
5									
6									
7									
8									

Source: AP-42 Fifth Edition – 13.2.2 Unpaved Roads

$$E = k \times 5.9 \times (s \div 12) \times (S \div 30) \times (W \div 3)^{0.7} \times (w \div 4)^{0.5} \times ((365 - p) \div 365) = \text{lb/Vehicle Mile Traveled (VMT)}$$

Where:

		PM	PM-10
k =	Particle size multiplier	0.80	0.36
s =	Silt content of road surface material (%)		
S =	Mean vehicle speed (mph)		
W =	Mean vehicle weight (tons)		
w =	Mean number of wheels per vehicle		
p =	Number of days per year with precipitation >0.01 in.		

For lb/hr: $[\text{lb} \div \text{VMT}] \times [\text{VMT} \div \text{trip}] \times [\text{Trips} \div \text{Hour}] = \text{lb/hr}$

For TPY: $[\text{lb} \div \text{VMT}] \times [\text{VMT} \div \text{trip}] \times [\text{Trips} \div \text{Hour}] \times [\text{Ton} \div 2000 \text{ lb}] = \text{Tons/year}$

SUMMARY OF UNPAVED HAULROAD EMISSIONS

Item No.	PM				PM-10			
	Uncontrolled lb/hr		Controlled TPY		Uncontrolled lb/hr		Controlled TPY	
1								
2								
3								
4								
5								
6								
7								
8								
TOTALS								

FUGITIVE EMISSIONS FROM PAVED HAULROADS

INDUSTRIAL PAVED HAULROADS (including all equipment traffic involved in process, haul trucks, endloaders, etc.)

I =	Industrial augmentation factor (dimensionless)	N/A
n =	Number of traffic lanes	N/A
s =	Surface material silt content (%)	sL (road surface silt loading) = 1.4 g/m ²
L =	Surface dust loading (lb/mile)	N/A

Item Number	Description	Mean Vehicle Weight (tons)	Miles per Trip	Maximum Trips per Hour	Maximum Trips per Year	Control Device ID Number	Control Efficiency (%)
1	Paved Roadways	5.19	2.99	Yearly Avg. 2.34	20,558	N/A	N/A
2							
3							
4							
5							
6							
7							
8							

Source: AP-42 Fifth Edition – 11.2.6 Industrial Paved Roads

$$E = 0.077 \times I \times (4 \div n) \times (s \div 10) \times (L \div 1000) \times (W \div 3)^{0.7} = \text{PM 0.07; PM}_{10} \text{ 0.01 lb/Vehicle Mile Traveled (VMT)}$$

Where: AP-42, Chapter 13.2.1 Paved Roads was used for calculation methodology

I =	Industrial augmentation factor (dimensionless)	N/A
n =	Number of traffic lanes	N/A
s =	Surface material silt content (%)	sL (road surface silt loading) = 1.4 g/m ²
L =	Surface dust loading (lb/mile)	N/A
W =	Average vehicle weight (tons)	5.19

For lb/hr: $[\text{lb} \div \text{VMT}] \times [\text{VMT} \div \text{trip}] \times [\text{Trips} \div \text{Hour}] = \text{PM 0.48; PM}_{10} \text{ 0.10 lb/hr}$

For TPY: $[\text{lb} \div \text{VMT}] \times [\text{VMT} \div \text{trip}] \times [\text{Trips} \div \text{Hour}] \times [\text{Ton} \div 2000 \text{ lb}] = \text{PM 2.11; PM}_{10} \text{ 0.42 Tons/year}$

SUMMARY OF PAVED HAULROAD EMISSIONS

Item No.	Uncontrolled		Controlled	
	lb/hr	TPY	lb/hr	TPY
1	PM 0.48; PM ₁₀ 0.10	PM 2.11; PM ₁₀ 0.42	PM 0.48; PM ₁₀ 0.10	PM 2.11; PM ₁₀ 0.42
2				
3				
4				
5				
6				
7				
8				
TOTALS	PM 0.48; PM ₁₀ 0.10	PM 2.11; PM ₁₀ 0.42	PM 0.48; PM ₁₀ 0.10	PM 2.11; PM ₁₀ 0.42

ATTACHMENT M

AIR POLLUTION CONTROL DEVICE SHEET(S)

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Engine Air Pollution Control Device (Emission Unit ID# [REDACTED], use extra pages as necessary)	
Air Pollution Control Device Manufacturer's Data Sheet included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<input type="checkbox"/> NSCR <input checked="" type="checkbox"/> SCR <input checked="" type="checkbox"/> Oxidation Catalyst	
Provide details of process control used for proper mixing/control of reducing agent with gas stream: VPI's design utilizes CFD to confirm the distribution of ammonia upstream of the catalysts. Inlet duct geometry and upstream heating surface and its associated pressure drop are used to provide flow straightening. The logic for the AFCU skid for ammonia flow rate control will be tied into the plant DCS.	
Manufacturer: [REDACTED]	Model #: N/A
Design Operating Temperature: TBD °F	Design gas volume: TBD scfm
Service life of catalyst: 24,000 hours / 3 years after delivery	Provide manufacturer data? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Volume of gas handled: TBD acfm at TBD °F	Operating temperature range for NSCR/Ox Cat: From TBD °F to TBD °F
Reducing agent used, if any: Aqueous ammonia (19%)	Ammonia slip (ppm): 5 ppmvd @15%O2
Pressure drop against catalyst bed (delta P): TBD inches of H ₂ O	
Provide description of warning/alarm system that protects unit when operation is not meeting design conditions: Control logic for the SCR system will be provided for programming into the DCS.	
Is temperature and pressure drop of catalyst required to be monitored per 40CFR63 Subpart ZZZZ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
How often is catalyst recommended or required to be replaced (hours of operation)? Catalyst replacement is recommended at the end of the of the specified warranty period.	
How often is performance test required? Performance testing will be completed in accordance with the requirements of 40 CFR 60, Subpart KKKK.	

ATTACHMENT N

SUPPORTING EMISSIONS CALCULATIONS

Civil & Environmental Consultants, Inc.

SUBJECT

PTE Calculations - Emission Summary

PROJECT NO.

350-613

PROJECT

RIDGELINE FACILITY PTE Calculations

SHEET

1

MADE BY:

CNS

DATE:

3/17/2025

CHECKED BY:

CMG

DATE:

3/17/2025

SUBJECT

PTE Calculations - Emission Summary

PROJECT NO.

350-613

PROJECT

RIDGELINE FACILITY PTE Calculations

SHEET

1

MADE BY:

CNS

DATE:

3/17/2025

CHECKED BY:

CMG

DATE:

3/17/2025

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Hourly Emissions (lb/hr)^{1,2}

Pollutant	Total Turbine Emissions	Diesel Tank 1	Diesel Tank 2	Diesel Tank 3	Paved Roadways	Total
		TK1	TK2	TK3	1R	
Oxides of Nitrogen	30.80	--	--	--	--	30.80
Carbon Monoxide	6.30	--	--	--	--	6.30
Sulfur Dioxide	19.21	--	--	--	--	19.21
PM	31.10	--	--	--	0.48	31.58
PM ₁₀	23.30	--	--	--	0.10	23.40
PM _{2.5}	23.30	--	--	--	0.02	23.32
VOC	14.30	0.01	0.01	0.01	--	14.32
Formaldehyde	1.26	--	--	--	--	1.26
Total HAPs	3.04	0.01	0.01	0.01	--	3.06
Carbon Dioxide	667,810.00	--	--	--	--	667,810.00
Methane	48.59	--	--	--	--	48.59
Nitrous Oxide	0.01	--	--	--	--	0.01
Lead	0.00	--	--	--	--	0.00
CO ₂ e	669,172.98	--	--	--	--	669,172.98

Annual Emissions (ton/yr)^{1,3}

Pollutant	Total Restricted Turbine Emissions	Turbine Startup/Shutdown Emissions	Diesel Tank 1	Diesel Tank 2	Diesel Tank 3	Paved Roadways	Total
			TK1	TK2	TK3	1R	
Oxides of Nitrogen	94.43	4.54	--	--	--	--	98.98
Carbon Monoxide	19.32	37.05	--	--	--	--	56.36
Sulfur Dioxide	58.89	--	--	--	--	--	58.89
PM	95.35	--	--	--	--	2.11	97.46
PM ₁₀	71.44	--	--	--	--	0.42	71.86
PM _{2.5}	71.44	--	--	--	--	0.10	71.54
VOC	43.84	--	0.03	0.03	0.03	--	43.93
Formaldehyde	3.86	--	--	--	--	--	3.86
Total HAPs	9.33	--	0.03	0.03	0.03	--	9.42
Carbon Dioxide	2,047,505.46	--	--	--	--	--	2,047,505.46
Methane	148.97	--	--	--	--	--	148.97
Nitrous Oxide	0.03	--	--	--	--	--	0.03
Lead	--	--	--	--	--	--	0.00
CO ₂ e	2,051,684.36	--	--	--	--	--	2,051,684.36

¹ Emissions are representative of restricted turbine operations using natural gas as their only fuel.
² Hourly emissions are representative steady-state operations of turbines. Startup and shutdown emissions will vary.
³ In total, the operation of all turbines, if operating solely on natural gas, would be restricted to 61,320 hours per year. The facility total is based on this restriction.

Civil & Environmental Consultants, Inc.

SUBJECT

PTE Calculations - Emission Summary

PROJECT

RIDGELINE FACILITY PTE Calculations

MADE BY:

CMS

DATE:

3/17/2025

CHECKED BY:

CMG

DATE:

3/17/2025

PROJECT NO.

350-613

SHEET

2

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Hourly Emissions (lb/hr)^{1,2}

Pollutant	Total Turbine Emissions	Diesel Tank				Paved Roadways		Total
		Diesel Tank 1	Diesel Tank 2	Diesel Tank 3	Diesel Tank 1	Diesel Tank 2	Diesel Tank 3	
Oxides of Nitrogen	74.50	TK1	TK2	TK3	TK1	TK2	TK3	74.50
Carbon Monoxide	5.40							5.40
Sulfur Dioxide	6.82							6.82
PM	44.20							44.20
PM ₁₀	22.10							22.10
PM _{2.5}	22.10							22.10
VOC	30.90	0.01	0.01	0.01	0.01	0.01	0.01	30.92
Formaldehyde	1.26							1.26
Total HAPs	5.64	0.01	0.01	0.01	0.01	0.01	0.01	5.66
Carbon Dioxide	744,890.00							744,890.00
Methane	0.29							0.29
Nitrous Oxide	0.06							0.06
Lead	0.06							0.06
CO ₂ e	744,913.46							744,913.46

Annual Emissions (ton/yr)^{1,3}

Pollutant	Total Restricted Turbine Emissions	Turbine Startup/Shutdown Emissions	Diesel Tank				Paved Roadways		Total
			Diesel Tank 1	Diesel Tank 2	Diesel Tank 3	Diesel Tank 1	Diesel Tank 2	Diesel Tank 3	
Oxides of Nitrogen	93.13	6.22	TK1	TK2	TK3	TK1	TK2	TK3	99.35
Carbon Monoxide	6.75	46.10							52.85
Sulfur Dioxide	8.53								8.53
PM	55.25								55.25
PM ₁₀	27.63								27.63
PM _{2.5}	27.63								27.63
VOC	38.63		0.03	0.03	0.03	0.03	0.03	0.03	38.71
Formaldehyde	1.58								1.58
Total HAPs	7.05		0.03	0.03	0.03	0.03	0.03	0.03	7.14
Carbon Dioxide	931,112.50								931,112.50
Methane	0.36								0.36
Nitrous Oxide	0.07								0.07
Lead	0.08								0.08
CO ₂ e	931,141.83								931,141.83

¹ Emissions are representative of restricted turbine operations using diesel as their only fuel.
² Hourly emissions are representative steady-state operations of turbines. Startup and shutdown emissions may vary.
³ In total, the operation of all turbines, if operating solely on diesel fuel, would be restricted to 25,000 hours per year. The facility total is based on this restriction.

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Civil & Environmental Consultants, Inc.			
SUBJECT	PTE Calculations - Natural Gas Turbines	PROJECT NO.	350-613
PROJECT	RIDGELINE FACILITY PTE Calculations	SHEET	3
	Tucker County, West Virginia		
MADE BY:	CNS	DATE:	3/18/2025
		CHECKED BY:	CMG
		DATE:	3/18/2025

Assumptions:		Reference:
Unrestricted Operating Schedule	8,760 hr/yr/turbine	Continuous Operations Assumption
Unrestricted Operating Schedule	365 days/yr	Continuous Operations Assumption
Restricted Operating Schedule	61,320 hr/yr	Total Restricted Hours for All Turbines
Number of Turbines	(turbine(s))	Site Design
Number of Startups ¹		Facility Personnel
Number of Shutdowns ¹		Facility Personnel
Fuel HHV ²	1,056 Btu/scf	Representative Gas Composition
Maximum Fuel Consumption (for single unit)	MMSCFD	Manufacturer's Information
Maximum Fuel Consumption (total for all units)	128.40 MMSCFD	Manufacturer's Information
Maximum Fuel Consumption (for single unit)	MMSCFH	Calculated
Maximum Fuel Consumption (total for all units)	5.35 MMSCFH	Calculated
Heat Input (for single unit)	MMBtu/hr	Calculated
Heat Input (total for all units)	5,649.60 MMBtu/hr	Calculated

Startup/Shutdown Emissions

Pollutant	Emission Rate Per Startup Event	Emission Rate Per Shutdown Event	Annual Emission Rate
	(lb/event) ³	(lb/event) ³	(ton/yr)
Oxides of Nitrogen			4.54
Carbon Monoxide			37.05

Controlled Steady-State Operations Emissions

Pollutant	Emission Factor ⁴		Single Turbine		Total of All Turbines		
			Hourly Emission Rate	Unrestricted Annual Emissions	Hourly Emission Rate	Unrestricted Annual Emissions	Restricted Annual Emissions ⁵
			(lb/hr)	(ton/yr)	(lb/hr)	(ton/yr)	(ton/yr)
Oxides of Nitrogen ⁶	--	--			30.80	134.90	94.43
Carbon Monoxide ⁶	--	--			6.30	27.59	19.32
Sulfur Dioxide	3.40E-03	lb/MMBtu			19.21	84.13	58.89
PM ⁶	--	--			31.10	136.22	95.35
PM ₁₀ filterable ⁷	--	--			7.80	34.16	23.91
PM ₁₀ + CPM ⁶	--	--			23.30	102.05	71.44
PM _{2.5} ⁷	--	--			23.30	102.05	71.44
PM _{2.5} ⁷	--	--			23.30	102.05	71.44
VOC (as CH ₄) ⁸	--	--			14.30	62.63	43.84
Carbon Dioxide ⁹	--	--			667,810.00	2,925,007.80	2,047,505.46
Methane	8.6E-03	lb/MMBtu			48.59	212.81	148.97
Nitrous Oxide ⁸	1.0E-04	kg/MMBtu			0.01	0.04	0.03
CO _{2e} ⁹	--	--			669,172.98	2,930,977.66	2,051,684.36
1,3-Butadiene	4.3E-07	lb/MMBtu			0.002	0.01	0.01
Acetaldehyde	4.0E-05	lb/MMBtu			0.23	0.99	0.69
Acrolein	6.4E-06	lb/MMBtu			0.04	0.16	0.11
Benzene	1.2E-05	lb/MMBtu			0.07	0.30	0.21
Propylene Oxide	2.9E-05	lb/MMBtu			0.16	0.72	0.50
Ethylbenzene	3.2E-05	lb/MMBtu			0.18	0.79	0.55
Formaldehyde ⁶	--	--			1.26	5.51	3.86
Naphthalene	1.3E-06	lb/MMBtu			0.01	0.03	0.02
PAH	2.2E-06	lb/MMBtu			0.01	0.05	0.04
Toluene	1.3E-04	lb/MMBtu			0.73	3.22	2.25
Xylenes	6.4E-05	lb/MMBtu			0.35	1.58	1.11
Total HAPs ¹⁰	--	--			3.04	13.33	9.33

Uncontrolled Steady-State Operations Emissions

Pollutant			Total of All Turbines		
			Hourly Emission Rate	Unrestricted Annual Emissions	Restricted Annual Emissions ⁵
			(lb/hr)	(ton/yr)	(ton/yr)
Oxides of Nitrogen ⁶			308.40	1,350.79	945.55
Carbon Monoxide ⁶			62.60	274.19	191.93

Notes

¹ HHV obtained via ProMax® for the representative natural gas composition presented in the manufacturer's turbine information for the project.

² Startup and shutdown emissions per event from manufacturer's information. Conservatively, the emissions for cold starts and stops are used.

⁴ U.S. EPA AP-42, Ch. 3.1, Tables 3.1-2a and 3.1-3, Emission Factors for Natural Gas-Fired Stationary Gas Turbines. Unless otherwise noted.

⁵ Restricted operating hours have been proposed to avoid exceeding any major source thresholds.

⁶ Emissions in lb/hr taken from manufacturer provided data for turbine with SCR for controlled emissions and without SCR for uncontrolled emissions.

⁷ Total PM is conservatively calculated as the sum of PM₁₀ filterable emissions and PM₁₀ + CPM emissions. Emission factors for total PM₁₀ and PM_{2.5} are not available. Conservatively assume that PM₁₀ + CPM = PM₁₀ (total) = PM_{2.5} (total).

⁸ 40 CFR 98, Subpart C, Table C-2.

⁹ CO_{2e} emissions are comprised of Carbon Dioxide (GWP of 1), Methane (GWP of 28), and Nitrous Oxide (GWP of 265).

¹⁰ Total HAPs exclude naphthalene, which is assumed to be included in the PAH emissions, to avoid double counting.

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Civil & Environmental Consultants, Inc.			PROJECT NO.: 350-613
SUBJECT	PTE Calculations - Diesel Turbines		SHEET 4
PROJECT	RIDGELINE FACILITY PTE Calculations		
	Tucker County, West Virginia		
MADE BY: CNS	DATE: 3/17/2025	CHECKED BY: CMG	DATE: 3/17/2025

Assumptions:		Reference:
Unrestricted Operating Schedule	8,760 hr/yr/turbine	Continuous Operations Assumption
Unrestricted Operating Schedule	365 days/yr	Continuous Operations Assumption
Restricted Operating Schedule	25,000 hr/yr	Total Restricted Hours for All Turbines
Number of Turbines	(turbine(s))	Site Design
Number of Startups ¹		Facility Personnel
Number of Shutdowns ¹		Facility Personnel
Fuel Heating Value ²	137,000 Btu/gal	AP-42, Appendix A
Maximum Fuel Consumption (for single unit)	lb/s	Manufacturer's Information
Maximum Fuel Consumption (total for all units)	64.83 lb/s	Manufacturer's Information
Diesel Density	7.1 lb/gal	AP-42, Chapter 3.4
Maximum Fuel Consumption (for single unit)	gal/hr	Calculated
Maximum Fuel Consumption (total for all units)	32,872 gal/hr	Calculated
Heat Input (for single unit)	MMBtu/hr	Calculated
Heat Input (total for all units)	4,503.4 MMBtu/hr	Calculated
Sulfur Content	15 ppm	Limit for ULSD

Startup/Shutdown Emissions

Pollutant	Emission Rate Per Startup Event	Emission Rate Per Shutdown Event	Annual Emission Rate
	(lb/event) ¹	(lb/event) ¹	(ton/yr)
Oxides of Nitrogen			6.22
Carbon Monoxide			46.10

Controlled Steady-State Operations Emissions

Pollutant	Emission Factor ⁴		Single Turbine		Total of All Turbines		
			Hourly Emission Rate	Unrestricted Annual Emissions	Hourly Emission Rate	Unrestricted Annual Emissions	Restricted Annual Emissions ⁵
			(lb/hr)	(ton/yr)	(lb/hr)	(ton/yr)	(ton/yr)
Oxides of Nitrogen ⁶	--	--			74.50	326.31	93.13
Carbon Monoxide ⁶	--	--			5.40	23.65	6.75
Sulfur Dioxide	1.52E-03	lb/MMBtu			6.82	29.88	8.53
PM ⁷	--	--			44.20	193.60	55.25
PM ₁₀ filterable ⁸	--	--			22.10	96.80	27.63
PM _{10-2.5} + CPM ⁸	--	--			22.10	96.80	27.63
PM _{2.5} ⁷	--	--			22.10	96.80	27.63
PM _{10-2.5} ⁷	--	--			22.10	96.80	27.63
VOC (as CH ₄) ⁹	--	--			30.90	135.34	38.63
Carbon Dioxide ⁶	--	--			744,890.00	3,262,618.20	931,112.50
Methane ⁸	3.0E-03	kg/MMBtu			0.29	1.27	0.36
Nitrous Oxide ⁸	6.0E-04	kg/MMBtu			0.06	0.25	0.07
CO ₂ ⁹	--	--			744,913.46	3,262,720.98	931,141.83
Lead	1.4E-05	lb/MMBtu			0.06	0.28	0.08
1,3-Butadiene	1.6E-05	lb/MMBtu			0.07	0.32	0.09
Benzene	5.5E-05	lb/MMBtu			0.25	1.08	0.31
Formaldehyde	2.8E-04	lb/MMBtu			1.26	5.52	1.58
Naphthalene	3.5E-05	lb/MMBtu			0.16	0.69	0.20
PAH	4.0E-05	lb/MMBtu			0.18	0.79	0.23
Arsenic	1.1E-05	lb/MMBtu			0.05	0.22	0.06
Beryllium	3.1E-07	lb/MMBtu			0.001	0.01	0.00
Cadmium	4.8E-06	lb/MMBtu			0.02	0.09	0.03
Chromium	1.1E-05	lb/MMBtu			0.05	0.22	0.06
Manganese	7.9E-04	lb/MMBtu			3.56	15.58	4.45
Mercury	1.2E-06	lb/MMBtu			0.01	0.02	0.01
Nickel	4.6E-06	lb/MMBtu			0.02	0.09	0.03
Selenium	2.5E-05	lb/MMBtu			0.11	0.49	0.14
Total HAPs ¹⁰	--	--			5.64	24.71	7.05

Uncontrolled Steady-State Operations Emissions

Uncontrolled Steady-State Operations Emissions					
Pollutant	Single Turbine		Total of All Turbines		
	Hourly Emission Rate	Unrestricted Annual Emissions	Hourly Emission Rate	Unrestricted Annual Emissions	Restricted Annual Emissions ^a
	(lb/hr)	(ton/yr)	(lb/hr)	(ton/yr)	(ton/yr)
Oxides of Nitrogen ⁶			744.90	3,262.66	931.13
Carbon Monoxide ⁶			54.00	236.52	67.50

Notes

¹ Heating value is for from AP-42, Appendix A for diesel.

² Startup and shutdown emissions per event from manufacturer's information.

³ U.S. EPA AP-42, Ch. 3.1, Tables 3.1-2a, 3.1-4 and 3.1-5, Emission Factors for Distillate Oil-Fired Stationary Gas Turbines. Unless otherwise noted.

⁴ Restricted operating hours have been proposed to avoid exceeding any major source thresholds.

⁵ Emissions in lb/hr taken from manufacturer provided data for turbine with SCR for controlled emissions and without SCR for uncontrolled emissions.

⁶ Total PM is conservatively calculated as the sum of PM₁₀ filterable emissions and PM_{10-2.5} + CPM emissions. Emission factors for total PM₁₀ and PM_{2.5} are not available. Conservatively assume that PM₁₀ + CPM = PM₁₀ (total) = PM_{2.5} (total).

⁷ 40 CFR 98, Subpart C, Table C.2.

⁸ CO₂e emissions are comprised of Carbon Dioxide (GWP of 1), Methane (GWP of 28), and Nitrous Oxide (GWP of 265).

⁹ Total HAPs exclude naphthalene, which is assumed to be included in the PAH emissions, to avoid double counting.

SUBJECT		PTE Calculations - Diesel Tanks		PROJECT NO.		350-613	
PROJECT		RIDGELINE FACILITY PTE Calculations		SHEET		5	
MADE BY:		CNS		DATE:		3/3/2025	
CHECKED BY:		CMG		DATE:		3/3/2025	

Inputs & Assumptions

Operating Schedule	8,760	hours/year	Assume Continuous Operations
Tank Count	3	tanks	Planned Site Design
Single Tank Working Capacity	10,000,000	gallons	Planned Site Design
Tank Length	66	ft	Planned Site Design
Tank Diameter	180	ft	Planned Site Design
Total System Throughput	15,000,000	gal/yr	Planned Site Design

Reference

Hourly Emissions^{1,2,3,4}

Pollutant	Single Tank Hourly Emission Rates				Total Tanks Hourly Emission Rates			
	Working Loss (lb/hr)	Standing Loss (lb/hr)	Rim Seal Losses (lb/hr)	Deck Fitting Losses (lb/hr)	Deck Seam Losses (lb/hr)	Total Tank Emissions (lb/hr)	Working Loss (lb/hr)	Standing Loss (lb/hr)
Diesel	8.34E-04	2.82E-03	1.46E-04	2.68E-03	0.00E+00	6.48E-03	2.50E-03	8.47E-03
Total VOCs	8.34E-04	2.82E-03	1.46E-04	2.68E-03	0.00E+00	6.48E-03	2.50E-03	8.47E-03
Total HAPs ⁵	8.34E-04	2.82E-03	1.46E-04	2.68E-03	0.00E+00	6.48E-03	2.50E-03	8.47E-03

Annual Emissions^{1,2,3}

Pollutant	Single Tank Annual Emission Rates				Total Tanks Annual Emission Rates			
	Working Loss (ton/yr)	Standing Loss (ton/yr)	Rim Seal Losses (ton/yr)	Deck Fitting Losses (ton/yr)	Deck Seam Losses (ton/yr)	Total Tank Emissions (ton/yr)	Working Loss (ton/yr)	Standing Loss (ton/yr)
Diesel	3.65E-03	1.24E-02	6.39E-04	1.17E-02	0.00E+00	2.84E-02	1.10E-02	3.71E-02
Total VOCs	3.65E-03	1.24E-02	6.39E-04	1.17E-02	0.00E+00	2.84E-02	1.10E-02	3.71E-02
Total HAPs ⁵	3.65E-03	1.24E-02	6.39E-04	1.17E-02	0.00E+00	2.84E-02	1.10E-02	3.71E-02

¹ Emissions calculated by EPA TANKS 5.1 calculation tool.

² These tank calculations include routine losses only and no non-routine losses such as tank landing events.

³ Tank rim vents will be open. Weighted mechanical actuation, gasketed rim vent types were chosen for these calculations.

⁴ Hourly emissions are averaged over 8,760 hours per year.

⁵ It is possible for diesel fuel to have very small amounts of HAPs. Conservatively, all diesel emissions are being counted as HAPs.

TANKS 5.1 CALCULATIONS

Tank ID	TK1	TK2	TK3
Tank Type	Internal Floating Roof Tank	Internal Floating Roof Tank	Internal Floating Roof Tank
Description			
City, State			
Company			
Meteorological Location	Elkins, WV	Elkins, WV	Elkins, WV
Chemical Name	No. 2 Fuel Oil (Diesel)	No. 2 Fuel Oil (Diesel)	No. 2 Fuel Oil (Diesel)
Annual Standing Losses (lb/yr)	24.72280799	24.72280799	24.72280799
Annual Rim Seal Losses (lb/yr)	1.277138924	1.277138924	1.277138924
Annual Deck Seam Losses (lb/yr)	0	0	0
Annual Deck Fitting Losses (lb/yr)	23.44566906	23.44566906	23.44566906
Annual Working Losses (lb/yr)	7.306378968	7.306378968	7.306378968
Annual Total Losses (lb/yr)	32.02918696	32.02918696	32.02918696

Tank ID	TK1	TK2	TK3
Tank Type	Internal Floating Roof Tank	Internal Floating Roof Tank	Internal Floating Roof Tank
Description			
City, State			
Company			
Chemical Name	No. 2 Fuel Oil (Diesel)	No. 2 Fuel Oil (Diesel)	No. 2 Fuel Oil (Diesel)
Annual Rim Seal Losses (lb/yr)	1.277138924	1.277138924	1.277138924
Seal Factor A (lb-mole/ft-yr)	0.6	0.6	0.6
Seal Factor B (lb-mole/ft-yr (mph ⁿ))	0.4	0.4	0.4
Annual Average Wind Speed (mph)	0	0	0
Seal-related Wind Speed Exponent	1	1	1
Annual Average Value of Vapor Pressure Function	9.09643E-05	9.09643E-05	9.09643E-05
Annual Average Daily Avg. Liquid Surface Temp. (*R)	511.8005086	511.8005086	511.8005086
Annual Average Vapor Pressure at Daily Average Liquid Surface Temperature (psia)	0.0049803	0.0049803	0.0049803
Liquid Bulk Temperature (*R)	510.79975	510.79975	510.79975
Tank Paint Solar Absorptance (Shell)	0.25	0.25	0.25
Tank Paint Solar Absorptance (Roof)	0.25	0.25	0.25
Annual Average Vapor Molecular Weight (lb/lb-mole)	130	130	130
Annual Product Factor	1	1	1
Annual Withdrawal Losses (lb/yr)	7.306378968	7.306378968	7.306378968
Number of Columns	18	18	18
Effective Column Diameter (ft)	1	1	1
Annual Net Throughput (gal/yr)	5000000	5000000	5000000
Annual Sum of Decreases in Liquid Level (ft/yr)			
Annual Average Shell Clingage Factor (bbl/1000 sqft)	0.0015	0.0015	0.0015
Annual Average Organic Liquid Density (lb/gal)	7.1	7.1	7.1
Annual Deck Fitting Losses (lb/yr)	23.44566906	23.44566906	23.44566906
Annual Tot. Deck Fitting Loss Fact. (lb-mole/yr)	1982.66	1982.66	1982.66
Annual Deck Seam Losses (lb/yr)	0	0	0
Deck Seam Length (ft)			
Deck Seam Loss per Unit Length Factor (lb-mole/ft-yr)	0	0	0
Deck Seam Length Factor (ft/sqft)			

Tank ID	TK1	TK2	TK3
Tank Type	Internal Floating Roof Tank	Internal Floating Roof Tank	Internal Floating Roof Tank
Description			
City, State			
Company			
Meteorological Location	Elkins, WV	Elkins, WV	Elkins, WV
Tank Shape			
Shell Length (ft)			
Shell Side Length (ft)			
Shell Side 1 Length (ft)			
Shell Side 2 Length (ft)			
Shell Height (ft)	66	66	66
Shell Diameter (ft)	180	180	180
Maximum Liquid Height (ft)			
Average Liquid Height (ft)			
Minimum Liquid Height (ft)			
Is Tank Heated?			
Typical Maximum Liquid Bulk Temperature in Heating Cycle (°R)			
Typical Average Liquid Bulk Temperature in Heating Cycle (°R)			
Typical Minimum Liquid Bulk Temperature in Heating Cycle (°R)			
Number of Heating Cycles per Year			
Roof Type			
Vacuum Setting (psig)			
Pressure Setting (psig)			
Vapor Space Pressure at Normal Operating Conditions (psig)			
Is Tank Insulated?			
Is Tank Insulated or Underground?			
Tank Cone Roof Slope (ft/ft)			
Tank Dome Roof Radius (ft)			
Is Tank Equipped with a Control Device?			
Control Device Efficiency (%)			
Liquid Bulk Temperature Calculation Method	AP-42 Calculation	AP-42 Calculation	AP-42 Calculation
Liquid Bulk Temperature (°R)			
Tank Bottom Type	flat	flat	flat
Cone-Shaped Bottom Slope (ft/ft)			
Liquid Heel Type at Tank Minimum	none	none	none
Minimum Liquid Heel Height (ft)			
Self Supporting Roof?	No	No	No
Number of Columns	18	18	18
Effective Column Diameter	Unknown	Unknown	Unknown
Internal Shell Condition	Light Rust	Light Rust	Light Rust
Primary Seal	Mechanical Shoe	Mechanical Shoe	Mechanical Shoe
Secondary Seal	Rim-mounted	Rim-mounted	Rim-mounted
Seal Fit	Average-fitting	Average-fitting	Average-fitting
Deck Type	Welded	Welded	Welded
Tank Construction	Welded	Welded	Welded
Deck Construction			
Deck Seam			
Panel/Sheet Width (ft)			
Panel Length (ft)			
Shell Color/Shade	White	White	White
Shell Condition	Average	Average	Average
Roof Color/Shade	White	White	White
Roof Condition	Average	Average	Average

Tank ID	TK1	TK2	TK3
Tank Type	Internal Floating Roof Tank	Internal Floating Roof Tank	Internal Floating Roof Tank
Description			
City, State			
Company			
Access Hatch	Unbolted cover, gasketed	Unbolted cover, gasketed	Unbolted cover, gasketed
Access Hatch Count	1	1	1
Fixed Roof Support Column Well	Round pipe, gasketed sliding cover	Round pipe, gasketed sliding cover	Round pipe, gasketed sliding cover
Fixed Roof Support Column Well Count	72	72	72
Unslotted Guidepole and Well			
Unslotted Guidepole and Well Count			
Slotted Guidepole/Sample Well	Gasketed sliding cover, with pole sleeve	Gasketed sliding cover, with pole sleeve	Gasketed sliding cover, with pole sleeve
Slotted Guidepole/Sample Well Count	1	1	1
Gauge-float Well (Automatic Gauge)	Bolted cover, gasketed	Bolted cover, gasketed	Bolted cover, gasketed
Gauge-float Well Count (Automatic Gauge)	1	1	1
Gauge-hatch/Sample Port	Weighted mechanical actuation, gasketed	Weighted mechanical actuation, gasketed	Weighted mechanical actuation, gasketed
Gauge-hatch/Sample Port Count	1	1	1
Vacuum Breaker			
Vacuum Breaker Count			
Deck Drain			
Deck Drain Count			
Deck Leg	Adjustable	Adjustable	Adjustable
Deck Leg Count			
Deck Leg or Hanger (No opening through deck)			
Deck Leg or Hanger Count (No opening through deck)			
Rim Vent	Weighted mechanical actuation, gasketed	Weighted mechanical actuation, gasketed	Weighted mechanical actuation, gasketed
Rim Vent Count	19	19	19
Ladder Well	Sliding cover, gasketed	Sliding cover, gasketed	Sliding cover, gasketed
Ladder Well Count	1	1	1
Ladder-slotted Guidepole Combination Well	Ladder sleeve, gasketed sliding cover	Ladder sleeve, gasketed sliding cover	Ladder sleeve, gasketed sliding cover
Ladder-slotted Guidepole Combination Well Count	1	1	1
Deck Leg (Pontoon area of pontoon roofs)			
Deck Leg Count (Pontoon area of pontoon roofs)			
Deck Leg (Double-deck roofs and center area of pontoon roofs)			
Deck Leg Count (Double-deck roofs and center area of pontoon roofs)			

Tank ID	TK1	TK2	TK3
Meteorological Location	Elkins, WV	Elkins, WV	Elkins, WV
Annual Average Atmospheric Pressure (psi)	13.69	13.69	13.69
Annual Average Maximum Ambient Temperature (°F)	61.5	61.5	61.5
Annual Average Minimum Ambient Temperature (°F)	39	39	39
Annual Average Wind Speed (mph)	4.5	4.5	4.5
Annual Average Daily Total Insolation Factor (Btu/ft2/day)	1173	1173	1173
January Average Maximum Ambient Temperature (°F)	39.7	39.7	39.7
January Average Minimum Ambient Temperature (°F)	20.6	20.6	20.6
January Average Wind Speed (mph)	5.8	5.8	5.8
January Average Daily Total Insolation Factor (Btu/ft2/day)	574	574	574
February Average Maximum Ambient Temperature (°F)	42.3	42.3	42.3
February Average Minimum Ambient Temperature (°F)	21.5	21.5	21.5
February Average Wind Speed (mph)	5.8	5.8	5.8
February Average Daily Total Insolation Factor (Btu/ft2/day)	794	794	794
March Average Maximum Ambient Temperature (°F)	51.2	51.2	51.2
March Average Minimum Ambient Temperature (°F)	28.1	28.1	28.1
March Average Wind Speed (mph)	5.8	5.8	5.8
March Average Daily Total Insolation Factor (Btu/ft2/day)	1113	1113	1113
April Average Maximum Ambient Temperature (°F)	63.3	63.3	63.3
April Average Minimum Ambient Temperature (°F)	37	37	37
April Average Wind Speed (mph)	5.8	5.8	5.8
April Average Daily Total Insolation Factor (Btu/ft2/day)	1461	1461	1461
May Average Maximum Ambient Temperature (°F)	70.5	70.5	70.5
May Average Minimum Ambient Temperature (°F)	45.9	45.9	45.9
May Average Wind Speed (mph)	4.5	4.5	4.5
May Average Daily Total Insolation Factor (Btu/ft2/day)	1619	1619	1619
June Average Maximum Ambient Temperature (°F)	77.7	77.7	77.7
June Average Minimum Ambient Temperature (°F)	55.1	55.1	55.1
June Average Wind Speed (mph)	3.6	3.6	3.6
June Average Daily Total Insolation Factor (Btu/ft2/day)	1793	1793	1793
July Average Maximum Ambient Temperature (°F)	80.5	80.5	80.5
July Average Minimum Ambient Temperature (°F)	58.9	58.9	58.9
July Average Wind Speed (mph)	3.1	3.1	3.1
July Average Daily Total Insolation Factor (Btu/ft2/day)	1738	1738	1738
August Average Maximum Ambient Temperature (°F)	80.3	80.3	80.3
August Average Minimum Ambient Temperature (°F)	58.3	58.3	58.3
August Average Wind Speed (mph)	2.7	2.7	2.7
August Average Daily Total Insolation Factor (Btu/ft2/day)	1611	1611	1611
September Average Maximum Ambient Temperature (°F)	73.9	73.9	73.9
September Average Minimum Ambient Temperature (°F)	50.7	50.7	50.7
September Average Wind Speed (mph)	2.9	2.9	2.9
September Average Daily Total Insolation Factor (Btu/ft2/day)	1293	1293	1293
October Average Maximum Ambient Temperature (°F)	64	64	64
October Average Minimum Ambient Temperature (°F)	38.1	38.1	38.1
October Average Wind Speed (mph)	3.6	3.6	3.6
October Average Daily Total Insolation Factor (Btu/ft2/day)	972	972	972
November Average Maximum Ambient Temperature (°F)	52.7	52.7	52.7
November Average Minimum Ambient Temperature (°F)	30.3	30.3	30.3
November Average Wind Speed (mph)	4.7	4.7	4.7
November Average Daily Total Insolation Factor (Btu/ft2/day)	618	618	618
December Average Maximum Ambient Temperature (°F)	42.2	42.2	42.2
December Average Minimum Ambient Temperature (°F)	22.9	22.9	22.9
December Average Wind Speed (mph)	5.1	5.1	5.1
December Average Daily Total Insolation Factor (Btu/ft2/day)	498	498	498

Tank ID	TK1	TK2	TK3
Input Type	Enter Annual Values	Enter Annual Values	Enter Annual Values
Chemical Category of Liquid	Petroleum Liquids	Petroleum Liquids	Petroleum Liquids
Sum of Increases in Liquid Level Method	AP-42 Calculation	AP-42 Calculation	AP-42 Calculation
Working Loss Turnover Factor Method			
Annual Chemical Name	No. 2 Fuel Oil (Diesel)	No. 2 Fuel Oil (Diesel)	No. 2 Fuel Oil (Diesel)
Annual Speciation Option			
Annual Components to Speciate			
Annual Throughput	5000000	5000000	5000000
Annual Sum of Increases/Decreases in Liquid Level (ft/yr)			
January Chemical Name			
January Speciation Option			
January Components to Speciate			
January Throughput			
January Sum of Increases/Decreases in Liquid Level (ft/yr)			
February Chemical Name			
February Speciation Option			
February Components to Speciate			
February Throughput			
February Sum of Increases/Decreases in Liquid Level (ft/yr)			
March Chemical Name			
March Speciation Option			
March Components to Speciate			
March Throughput			
March Sum of Increases/Decreases in Liquid Level (ft/yr)			
April Chemical Name			
April Speciation Option			
April Components to Speciate			
April Throughput			
April Sum of Increases/Decreases in Liquid Level (ft/yr)			
May Chemical Name			
May Speciation Option			
May Components to Speciate			
May Throughput			
May Sum of Increases/Decreases in Liquid Level (ft/yr)			
June Chemical Name			
June Speciation Option			
June Components to Speciate			
June Throughput			
June Sum of Increases/Decreases in Liquid Level (ft/yr)			
July Chemical Name			
July Speciation Option			
July Components to Speciate			
July Throughput			
July Sum of Increases/Decreases in Liquid Level (ft/yr)			
August Chemical Name			
August Speciation Option			
August Components to Speciate			
August Throughput			
August Sum of Increases/Decreases in Liquid Level (ft/yr)			
September Chemical Name			
September Speciation Option			
September Components to Speciate			
September Throughput			
September Sum of Increases/Decreases in Liquid Level (ft/yr)			
October Chemical Name			
October Speciation Option			
October Components to Speciate			
October Throughput			
October Sum of Increases/Decreases in Liquid Level (ft/yr)			
November Chemical Name			
November Speciation Option			
November Components to Speciate			
November Throughput			
November Sum of Increases/Decreases in Liquid Level (ft/yr)			
December Chemical Name			
December Speciation Option			
December Components to Speciate			
December Throughput			
December Sum of Increases/Decreases in Liquid Level (ft/yr)			

TURBINE SPECIFICATIONS

Redacted Copy - Claim of Confidentiality

The turbine specification sheets have been redacted due to being confidential business information.

ATTACHMENT O

MONITORING/RECORDKEEPING/REPORTING/TESTING PLANS

Attachment O
Monitoring, Recordkeeping, Reporting and Testing Plans

Synthetic Minor Limits (40 CFR 52.21 and 40 CFR 70)

FUNDAMENTAL proposes to set operating limits on their turbines. FUNDAMENTAL will restrict the total number of operating hours for the turbines. If operating solely on natural gas, the total hours of operation will be restricted to 61,320 hours per year. If operating solely on diesel, the total hours of operation will be restricted to 25,000 hours per year. FUNDAMENTAL may operate using any combination of natural gas and diesel such that they restrict the total hours of operation as needed to remain under all major source thresholds. The operating hours of each turbine and the throughput of each type of fuel will be continuously monitored and recorded. FUNDAMENTAL will keep records of the total amount of hours each turbine uses natural gas as a fuel and the total amount of hours each turbine uses diesel as a fuel. The 12-month rolling sum of emissions will be calculated monthly.

40 CFR 60 Subpart KKKK

Subpart KKKK applies to each of the combustion turbines and heat recovery steam generators (HRSG) for control of nitrogen oxides (NO_x) and sulfur dioxide (SO₂) emissions.

Monitoring

FUNDAMENTAL will install selective catalytic reduction (SCR) systems on each turbine to control NO_x emissions. SCR parameters will be continuously monitored to verify proper operation (§ 60.4340(b)(iii)). FUNDAMENTAL proposes to monitor catalyst bed inlet temperature and pressure differential across the catalyst bed to indicate proper operation.

Recordkeeping

FUNDAMENTAL will keep records of the SCR continuous monitoring data, and 4-hour rolling unit operating hour averages of the monitored parameters.

An SCR parameter monitoring plan will be developed which explains the procedures used to document proper operation of the SCR units in accordance with § 60.4355. The plan must:

- (1) Include the indicators to be monitored and show there is a significant relationship to emissions and proper operation of the NO_x emission controls,
- (2) Pick ranges (or designated conditions) of the indicators, or describe the process by which such range (or designated condition) will be established,
- (3) Explain the process you will use to make certain that you obtain data that are representative of the emissions or parameters being monitored (such as detector location, installation specification if applicable),

- (4) Describe quality assurance and control practices that are adequate to ensure the continuing validity of the data,
- (5) Describe the frequency of monitoring and the data collection procedures which you will use, and
- (6) Submit justification for the proposed elements of the monitoring. If a proposed performance specification differs from manufacturer recommendation, you must explain the reasons for the differences.

In accordance with § 60.4365(a), FUNDAMENTAL will keep records of the fuel characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the fuel, specifying:

- (1) The maximum total sulfur content of oil is 0.05 weight percent (500 ppmw) or less.
- (2) The total sulfur content for natural gas is 20 grains of sulfur or less per 100 standard cubic feet.
- (3) Potential sulfur emissions are less than 0.060 pounds SO₂/million Btu heat input.

Reporting

FUNDAMENTAL will submit notifications of the date construction commences, the actual date of initial startup as required under § 60.7.

FUNDAMENTAL will report excess emissions and monitor downtime semiannually, in accordance with § 60.4375(a) and § 60.7(c). Excess emissions will be reported for all periods of unit operation, including start-up, shutdown, and malfunction. An excess emission is a 4-hour rolling unit operating hour average in which any monitored parameter does not achieve the target value or is outside the acceptable range defined in the parameter monitoring plan. A period of monitor downtime is a unit operating hour in which any of the required parametric data are either not recorded or are invalid.

FUNDAMENTAL will submit the results of the initial performance test within 60 days following completion of the test.

Testing

An initial performance test for NO_x emissions is required under § 60.8 and § 60.4400. The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel.

45 CSR 17 – Fugitive Sources of Particulate Matter

Sources of fugitive particulate matter at the facility include diesel truck and employee traffic on paved plant roads. FUNDAMENTAL will conduct a visual inspection of the paved roads once each operating day to ensure no fugitive emissions are generated. When needed, roads will be swept and/or watered to minimize fugitive dust. Records will be kept of the inspections and any corrective actions.

45 CSR 40 – Control of Ozone Season NOx

FUNDAMENTAL is proposing an alternative monitoring scenario in accordance with Section 6.6 of 45 CSR 40. The alternative monitoring scenario is consistent with the requirements in 40 CFR 60 Subpart KKKK.

FUNDAMENTAL will conduct initial performance testing to determine the NOx emission rate in pounds per million Btu. Approved SCR parameters will be monitored to demonstrate compliance with the NOx emission limit.

To determine the heat input for each turbine, the amount of each type of fuel will be continuously monitored and recorded. The total monthly heat input will be determined using the monitored fuel data. The total monthly NOx emissions will be calculated for each month during ozone season. The total NOx mass emissions will be calculated for the ozone season each year.

ATTACHMENT P

PUBLIC NOTICE

AIR QUALITY PERMIT NOTICE
Notice of Application

Notice is given that FUNDAMENTAL DATA LLC has applied to the West Virginia Department of Environmental Protection, Division of Air Quality, for a Construction Permit for the RIDGELINE FACILITY to be located off of US-48, near the City of Thomas, in Tucker County, West Virginia. The latitude and longitude coordinates are 39.153639°, -79.466406°.

The applicant estimates the potential to discharge the following Regulated Air Pollutants will be:

NO _x :	99.35	tpy
CO:	56.36	tpy
VOC:	43.93	tpy
SO ₂ :	58.89	tpy
PM:	97.46	tpy
PM ₁₀ :	71.86	tpy
PM _{2.5} :	71.54	tpy
Lead:	0.08	tpy
Total HAPs:	9.42	tpy

Startup of operation is planned to begin in 2027 or 2028. Written comments will be received by the West Virginia Department of Environmental Protection, Division of Air Quality (DAQ), 601 57th Street, SE, Charleston, WV 25304, for at least 30 calendar days from the date of publication of this notice. Written comments will also be received via email at DEPAirQualityPermitting@WV.gov.

Any questions regarding this permit application should be directed to the DAQ at (304) 926-0499, extension 41281, during normal business hours.

Dated the 18th day of March, 2025.

By: FUNDAMENTAL DATA LLC
Casey L. Chapman
Responsible Official
125 Hirst Rd. Suite 1A
Purcellville, VA 20132

ATTACHMENT Q

BUSINESS CONFIDENTIAL CLAIMS

Attachment Q – Business Confidential Claims has been included as a cover page to this application, in accordance with 45CSR31 §45-31-3.



Williams, Jerry <jerry.williams@wv.gov>

Re: [Go North Alliance] entire Fundamental permit application

6 messages

Crowder, Laura M <laura.m.crowder@wv.gov>

Thu, Mar 27, 2025 at 10:09 AM

To: "Stottlemeyer, Dennis O" <dennis.o.stottlemeyer@wv.gov>

Cc: "Andrews, Edward S" <edward.s.andrews@wv.gov>, Joseph R Kessler <Joseph.R.Kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

Sorry Dennis, this one was assigned to Jerry Williams, not Ed Andrews. I was thinking of Fidelis, not Fundamental Data.

Laura

On Thu, Mar 27, 2025 at 9:51 AM Crowder, Laura M <laura.m.crowder@wv.gov> wrote:

Dennis,

Ed Andrews is the permit writer assigned to this facility, so I am forwarding this to him.

Laura

On Thu, Mar 27, 2025 at 7:56 AM Stottlemeyer, Dennis O <dennis.o.stottlemeyer@wv.gov> wrote:

Laura,

See attached application and question form Save the Blackwater.

Dennis

Dennis O. Stottlemeyer

Deputy Environmental Advocate

WV Department of Environmental Protection

601 57th Street S.E.

Charleston, WV 25304

(304) 926-0440 ext. 49764

----- Forwarded message -----

From: **Save Blackwater** <info@saveblackwater.org>

Date: Wed, Mar 26, 2025 at 9:27 PM

Subject: Fwd: [Go North Alliance] entire Fundamental permit application

To: Stottlemeyer, Dennis O <Dennis.O.Stottlemeyer@wv.gov>

What is this?

Judy Rodd, Friends of Blackwater,

PO Box 247 Thomas WV 26292

Office 304-345-7663

Cell 304-552-7602

Home Office 304-265-0018

5/7/25, 7:56 AM

State of West Virginia Mail - Re: [Go North Alliance] entire Fundamental permit application

<https://saveblackwater.org>
info@saveblackwater.org

----- Forwarded message -----

From: **Pamela Moe** <pam_moe@hotmail.com>

Date: Wed, Mar 26, 2025 at 9:19 PM

Subject: [Go North Alliance] entire Fundamental permit application

To: go-north-alliance@googlegroups.com <go-north-alliance@googlegroups.com>

I need help understanding all this as well.

Pam

Pamela Moe
Bear Creek Consulting

Mobile: 304-940-4481

--

You received this message because you are subscribed to the Google Groups "Go North Alliance" group.

To unsubscribe from this group and stop receiving emails from it, send an email to go-north-alliance+unsubscribe@googlegroups.com.

To view this discussion visit <https://groups.google.com/d/msgid/go-north-alliance/CY8PR19MB70841417F001DCFDE06925378BA12%40CY8PR19MB7084.namprd19.prod.outlook.com>.

Williams, Jerry <jerry.williams@wv.gov>

Thu, Mar 27, 2025 at 10:14 AM

To: "Crowder, Laura M" <laura.m.crowder@wv.gov>

Cc: "Stottlemyer, Dennis O" <dennis.o.stottlemyer@wv.gov>, Joseph R Kessler <Joseph.R.Kessler@wv.gov>

Dennis,

Please let me know what questions you have and what information you need. If it would be better to have a call, please let me know.

Thank you,
Jerry

[Quoted text hidden]

--



Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov Email jerry.williams@wv.gov

Stottlemyer, Dennis O <dennis.o.stottlemyer@wv.gov>

Thu, Mar 27, 2025 at 10:34 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: "Crowder, Laura M" <laura.m.crowder@wv.gov>, Joseph R Kessler <Joseph.R.Kessler@wv.gov>

Jerry,

A call would be great. Are you available this afternoon

5/7/25, 7:56 AM

State of West Virginia Mail - Re: [Go North Alliance] entire Fundamental permit application

Dennis

Dennis O. Stottlemeyer

Deputy Environmental Advocate

WV Department of Environmental Protection

601 57th Street S.E.

Charleston, WV 25304

(304) 926-0440 ext. 49764

[Quoted text hidden]

Williams, Jerry <jerry.williams@wv.gov>
To: "Stottlemeyer, Dennis O" <dennis.o.stottlemeyer@wv.gov>

Thu, Mar 27, 2025 at 10:36 AM

Yes. Does 1:30 pm work for you?

[Quoted text hidden]

Stottlemeyer, Dennis O <dennis.o.stottlemeyer@wv.gov>
To: "Williams, Jerry" <jerry.williams@wv.gov>

Thu, Mar 27, 2025 at 10:37 AM

Negative ghost rider. 2:30?

Dennis O. Stottlemeyer

Deputy Environmental Advocate

WV Department of Environmental Protection

601 57th Street S.E.

Charleston, WV 25304

(304) 926-0440 ext. 49764

[Quoted text hidden]

Williams, Jerry <jerry.williams@wv.gov>
To: "Stottlemeyer, Dennis O" <dennis.o.stottlemeyer@wv.gov>

Thu, Mar 27, 2025 at 10:39 AM



Re: [Go North Alliance] entire Fundamental permit application

Mar 27, 2025, 2:30pm – Mar 27, 2025, 3:00pm
(GMT-04:00) Eastern Time - New York

5/7/25, 7:56 AM

State of West Virginia Mail - Re: [Go North Alliance] entire Fundamental permit application

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Accepted: Re: [Go North Alliance] entire Fundamental permit applica... @ Thu Mar 27, 2025 2:30pm - 3pm (EDT) (Jerry Williams)
1 message

Dennis O Stottlemeyer <dennis.o.stottlemeyer@wv.gov>
Reply-To: Dennis O Stottlemeyer <dennis.o.stottlemeyer@wv.gov>
To: Jerry Williams <jerry.williams@wv.gov>

Thu, Mar 27, 2025 at 11:30 AM

Dennis O Stottlemeyer has accepted this invitation.**Join with Google Meet****Meeting link**meet.google.com/udk-sdhi-gfb**Join by phone**(US) [+1 470-241-4865](tel:+14702414865)

PIN: 845289443

[More phone numbers](#)**When**

Thursday Mar 27, 2025 · 2:30pm – 3pm (Eastern Time - New York)

Guests

Jerry Williams - organizer

Dennis O Stottlemeyer

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5/7/25, 7:57 AM

State of West Virginia Mail - Accepted: Re: [Go North Alliance] entire Fundamental permit applica... @ Thu Mar 27, 2025 2:30pm - 3p...



invite.ics

2K



Williams, Jerry <jerry.williams@wv.gov>

Fundamental Data LLC

1 message

Stottlemeyer, Dennis O <dennis.o.stottlemeyer@wv.gov>

Fri, Mar 28, 2025 at 10:56 AM

To: Jerry Williams <jerry.williams@wv.gov>, "pmoe527@gmail.com" <pmoe527@gmail.com>, DEP Advocate Office <depadvocate@wv.gov>

Jerry meet Pam. Pam meet Jerry.

Pam intends to send several questions to the DAQ and CC this office.

Thanks all.

Dennis

Dennis O. Stottlemeyer

Deputy Environmental Advocate

WV Department of Environmental Protection

601 57th Street S.E.

Charleston, WV 25304

(304) 926-0440 ext. 49764



Williams, Jerry <jerry.williams@wv.gov>

Fwd: Receipt

1 message

Mink, Stephanie R <stephanie.r.mink@wv.gov>
To: Jerry Williams <jerry.williams@wv.gov>

Mon, Mar 31, 2025 at 11:57 AM

FYI; this has been entered in Alrtrax.

Thanks
Stephanie

----- Forwarded message -----

From: **Sullivan, Kathy M** <kathy.m.sullivan@wv.gov>
Date: Mon, Mar 31, 2025 at 11:41 AM
Subject: Receipt
To: <cchapman@fundamentaldata.com>, Stephanie R Mink <stephanie.r.mink@wv.gov>

Attached

--

Thanks,

Kathy Sullivan

Accounts Receivable

WVDEP

Room 3084

601 57th Street

Charleston, WV 25304

304-926-0499 ext. 41940

Promoting a Healthy Environment



R13-3713 \$2000.00.pdf
44K

3/31/25, 10:20 AM

State of West Virginia Mail - WV DAQ Permit Application Status for Fundamental Data LLC; Ridgeline Facility



Sullivan, Kathy M <kathy.m.sullivan@wv.gov>

WV DAQ Permit Application Status for Fundamental Data LLC; Ridgeline Facility

2 messages

Mink, Stephanie R <stephanie.r.mink@wv.gov>

Wed, Mar 19, 2025 at 10:33 AM

To: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, lblinn@cecinc.com

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, Casey M Samples <casey.m.samples@wv.gov>, Gregory L Null <gregory.l.null@wv.gov>, Kathy M Sullivan <kathy.m.sullivan@wv.gov>, Barbara A Miles <barbara.a.miles@wv.gov>

Application Status

Fundamental Data LLC; Ridgeline Facility

Facility ID: 093-00034

Application No. R13-3713

Mr. Chapman:

Your application for a Construction Permit for the Ridgeline facility was received by this division assigned to Jerry Williams. The following items were not included in the initial application sub

Copy of Class I legal advertisement affidavit.

Application fee of \$2,000.00.

- Credit card payments may be made by contacting the Accounts Receivable section at Visa and MasterCard only. Please provide Facility ID and Application Number available.

These items are required to continue the 30-day completeness review.

With an

Any man

Williams stating the status of the permit.

It is the responsibility of the applicant of the requirement to provide necessary for a final permit decision.

WV Dept of Env. Prot.
601 57th St SE
Charleston, WV 25304
304-926-0499

SALE

TID: 00E30710 REF#: 00000003
Bank ID: 000000
Batch #: 1162 RRN: 090804940868
03/31/25 11:21:10
AVS: 7 CVC: 11
Invoice #: R13713

APPR CODE: 699543
MASTERCARD Manual CP
*****2249 **/**

AMOUNT \$2,000.00

APPROVED

SIGNATURE NOT REQUIRED

I AGREE TO PAY ABOVE TOTAL AMOUNT
IN ACCORDANCE WITH CARD ISSUER'S
AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)
RETAIN THIS COPY FOR STATEMENT
VERIFICATION

Thank You
Please Come Again

MERCHANT COPY

Should you have any questions, please contact the assigned engineer, Jerry Williams, at 304-926-0499, extension 41214.

Stephanie Mink

Environmental Resources Associate



Williams, Jerry <jerry.williams@wv.gov>

Fwd: Fw: Fundamental Data Permit Notes to date

2 messages

Stottlemeyer, Dennis O <dennis.o.stottlemeyer@wv.gov>

Wed, Apr 2, 2025 at 10:48 AM

To: Jerry Williams <jerry.williams@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>, DEP Advocate Office <depadvocate@wv.gov>

Jerry,

See email from Pam Moe and her notes. I understand that she intends to formally submit comments and questions to DAQ.

What are the application/permit numbers for the two data center sites in Mingo County?

Dennis

Dennis O. Stottlemeyer

Deputy Environmental Advocate

WV Department of Environmental Protection

601 57th Street S.E.

Charleston, WV 25304

(304) 926-0440 ext. 49764

----- Forwarded message -----

From: **Pamela Moe** <pam_moe@hotmail.com>

Date: Tue, Apr 1, 2025 at 3:39 PM

Subject: Fw: Fundamental Data Permit Notes to date

To: dennis.o.stottlemeyer@wv.gov <dennis.o.stottlemeyer@wv.gov>

Hi Dennis,

Here are the notes I prepared after our conversation last week. I hope that I have represented all the issues we spoke of accurately. If not, please let me know.

I have shared the notes, along with the legal notice and the permit itself with several individuals and organizations. This includes the GoNorth Alliance which has many varied organizational representatives at our weekly meetings as well as several local residents that would be impacted by the Ridgeline Facility. The FD permit issue is on the agenda for our Zoom meeting tomorrow morning.

I also communicated with leaders/board members of the WV Sierra Club and WV Highlands Conservancy that have backgrounds to evaluate many of the issues regarding this permit. I have gotten written feedback from the 'experts' of both organizations. I would like to talk with them further before giving Jerry Williams (and you) an email, to be followed up by a call.

I also sent the permit, notice and notes along to Delegate Evan Hansen and Downstream Strategies.

Just out...the Supplemental Environmental Assessment for the Wardensville-to-State Line section of Corridor H has hit the streets — all 1,263 pages of it. Public Hearing and Workshop is on April 22 from 5-7pm at East Hardy HS in Baker WV. The comment period ends June 1, 2025.

I am wondering, do you track the various permits that WVDEP issues? If you do, the GoNorth group and I would certainly appreciate if could notify us of any that are related to the Appalachian Corridor H project. I anticipate they would mainly be 401 and 402 that would go through WVDEP. Potentially any others?

I am also tracking and preparing to send further comments on the 401 permit for the Roaring Run Bridge in Tucker County. This project in the Kerens-to-Parsons section of Corridor H.

Again, my thanks for all your detailed research and assistance. I imagine we may be in contact again soon,
Pam

Pamela Moe
Bear Creek Consulting

Mobile: 304-940-4481



Fundamental Data, LLC Air Quality Permit Info.docx
486K

Williams, Jerry <jerry.williams@wv.gov>

Wed, Apr 2, 2025 at 10:57 AM

To: "Stottlemeyer, Dennis O" <dennis.o.stottlemeyer@wv.gov>

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>, DEP Advocate Office <depadvocate@wv.gov>

Dennis,

Any comments submitted for FD should be sent to my attention.

The permit application numbers for the 2 proposed data centers in Mingo County are R13-3714 and R13-3715. The facility ID numbers are 059-00133 and 059-00134 respectively. These applications were received on 3/26 and can be found in AX. Please let me know if you have any questions.

Thank you,
Jerry

[Quoted text hidden]

--



Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov Email jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Accepted: Fundamental Data Site Inspection @ Tue Apr 8, 2025 (Jerry Williams)

1 message

Joseph R Kessler <joseph.r.kessler@wv.gov>
Reply-To: Joseph R Kessler <joseph.r.kessler@wv.gov>
To: Jerry Williams <jerry.williams@wv.gov>

Wed, Apr 2, 2025 at 2:34 PM

Joseph R Kessler has accepted this invitation.

Will meet Casey Chapman at 37 Justice Lane in Davis at 11 a.m. ***We will plan to leave DEP prior to 8 am. It is a 3 hour drive from the office according to Google Maps.***

When

Tuesday Apr 8, 2025

Location

37 Justice Ln, Davis, WV 26260, USA

[View map](#)**Guests**

Jerry Williams - organizer

Joseph R Kessler

[View all guest info](#)Invitation from [Google Calendar](#)

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invite.ics
1K

**Williams, Jerry** <jerry.williams@wv.gov>

Fwd: Message from KM_C450i

2 messages

Crowder, Laura M <laura.m.crowder@wv.gov>

Fri, Apr 4, 2025 at 11:07 AM

To: Joseph R Kessler <Joseph.R.Kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, "Andrews, Edward S" <edward.s.andrews@wv.gov>

----- Forwarded message -----

From: **Maguire, Edward F** <edward.f.maguire@wv.gov>

Date: Fri, Apr 4, 2025 at 10:28 AM

Subject: Fwd: Message from KM_C450i

To: Harold D Ward <Harold.D.Ward@wv.gov>, Laura M Crowder <laura.m.crowder@wv.gov>, Scott G Mandirola <Scott.G.Mandirola@wv.gov>, Terry Fletcher <terry.a.fletcher@wv.gov>

FYI

**SKM_C450i18042123000.pdf**
521K

Williams, Jerry <jerry.williams@wv.gov>

Fri, Apr 4, 2025 at 11:15 AM

To: "Crowder, Laura M" <laura.m.crowder@wv.gov>

Cc: Joseph R Kessler <Joseph.R.Kessler@wv.gov>, "Andrews, Edward S" <edward.s.andrews@wv.gov>

Thanks for the information. When I spoke with Casey mid-week, he said he had been contacted by Country Roads and much of what he told me the conversation was about is in that document. I am meeting with Fundamental and their consultant (CEC) on Monday morning to discuss the NGCC PSD issue as well as high-level acid rain discussion. Joe and I are going to the site on Tuesday.

I will keep you posted.

Thanks

[Quoted text hidden]

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality*

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov Email jerry.williams@wv.gov

Plan for Data Center Near Davis and Thomas Raises Alarms

Secretive Virginia company seeks permit for a huge off-the-grid power plant to run facility



DAN PARKS
APR 02, 2025



14



5

Share



AI-generated image, using ChatGPT, of a generic data center and fuel storage tanks

A secretive Virginia company wants to build an enormous self-contained power plant on about 300 acres of land between Davis and Thomas for what appears to be a data center.

The plans call for the power plant to run on natural gas, with 30 million gallons of diesel fuel stored on site as a backup fuel source. Local officials and environmental groups expressed concerns about the potential for significant air, water, and light pollution.

The facility “will not sell electricity to grid,” the company states in a permit application filed with the air quality division of the West Virginia Department of Environmental Protection, meaning that all the electricity would be used on-site.

The application was filed by Fundamental Data, which lists a suite in Purcellville, Virginia as its office. The company’s public website contains no information other than the company’s name and a 2024 copyright notice.

Davis mayor “shocked”

The permit application was filed on March 18. Several local officials contacted by Country Roads News on Wednesday said they first learned of the project within the past 24 hours.

“I’m shocked that I was not aware of this,” said Davis Mayor Al Tomson. He said he quickly called other local politicians, who also said they didn’t know about the proposal.

“This has all been worked in Charleston without any local involvement or input,” said Tomson, who added that he’s alarmed about the impact of such a facility on the area.

“I am concerned about the location of the plant and its proximity to residents in Davis as well as Thomas,” Tomson said. “I’m also concerned with the emissions that this plant will potentially produce, some of which will not be regulated.”



Fundamental Data Air Quality Permit Application
4.55MB · PDF file

[Download](#)

Download

Tucker County Commissioner Fred Davis and Thomas Mayor Jody Flanagan said they didn't know enough about the project yet to comment. "I didn't know anything about it until Al (Tomson) gave me a call at 4 o'clock yesterday," Flanagan said.

One local politician contacted by Country Roads News expressed support for the proposal.

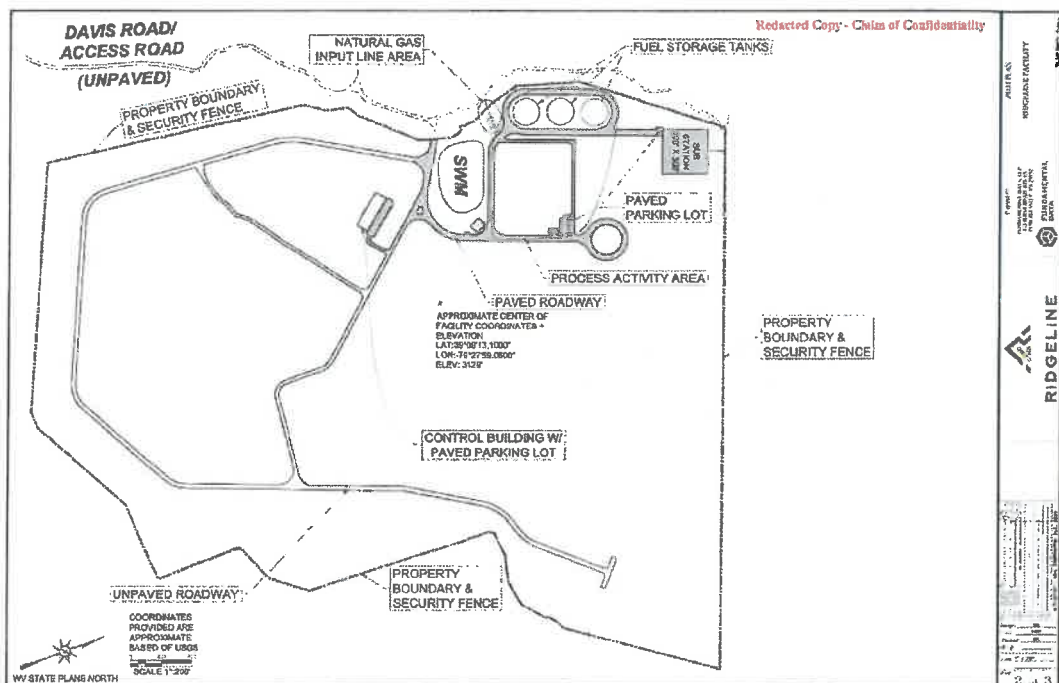
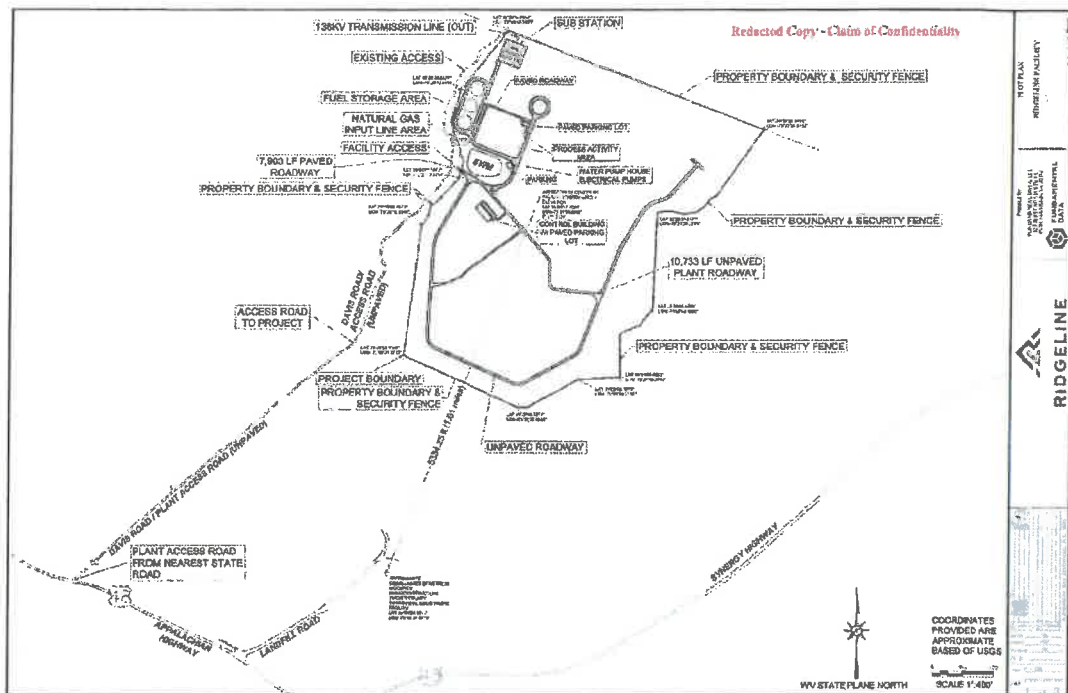
"I just found out about it just this morning," said Tucker County Commission President Mike Rosenau. "I don't know any details. I'm excited to think we have the possibility of getting a facility in our county that you can make a sustainable living

Fuel storage tanks

According to the permit application:

- The facility would include three 10-million-gallon diesel fuel storage tanks, each 6 feet tall and 180 feet in diameter. The tanks would be used as a backup source of energy to run the power plant, which would run continuously.
- The facility is expected to begin operations in 2027 or 2028
- The entire perimeter of the facility would be enclosed by a security fence.
- Leaks from pumps, compressors, valves, or other sources are expected.

Portions of the permit application are heavily redacted. For example, the specifications for the power plant's turbines are redacted "due to being confidential business information."



Site plans from Fundamental Data's permit application

Marilyn Shoenfeld, president of the West Virginia Highlands Conservancy, said she believes backers of the project have intentionally tried to keep it quiet.

“I do think this has been kept under the radar,” Shoenfeld said. “Judging from the level of detail in their permit application, they’ve spent a lot of money and a lot of time developing this plan, without any input from local people.”

The facility would be in the path of the “Go North” alternative route for the extension of Corridor H, Shoenfeld said. That route is favored by local environmental groups.

The power plant at the data center would generate about the same amount of electricity as the nearby Mount Storm Power Station, the West Virginia Highlands Conservancy said.

“A hundred steps”

The parcel of land in question is adjacent to the Tucker County landfill, said Casey Chapman of Fundamental Data. Chapman, who is listed as the “responsible official” for Fundamental Data’s permit application, declined to provide a more specific title or describe his role with the company.

Chapman also declined to say whether the facility will be a data center.

“I can’t speak to it. It’s a conceptualized site for power generation,” Chapman said.

When asked about the nature of Fundamental Data’s business, he hesitated: “Well, it’s essentially power development. That would summarize the business of Fundamental Data.”

When asked what the power would be used for, he replied, “to be determined.”

Chapman said that if the project proceeds, “there would be job creation.” He said it was “premature” to say how many jobs might be created because the fate of the project is uncertain.

Chapman said the location — adjacent to the landfill — makes sense because it’s an undesirable location for a residential neighborhood. He added that methane leaking

from the landfill might be usable as a supplemental fuel source for the facility.

Chapman said local officials haven't been consulted yet because the project is in its infancy. "There's a hundred steps in the process," he said. "This would be step one."

He added, "It's way too early to engage the local jurisdictions."

Chapman said there was no effort to keep the project secret. He noted that the permit application is a public document.

Additionally, notice of the permit application was published in the local newspaper record. However, such notifications are vague. The public notice of the Tucker County proposal, dubbed the "Ridgeline Facility," included a list of potential pollutants that could be discharged but offered no description of what the facility would do and made no mention of a power plant or data center.

Data Booster

Data centers contain huge banks of powerful computers that can be used to store digital information, mine cryptocurrency, and perform other computer-based operations. They typically require large amounts of electricity.

West Virginia Gov. Patrick Morrisey is a big booster of data centers and has championed legislation designed to speed their construction in the state.

The West Virginia House of Delegates on Tuesday passed a bill, 88-12, that would allow companies to build their own sources of energy for data centers.

Morgan King, climate and energy program manager for the West Virginia Citizen Action Group, said the bill would largely exempt data centers from local zoning ordinances and other local efforts to control their impact.

The bill awaits action in the state Senate.

“This bill kind of came out of nowhere, and we’re not certain how quickly it will move in the Senate, but given how quickly it moved in the House, I wouldn’t be surprised it moves quickly in Senate,” King said.

She added that the bill would allow data centers to generate significant amounts of pollution. She also said the bill would exempt data centers from any limits on water usage.

“Some of these data facilities use more than a million gallons a day,” she said.

Legislative action

John Paul Hott, a Republican who represents Tucker County in the West Virginia House of Delegates, voted for the bill. Republican Senate President Randy Smith, who also represents Tucker County in the West Virginia statehouse, recently joined the governor in a public show of support for attracting data centers to the state.

Country Roads News left a message for Smith seeking comment about the legislation and the proposed facility in Tucker County.

In a telephone interview, Hott said he is “optimistic and encouraged” about the legislation and the prospects for a data center in Tucker County. Similar facilities typically create about 100 permanent full-time jobs, plus ancillary work for people like HVAC technicians to help out as needed, Hott said.

“We need to provide employment that allows people to live here, work here, and raise a family here,” Hott said.

West Virginia has been sending some of the energy it produces to data centers in Virginia and other states, so it makes sense to use locally produced energy to create jobs closer to home, Hott said.

A 2017 report by the U.S. Chamber of Commerce says that a typical “large” data center employs 157 people after construction is complete. A Microsoft publication says da

centers employ “about 50 full-time employees and vendors.”

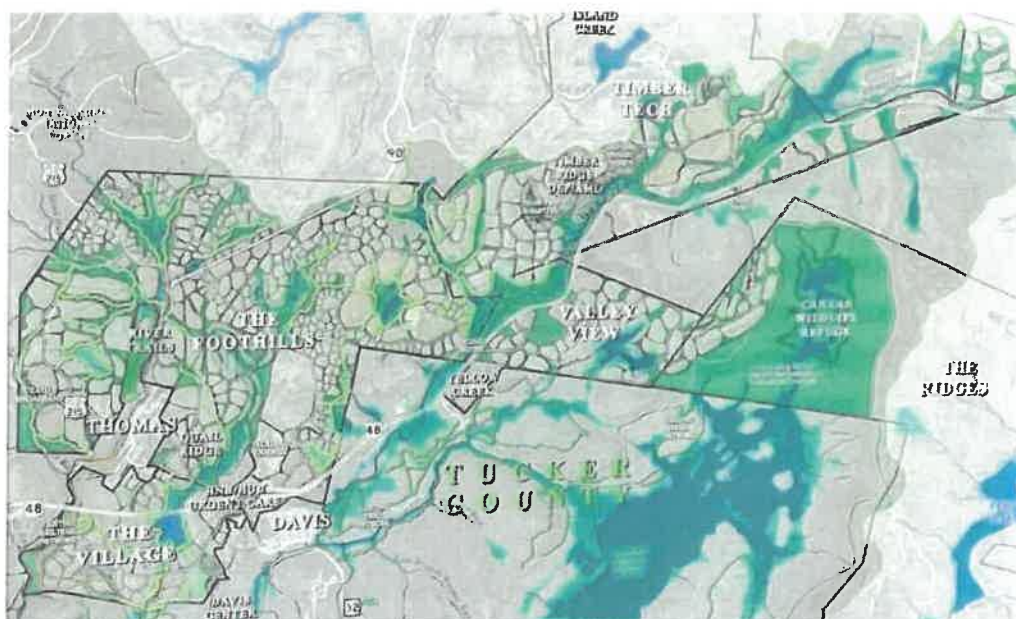
Western Pocahontas Land?

Fundamental Data obtained the rights to the property through a “purchase and sale agreement signed by both the seller and purchaser” and executed on July 19, 2024, the permit application states. The seller is not listed.

However, Country Roads News could not find any record of a land sale to Fundame Data.

The proposed site for the facility appears to be on land that is owned, or was owned by Western Pocahontas Properties, according to state property records.

Representatives for Western Pocahontas, the largest private landholder in the region, made public presentations in October in Davis and Thomas about its long-term plans for development in the area. They made no mention of the data center, and maps presented by Western Pocahontas at the meeting don't show a power plant or a data facility.



Maps presented publicly by Western Pocahontas Properties in October don't show the proposed power plant or data center.

Western Pocahontas Vice President Rich Flanigan and Roy Bechtol, president of a land planning firm hired by Western Pocahontas Properties, who led the October presentations, did not return calls and an email seeking comment for this story.

(Mat Cloak contributed to this story.)

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Comments

Restacks

Write a comment...



Williams, Jerry <jerry.williams@wv.gov>

Interview Request Regarding Data Center

5 messages

Elaine Sheldon <hello@elainemcmillionsheldon.com>
To: jerry.williams@wv.gov

Tue, Apr 15, 2025 at 2:25 PM

Dear Mr. Williams,

I hope this message finds you well. My name is [Elaine McMillion Sheldon](mailto:hello@elainemcmillionsheldon.com), and I'm a documentary filmmaker based in West Virginia. I'm currently working on a film project exploring data centers around the U.S.

I'd like to request an interview with you to discuss the permitting process related to the proposed data center and power plant development in Tucker County.

If you're available for a short interview—either in person or virtually—I'd be grateful for the opportunity to speak. Please let me know what times might work for your schedule in the coming weeks.

Thank you for your time.

Regards,
Elaine McMillion Sheldon

www.elainemcmillionsheldon.com
304 545 6192

Williams, Jerry <jerry.williams@wv.gov>
To: Joseph R Kessler <joseph.r.kessler@wv.gov>

Tue, Apr 15, 2025 at 2:26 PM

FYI

[Quoted text hidden]

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Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
601 57th Street SE, Charleston, WV 25304
Phone 304-926-0499, ext. 41214
Web dep.wv.gov **Email** jerry.williams@wv.gov

Kessler, Joseph R <joseph.r.kessler@wv.gov>
To: "Williams, Jerry" <jerry.williams@wv.gov>

Tue, Apr 15, 2025 at 2:28 PM

Forward to Terry Fletcher.

[Quoted text hidden]

Williams, Jerry <jerry.williams@wv.gov>
To: Terry A Fletcher <terry.a.fletcher@wv.gov>

Tue, Apr 15, 2025 at 2:30 PM

FYI

----- Forwarded message -----

From: **Elaine Sheldon** <hello@elainemcmillionsheldon.com>

Date: Tue, Apr 15, 2025 at 2:25 PM

169

6/24/25, 2:28 PM

State of West Virginia Mail - Interview Request Regarding Data Center

Subject: Interview Request Regarding Data Center

To: <jerry.williams@wv.gov>

[Quoted text hidden]

[Quoted text hidden]

Fletcher, Terry A <terry.a.fletcher@wv.gov>

Tue, Apr 15, 2025 at 2:51 PM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>

Thanks, Jerry.

Please hold off on any response for right now. I'll figure out our next step here.

Terry

--



Terry Fletcher

Chief Communications Officer

West Virginia Department of Environmental Protection

601 57th St. SE, Charleston, WV 25304

304-926-0499 | <https://dep.wv.gov>

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Air permit redactions

1 message

James Kotcon <jkotcon@gmail.com>

Wed, Apr 16, 2025 at 6:51 PM

To: Laura.M.Crowder@wv.gov

Cc: Jerry.Williams@wv.gov, Opila.MaryCate@epa.gov, Supplee.Gwendolyn@epa.gov, Whapham.Joseph@epa.gov

Please see the attached letter regarding air permit applications in Logan, Mingo and Tucker Counties in WV. We are requesting that publicly-available applications comply with federal law regarding emissions data and emissions controls.

James Kotcon, Chair
West Virginia Chapter of Sierra Club
304-594-332 (cell)



Request to DAQ-Redaction-4-16-25.pdf

120K



Sierra Club
West Virginia Chapter
P.O. Box 4142
Morgantown, WV 26504

April 16, 2025

Laura Crowder, Director
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304

Via e-mail to: Laura.M.Crowder@wv.gov

Dear Director Crowder:

On behalf of the approximately 2,000 members of the West Virginia Chapter of Sierra Club, we are writing to express our concern over application for air permits for proposed power plants. Facilities in Logan, Mingo and Tucker Counties (Adams Fork Harless Data Center Energy Campus; Adams Fork Data Center Energy Campus, and Fundamental Data, LLC) have recently applied for construction permits for very large gas-fired power plants, but the publicly available application is so heavily redacted that basic information is not available to the public. Critical information such as the number and type of turbines, the air pollution control devices, and sources and quality of fuel are not available.

I personally have never seen an application that has been so heavily redacted. We are concerned about the precedent that would be set by moving forward without adequately informing the public. Most importantly, this appears to violate the fundamental intent of the public notice requirements of West Virginia Code 22-5-10 (a) which states:

“All air quality data, **emission data** (emphasis added), permits, compliance schedules, orders of the director, board orders and any other information required by a federal implementation program (all for convenience hereinafter referred to in this section as "records, reports, data or information") obtained under this article shall be available to the public, except that upon a showing satisfactory to the director, by any person, that records, reports, data or information or any particular part thereof, to which the director has access under this article if made public, would divulge methods or processes entitled to protection as trade secrets ”

Under the federal Clean Air Act, claims of trade secret status are required under 40-CFR-2.208 (e) (1) to show that:

“disclosure of the information is likely to cause substantial harm to the business's competitive position”.

Furthermore, 40-CFR-2.301 (a) (2) (i) defines “Emission data” as:

“***Emission data*** means, with reference to any source of emission of any substance into the air—

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any

emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source). ”

Based on these definitions, we believe that redacting such information in the air permit application is clearly in violation of the requirement in WV Code 22-5-10 for release of that information to the public. While we recognize the requirement for appropriate protection of trade secrets, the attempt to redact basic information such as the number and model of turbines defies the logic of a free market, and interferes with the ability of citizens to assist WV-DAQ in preparing appropriate permits. Manufacturers clearly want to advertise their equipment model and attributes, claiming that such basic information is a trade secret is obviously contrary to any logical business marketing plan. The claim that this is a trade secret is, instead, quite obviously a transparent attempt to deny public involvement required by law.

We are also concerned about the reply given to one of our members that the application by Fundamental Data, LLC in Tucker County “has been deemed administratively complete...”. It appears that such a determination has been made without adequate opportunity for public comment, especially since so much information has been redacted.

We request that WV-DAQ reject the three applications, return them to the applicants, and require the applicants to resubmit and re-advertise the applications in a form that complies with public notice requirements. All three of these applications indicate exceptionally large electric generating facilities, as these apparently would be among the largest in the State of West Virginia. WV-DAQ would benefit from public comments informed by the details that should be released.

Please contact us to discuss how to best resolve this situation.

Sincerely,



James Kotcon, Chair
West Virginia Chapter of Sierra Club
jkotcon@gmail.com
304-594-3322 (cell)

Cc:

Jerry Williams, WV-DAQ, Jerry.Williams@wv.gov

MaryCate Opila, US-EPA Region 3 Air Permitting Branch Chief, Opila.MaryCate@epa.gov

Gwen Supplee, US-EPA Region 3 Title V permitting, Supplee.Gwendolyn@epa.gov

J. Adam Whapham, US-EPA Region 3 NSR permitting, Whapham.Joseph@epa.gov

**Williams, Jerry** <jerry.williams@wv.gov>**Fwd: FOIA #2025-04-093**

2 messages

Ernest, Nicole D <nicole.d.ernest@wv.gov>

Mon, Apr 21, 2025 at 2:00 PM

To: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <Joseph.R.Kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

Cc: DEP FOIA <depfoia@wv.gov>

Laura, Joe, and Jerry,

I am forwarding this FOIA Request along because it reads more as a comment on the application, rather than a FOIA request.

Please advise the best way to respond to this FOIA request.

Thank you,

Nicole

----- Forwarded message -----

From: **FOIA, DEP** <depfoia@wv.gov>

Date: Mon, Apr 21, 2025 at 1:50 PM

Subject: FOIA #2025-04-093

To: Nicole D Ernest <nicole.d.ernest@wv.gov>

Below, please find a FOIA request from Pamela Moe. Please gather all responsive documents and send to DEPFOIA@wv.gov as soon as possible but no later than Monday, April 28, 2025.

Thank you!

----- Forwarded message -----

From: <dep.online@wv.gov>

Date: Sat, Apr 19, 2025 at 10:30 AM

Subject: FOIA Request

To: <depfoia@wv.gov>

FOIA REQUEST FORM

Name: Pamela Moe

Address1:

Address2:

City/State/ZIP:

Telephone

Number:

Email

Address:

Date: 19-Apr-25, 10:30 AM

Request: Any and all information and plans associated with the Fundamental Data application for an Air Quality Permit (Application R13-3713) for the Ridgeline Facility located near Thomas in Tucker County WV. The application available to the public has far too many unnecessary redactions and is inadequate for review. The application lacks basic information such as: the number and types of turbines; the types of air emissions/pollution controls; and, much more. The extremely minimal technical specifications that

174

were provided with the application lack the means to clearly see the size and methods of operation for this facility. The redacted permit also contains conflicting information. In sum, the Fundamental Data, LLC Notice of Application fails to provide adequate information for the public to allow for informed comments. It is critical for the public to see an un-redacted permit per the Notice of Application for this facility in order to fully evaluate the facility and its impacts, and, be able to provide meaningful comments to the WV DEP Division of Air Quality during its preliminary review of the permit. This current application should be denied the WV DEP DAR review process until Fundamental Data submits an application to the public that is more complete and forthcoming. At that point, the permit should be re-advertised by Fundamental Data, LLC and made fully available for public review. I am requesting these items for the following dates and/or timeframe: January 1, 2025 through April 21, 2025. I look forward to your assistance with this matter and your response. Sincerely, Pamela Moe Bear Creek Consulting cc: Casey Chapman, Fundamental Data, LLC

Timeframe: January 1, 2025 through April 21, 2025

For DEP use only:

Referred to:	
Date referred:	

Kessler, Joseph R <joseph.r.kessler@wv.gov>

Mon, Apr 21, 2025 at 2:49 PM

To: "Ernest, Nicole D" <nicole.d.ernest@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

The permit application we have in is all that we have that she is asking for (and that she apparently has seen). The claims of CBI are currently under review by the DEP and are not subject to FOIA unless the redacted information is determined to not qualify as CBI under 45CSR31, 31a, and 31b.

Joe

[Quoted text hidden]

Data Center Plan Draws Fierce Opposition

Public meeting yields outpouring of concern about pollution, secrecy, loss of local control



DAN PARKS
APR 13, 2025

20

5

Share





Davis Mayor Al Tomson addresses the crowd.

About 275 people packed into the Davis fire hall on Sunday to express concerns that the proposed power plant and data center nearby would yield few family-supporting jobs while producing enormous amounts of air, water, noise, and light pollution.

Many in the standing-room-only crowd said they are upset that none of their elected representatives in the West Virginia state legislature, nor any of the businesspeople behind the project, showed up to answer questions and hear their concerns. (An additional 100 or so people joined the meeting via a video link.)

Steven Leyh, executive director of the Tucker County Development Authority, said that good corporate leaders “don’t shove things down your throat.”

Leyh added that the right kind of project could be good for the area, but more information and dialogue are needed. “You as a community need to speak your mind and Charleston needs to listen,” said Leyh, drawing a robust round of applause from the audience.

Nobody voiced outright support for the project. Most expressed views ranging from deep concern to adamant opposition.

The West Virginia legislature on Saturday passed a “microgrid” bill, HB 2014, that would facilitate the construction of data centers with their own on-site power generators by blocking the ability of local governments to regulate them. Gov. Patrick Morrisey is expected to sign the bill.

One such facility has been proposed for Tucker County, between Davis and Thomas.

People at Sunday’s meeting directed much of their anger at Randy Smith, who represents Tucker County in the state Senate and voted for the bill. Smith is also th

president of the Senate, giving him added clout in Charleston. When informed that Smith would not attend the meeting, a chorus of “boo” rose from audience.



Steven Leyh, center with microphone, addresses the crowd.

Of all who spoke at the meeting, County Commission President Mike Rosenau was perhaps the most supportive of the project. Rosenau told the crowd that he doesn't the site chosen for the proposed data center, but he added that Tucker County need expand its job base beyond the tourism industry.

Rosenau also said he was concerned that too much local pushback against state lawmakers might diminish the county's clout in Charleston.

At that point an audience member shouted, “So you're afraid?”

Rosenau replied, “I'm not afraid of shit. That's the bottom line. I'm just being realistic,” and abruptly walked off the stage.

Additional stories on this topic:

- Plan for Data Center Near Davis and Thomas Raises Alarms
- Data Center Bill Would Divert Local Tax Revenue to the State

County Commissioner Fred Davis compared the data center proposal to the Hyperl high-speed transportation project, saying it would never happen and that the issue was needlessly dividing the community.

“Multiple” data centers

Davis Mayor Al Tomson, who organized Sunday’s meeting, said local leaders across the state are “pretty upset” that the state legislation blocks any local control of microgrid-powered data centers. “That really demonstrates, unfortunately, how much Charleston values local opinion,” Tomson said.

Tomson and others at the meeting expressed hope that public pressure might force state lawmakers to backtrack in the next legislative session.

The power plant proposed for Tucker County would generate so much electricity that it likely is intended to run “multiple” data centers, Tomson said.



People started lining up a half hour in advance to attend the meeting.

A secretive Virginia company called Fundamental Data recently filed a permit application for the project with the air quality division of the West Virginia Department of Environmental Protection. The company said it obtained the rights purchase property adjacent to the Tucker County landfill for the project. That property currently is owned by Western Pocahontas Properties.

“I talked to Western Pocahontas,” Tomson said. “Not surprisingly, they are under a nondisclosure agreement.”

Tomson said he also invited Casey Chapman of Fundamental Data to attend the meeting. “He said he would think about it,” Tomson said, drawing snickers from the crowd.

Tomson said that Chapman told him people are overreacting to the proposal.

Good jobs?

Many people at the meeting questioned claims that the data center would create many family-supporting jobs for locals. Tomson estimated the data center would employ to 20 people, and the power plant might employ 25 to 30 people.

Some in the audience said that many of those jobs might be relatively low-paying positions for janitorial and security services. Others speculated that many of the top paying jobs would go to outsiders with data center experience, or they could be performed remotely. Workers for the construction phase might also be predominantly non-local, audience members said.

Tomson said he planned to seek meetings with the governor and Senate President Randy Smith to share the community's concerns. He said he's also working on a petition drive.

People at the meeting were urged to share their thoughts on the project by contacting the state Department of Environmental Protection at 304-926-0499, ext. 41281; or Jerry Williams at Jerry.Williams@wv.gov or 304-414-1214.

Secrecy at issue

Many audience members said their concerns about the project are amplified by the fact that large portions of the permit application are redacted, citing "confidential business information," as well as the haste with which the microgrid legislation moved through the statehouse.

As originally proposed, the bill would have redirected all new property tax revenue generated by data centers to the state. Local officials raised objections to that provision, and the legislation was subsequently amended.

The final version of the bill allows counties to keep 30 percent of new property tax revenue generated by data centers, with another 10 percent distributed to counties on a per-capita basis. Other local jurisdictions, including local schools, would get none of the new property taxes generated by data centers.

The remaining 60 percent of new property tax revenue generated by data centers would go to the state for a personal income tax reduction fund and other purposes.

Pollution concerns

Pollution was on the minds of many at Sunday's meeting. Marilyn Shoenfeld, president of the West Virginia Highlands Conservancy, noted that the permit says 30 million gallons of diesel fuel would be stored on-site. She said the prospect of that much flammable liquid stored so close to Davis Thomas Elementary Middle School was "terrifying."

Speakers at the meeting also noted that data centers need huge volumes of water for cooling, and they wondered about the impact on local aquifers, especially in light of the water crisis that affected the area amid last year's drought.

Other speakers cited the huge amounts of air pollutants that would be generated at the facility.

Tucker County resident Nikki Forrester worried about the impact of around-the-clock noise pollution, saying data centers "sound like a jet plane that's never going to take off."

"I know we need more jobs," Forrester said, her voice breaking with emotion. "I know we need money. But this is not the way."

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We cover important topics affecting Tucker County, W.V., especially Canaan Valley and the communities Davis and Thomas. We shed light on issues important to residents and visitors, and provide tips for how enjoy this amazing place!

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Write a comment...



Carrie Hawkins 18h

Magnificent reporting and fast turnaround.

♡ LIKE (8) 💬 REPLY



1 reply by Dan Parks



Sarah Anderson 17h

Great job (again), Dan. You are hitting it out of the park with your series on this issue. Thank you.

♡ LIKE (5) 💬 REPLY



1 reply by Dan Parks

3 more comments...

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Williams, Jerry <jerry.williams@wv.gov>

Article re Davis Mtg on 4/13

1 message

Crowder, Laura M <laura.m.crowder@wv.gov>

Mon, Apr 14, 2025 at 4:39 PM

To: Joseph R Kessler <Joseph.R.Kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, Nicole D Ernest <nicole.d.ernest@wv.gov>

Article from Country Roads News about the meeting in Davis on Sunday re Fundamental Data. (Link and printout)

https://countryroads.substack.com/?utm_source=navbar&utm_medium=web

Laura M. Crowder

Director

WV Division of Air Quality

601 57th Street, SE

Charleston, WV 25304

Phone: 304-414-1253

Email: Laura.M.Crowder@wv.gov



Data Center Plan Draws Fierce Opposition in Davis, WV 2025-04-13 Article.pdf

2309K



Williams, Jerry <jerry.williams@wv.gov>

Fwd: [Go North Alliance] AI Tomson Statement on Data Centers

1 message

Crowder, Laura M <laura.m.crowder@wv.gov>

Thu, Apr 24, 2025 at 3:19 PM

To: Joseph R Kessler <Joseph.R.Kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

FYI

----- Forwarded message -----

From: **Maguire, Edward F** <edward.f.maguire@wv.gov>

Date: Thu, Apr 24, 2025 at 2:22 PM

Subject: Fwd: [Go North Alliance] AI Tomson Statement on Data Centers

To: Laura M Crowder <laura.m.crowder@wv.gov>, Dennis O Stottlemeyer <dennis.o.stottlemeyer@wv.gov>, Terry Fletcher <terry.a.fletcher@wv.gov>

----- Forwarded message -----

From: **Save Blackwater** <info@saveblackwater.org>

Date: Wed, Apr 23, 2025 at 4:13 PM

Subject: Fwd: [Go North Alliance] AI Tomson Statement on Data Centers

To: Maguire, Edward F <Edward.F.Maguire@wv.gov>

Judy Rodd, Friends of Blackwater,
PO Box 247 Thomas WV 26292
Office 304-345-7663
Cell 304-552-7602
Home Office 304-265-0018
<https://saveblackwater.org>
info@saveblackwater.org

----- Forwarded message -----

From: **'Luanne McGovern' via Go North Alliance** <go-north-alliance@googlegroups.com>

Date: Wed, Apr 23, 2025 at 3:59 PM

Subject: [Go North Alliance] AI Tomson Statement on Data Centers

To: go-north-alliance@googlegroups.com <go-north-alliance@googlegroups.com>, WVHC Board <wvhcboard@googlegroups.com>

Davis Mayor AI Tomson just posted this on Facebook:

After thorough consideration, I have revised my position on the Fundamental Data proposed power plant. I no longer support the construction of the facility at its proposed location **or anywhere within Tucker County.**

Over the past several weeks, I have engaged in extensive research, consulting with industry experts, environmental scientists, university professors, and experienced power plant operators. Despite significant redactions in the air quality permit, the consensus among these experts is clear: this project poses serious risks to public health, the integrity of our natural environment, and the overall quality of life in our community.

6/24/25, 2:31 PM

State of West Virginia Mail - Fwd: [Go North Alliance] Al Tomson Statement on Data Centers

Ultimately, this is a decision between the health of our community, preserving the way of life we value, versus pursuing limited economic benefits in the form of jobs and tax revenue. Given these options, the choice is clear—I choose to protect our health, our environment, and our future.

[Tucker County WV Data and Power | Facebook](#)

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You received this message because you are subscribed to the Google Groups "Go North Alliance" group. To unsubscribe from this group and stop receiving emails from it, send an email to go-north-alliance+unsubscribe@googlegroups.com. To view this discussion visit <https://groups.google.com/d/msgid/go-north-alliance/1384297845.864094.1745438363448%40mail.yahoo.com>.

**Williams, Jerry** <jerry.williams@wv.gov>

Fundamental Data CBI

3 messages

Mink, Stephanie R <stephanie.r.mink@wv.gov>

Fri, Apr 25, 2025 at 11:05 AM

To: Casey Chapman <cchapman@fundamentaldata.com>, Ireynolds@fundamentaldata.com, lblinn@cecinc.com

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, Jason E Wandling <jason.e.wandling@wv.gov>

Attached is a letter from the General Counsel of the WVDEP concerning the claims of CBI in the following:

Confidential Business Information:

Fundamental Data LLC

Permit Number: R13-3717

Facility ID Number: 093-00034

Thank you
Stephanie

--

Stephanie Mink

Environmental Resources Associate

West Virginia Department of Environmental Protection

Division of Air Quality, Title V & NSR Permitting

601 57th Street SE

Charleston, WV 25304

Phone: 304-926-0499 x41281

 **Ltr Wandling to Chapman April 25 2025 re CBI.pdf**

78K

Casey Chapman <cchapman@fundamentaldata.com>

Wed, May 7, 2025 at 1:37 PM

To: Jason E Wandling <jason.e.wandling@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>, Jerry Williams

<jerry.williams@wv.gov>, "Mink, Stephanie R" <stephanie.r.mink@wv.gov>, Jason E Wandling <jason.e.wandling@wv.gov>, "HAROLD.D.WARD@WV.GOV" <HAROLD.D.WARD@wv.gov>, "lblinn@cecinc.com" <lblinn@cecinc.com>

Attached is our letter in response to the "letter from the General Counsel of the WVDEP concerning the claims of CBI".

Respectfully,

Casey Chapman

[Quoted text hidden]

 **DEP Letter_5-7-25.pdf**
244K

Mink, Stephanie R <stephanie.r.mink@wv.gov>

Wed, May 7, 2025 at 2:52 PM

To: Casey Chapman <cchapman@fundamentaldata.com>

Cc: Jason E Wandling <jason.e.wandling@wv.gov>, Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, "HAROLD.D.WARD@WV.GOV" <HAROLD.D.WARD@wv.gov>, "lblinn@cecinc.com" <lblinn@cecinc.com>

Mr. Chapman,

Thank you for your response. I have been advised that the letter was received by all affected parties and was forwarded to Scott Driver, our attorney.

Sincerely,
Stephanie Mink
[Quoted text hidden]



west virginia department of environmental protection

Division of Air Quality
601 57th Street, SE
Charleston, WV 25304
(304) 926-0475

Harold D. Ward, Cabinet Secretary
dep.wv.gov

April 25, 2025

Mr. Casey Chapman
Responsible Official
Fundamental Data LLC
cchapman@fundamentaldata.com

Re: Confidential Business Information
Fundamental Data LLC
Permit Number: R13-3717
Facility ID Number: 093-00034

Mr. Chapman:

On March 18, 2025, Fundamental Data LLC (FD) submitted an air permit application (R13-3713) that contained information claimed as confidential business information (CBI). A redacted copy of the permit application was provided that has been made available for public review. As you are aware, the Division of Air Quality (DAQ) has received hundreds of public comments concerning the proposed project, many of which have specifically requested release of the information that has been redacted in the public version of the application. These written requests for release of information currently redacted have triggered a review of the CBI claims by the DEP's Office of the General Counsel (OGC). This review is governed by the applicable WV Legislative Rules 45CSR31, 31a, and 31b. At this time, the review has determined that the information claimed as CBI may not qualify for such designation as it falls under the definition of "Types and Amounts of Air Pollutants Discharged" as excluded under §45-31-6 and defined under §45-31-2.4 (and further defined under 45CSR31b). There is also some concern that the claimed CBI may not meet the eligibility requirements under §45-31-4.1(b) and 4.1(c).

At this time the OGC is requesting further justification (beyond that which is given on the CBI cover document) that the information claimed as CBI is not defined as "Types and Amounts of Air Pollutants Discharged" and also does not conflict with the eligibility requirements under §45-31-4.1(b) and 4.1(c). Please note that no information will be released without both FD having a full opportunity to justify the claims of CBI and the opportunity to have a full consultation with the WVDEP over this matter.

Promoting a healthy environment.

While the technical review of the permit application will continue, this request for additional information will pause the statutory review clock and place the permit application in a status of incomplete. Please provide a written response within fifteen (15) days of receipt of this request to facilitate the continued review of Permit Application R13-3713.

Sincerely,



Jason Wandling,
WVDEP General Counsel

cc: Lewis Reynolds, lreynolds@fundamentaldata.com
Leah Blinn, CEC, lblinn@cecinc.com



Williams, Jerry <jerry.williams@wv.gov>

Voice Mail from Dan Parks with Country Roads News

2 messages

Ernest, Nicole D <nicole.d.ernest@wv.gov>

Mon, Apr 28, 2025 at 12:17 PM

To: Terry A Fletcher <terry.a.fletcher@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <Joseph.R.Kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

Hey Terry,

I just forwarded you a voice message from Dan Parks with Country Roads News. He is looking for a copy of a letter that was sent to Casey Chapman with Fundamental Data regarding CBI.

Please let me know if there is anything I can assist you with.

Regards,

Nicole Ernest

Information Manager / Outreach Coordinator

WVDEP - Division of Air Quality

304-414-1256

Kessler, Joseph R <joseph.r.kessler@wv.gov>

Mon, Apr 28, 2025 at 12:46 PM

To: "Ernest, Nicole D" <nicole.d.ernest@wv.gov>

Cc: Terry A Fletcher <terry.a.fletcher@wv.gov>, Laura M Crowder <laura.m.crowder@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

It is available on AX.

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

phone call [STB-WORKSITE.FID1215877]

1 message

David L. Yaussy <DYaussy@spilmanlaw.com>
To: "jerry.williams@wv.gov" <jerry.williams@wv.gov>
Cc: "joseph.r.kessler@wv.gov" <joseph.r.kessler@wv.gov>

Wed, Apr 30, 2025 at 10:15 AM

Jerry, that's me who has been calling you. I am speaking but evidently you can't hear me. Would you please give a call on my cell, and see if that helps? I have what I think are some quick questions for you, and Joe said it was ok to call.

David L. Yaussy
Spilman Thomas & Battle, PLLC
O 304.340.3829
M 304.552.6658
DYaussy@spilmanlaw.com

**Williams, Jerry** <jerry.williams@wv.gov>

Meeting [STB-WORKSITE.FID1215877]

12 messages

David L. Yaussy <DYaussy@spilmanlaw.com>

Wed, Apr 30, 2025 at 11:17 AM

To: "Driver, Charles S" <charles.s.driver@wv.gov>

Cc: "jerry.williams@wv.gov" <jerry.williams@wv.gov>, "joseph.r.kessler@wv.gov" <joseph.r.kessler@wv.gov>

Scott - We would like to set up a meeting with the 3 of you at your earliest opportunity to discuss permit issues.

Dave

David L. Yaussy

Spilman Thomas & Battle, PLLC

O 304.340.3829

M 304.552.6658

DYaussy@spilmanlaw.com

Driver, Charles S <charles.s.driver@wv.gov>

Wed, Apr 30, 2025 at 11:18 AM

To: "David L. Yaussy" <DYaussy@spilmanlaw.com>

Cc: "jerry.williams@wv.gov" <jerry.williams@wv.gov>, "joseph.r.kessler@wv.gov" <joseph.r.kessler@wv.gov>

Dave, do you have specific permits in mind? I'm not sure which it'd/they'd be based on the e-mail recipients.

Scott

[Quoted text hidden]

Kessler, Joseph R <joseph.r.kessler@wv.gov>

Wed, Apr 30, 2025 at 11:18 AM

To: "David L. Yaussy" <DYaussy@spilmanlaw.com>

Cc: "Driver, Charles S" <charles.s.driver@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>

Laura or James will need to attend as well.

On Wed, Apr 30, 2025 at 11:17 AM David L. Yaussy <DYaussy@spilmanlaw.com> wrote:

[Quoted text hidden]

David L. Yaussy <DYaussy@spilmanlaw.com>

Wed, Apr 30, 2025 at 11:24 AM

To: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>

Cc: "Driver, Charles S" <charles.s.driver@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>

Laura told me she will be gone for a bit and said to proceed with you, Jerry and Scott. You know your own chain of command, but I would respectfully ask you to check with Laura as to whether we need to have her present.

David L. Yaussy

Spilman Thomas & Battle, PLLC

O 304.340.3829

M 304.552.6658

DYaussy@spilmanlaw.com

From: Kessler, Joseph R <joseph.r.kessler@wv.gov>**Sent:** Wednesday, April 30, 2025 11:19 AM**To:** David L. Yaussy <DYaussy@spilmanlaw.com>**Cc:** Driver, Charles S <charles.s.driver@wv.gov>; jerry.williams@wv.gov**Subject:** Re: Meeting [STB-WORKSITE.FID1215877]**EXTERNAL SENDER**

[Quoted text hidden]

Driver, Charles S <charles.s.driver@wv.gov>

Wed, Apr 30, 2025 at 11:41 AM

To: "David L. Yaussy" <DYaussy@spilmanlaw.com>

Cc: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>

I'd like to have James Robertson present or at least looped in. I've cc'ed him.

Scott

[Quoted text hidden]

David L. Yaussy <DYaussy@spilmanlaw.com>

Wed, Apr 30, 2025 at 11:44 AM

To: "Driver, Charles S" <charles.s.driver@wv.gov>

Cc: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>

Thanks. Our only concern is that we do it at your earliest convenience.

David L. Yaussy

Spilman Thomas & Battle, PLLC

O 304.340.3829

M 304.552.6658

DYaussy@spilmanlaw.com

[Quoted text hidden]

David L. Yaussy <DYaussy@spilmanlaw.com>

Wed, Apr 30, 2025 at 1:17 PM

To: "Driver, Charles S" <charles.s.driver@wv.gov>

Cc: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>, Lewis Reynolds <lreynolds@fundamentaldata.com>, Casey Chapman <cchapman@fundamentaldata.com>, "Joshua L. Jarrell" <JJarrell@spilmanlaw.com>

Scott: Thanks for being willing to meet with us. You had said that you are available tomorrow afternoon. We would like to meet with you and anyone else in the decision

process by Zoom at 1 pm. Does that work for everyone? If not, please suggest an alternative time.

Thank you

Dave

David L. Yaussy

Spilman Thomas & Battle, PLLC
O 304.340.3829
M 304.552.6658
DYaussy@spilmanlaw.com

From: Driver, Charles S <charles.s.driver@wv.gov>
Sent: Wednesday, April 30, 2025 11:41 AM
To: David L. Yaussy <DYaussy@spilmanlaw.com>
Cc: Kessler, Joseph R <joseph.r.kessler@wv.gov>; jerry.williams@wv.gov; James Robertson <james.robertson@wv.gov>
Subject: Re: Meeting [STB-WORKSITE.FID1215877]

[Quoted text hidden]

Driver, Charles S <charles.s.driver@wv.gov> Wed, Apr 30, 2025 at 1:21 PM
To: "David L. Yaussy" <DYaussy@spilmanlaw.com>
Cc: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>, Lewis Reynolds <lreynolds@fundamentaldata.com>, Casey Chapman <cchapman@fundamentaldata.com>, "Joshua L. Jarrell" <JJarrell@spilmanlaw.com>

I have to be on another call at 1:30, but I don't expect that one to take too long. What about 2:00, pending my guys' availability?

Scott

[Quoted text hidden]

David L. Yaussy <DYaussy@spilmanlaw.com> Wed, Apr 30, 2025 at 1:22 PM
To: "Driver, Charles S" <charles.s.driver@wv.gov>
Cc: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>, Lewis Reynolds <lreynolds@fundamentaldata.com>, Casey Chapman <cchapman@fundamentaldata.com>, "Joshua L. Jarrell" <JJarrell@spilmanlaw.com>

I have a call I can't change from 2 to 3:30. How about 3:30 or 4?

[Quoted text hidden]

Driver, Charles S <charles.s.driver@wv.gov> Wed, Apr 30, 2025 at 1:26 PM
To: "David L. Yaussy" <DYaussy@spilmanlaw.com>
Cc: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>, Lewis Reynolds <lreynolds@fundamentaldata.com>, Casey Chapman <cchapman@fundamentaldata.com>, "Joshua L. Jarrell" <JJarrell@spilmanlaw.com>

Our folks have a conflict past 3:00. I can do any time on Friday morning other than 10:00 - 11:00.

Scott

[Quoted text hidden]

Driver, Charles S <charles.s.driver@wv.gov>

Wed, Apr 30, 2025 at 1:38 PM

To: "David L. Yaussy" <DYaussy@spilmanlaw.com>

Cc: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>, Lewis Reynolds <lreynolds@fundamentaldata.com>, Casey Chapman <cchapman@fundamentaldata.com>, "Joshua L. Jarrell" <JJarrell@spilmanlaw.com>

It looks like we can do 3:30 - 4:00. If that's only enough time for a preliminary discussion and more is required, we can get back together as soon as possible.

Scott

[Quoted text hidden]

Casey Chapman <cchapman@fundamentaldata.com>

Wed, Apr 30, 2025 at 3:02 PM

To: "Driver, Charles S" <charles.s.driver@wv.gov>, "David L. Yaussy" <DYaussy@spilmanlaw.com>

Cc: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>, Lewis Reynolds <lreynolds@fundamentaldata.com>, "Joshua L. Jarrell" <JJarrell@spilmanlaw.com>

I will make myself available.

Casey

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

David Yaussy's Zoom Meeting

1 message

David L. Yaussy <DYaussy@spilmanlaw.com>

Wed, Apr 30, 2025 at 5:02 PM

To: "Driver, Charles S" <charles.s.driver@wv.gov>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, James Robertson <james.robertson@wv.gov>, Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lreynolds@fundamentaldata.com>, "Joshua L. Jarrell" <JJarrell@spilmanlaw.com>, "Kessler, Joseph R" <joseph.r.kessler@wv.gov>

David Yaussy is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://spilmanlaw.zoom.us/j/88903084578?pwd=IjUjmx0u5jFBJ0CVmKa1ByZl6Ha1Bf.1>

Meeting ID: 889 0308 4578

Passcode: 134085

One tap mobile

+13017158592,,88903084578#,,,,*134085# US (Washington DC)

+13052241968,,88903084578#,,,,*134085# US

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 689 278 1000 US

+1 719 359 4580 US

+1 720 707 2699 US (Denver)

Meeting ID: 889 0308 4578

Passcode: 134085

Find your local number: <https://spilmanlaw.zoom.us/u/k0rXejXhT>



**Williams, Jerry** <jerry.williams@wv.gov>**Fwd: FOIA #2025-05-026**

5 messages

Ernest, Nicole D <nicole.d.ernest@wv.gov>

Tue, May 6, 2025 at 2:42 PM

To: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <Joseph.R.Kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

Please see the forwarded FOIA request and provide any additional information, if any.

Laura and Jerry, it seems you two may have already received this. Sorry for the duplicate.

Thanks,

Nicole

----- Forwarded message -----

From: **FOIA, DEP** <depfoia@wv.gov>

Date: Tue, May 6, 2025 at 2:23 PM

Subject: FOIA #2025-05-026

To: Nicole D Ernest <nicole.d.ernest@wv.gov>

Cc: Jason E Wandling <jason.e.wandling@wv.gov>, John M Dever <john.m.dever@wv.gov>, Terry A Fletcher <terry.a.fletcher@wv.gov>

Below, please find a FOIA request from Pamela Moe. Please gather all responsive documents and send to DEPFOIA@wv.gov as soon as possible but no later than Tuesday, May 13, 2025.

Thank you!

----- Forwarded message -----

From: <dep.online@wv.gov>

Date: Tue, May 6, 2025 at 12:23 PM

Subject: FOIA Request

To: <depfoia@wv.gov>

FOIA REQUEST FORM

Name: Pamela Moe

Address1:

Address2:

City/State/ZIP:

Telephone

Number:

Email

Address:

Date: 06-May-25, 12:23 PM

Request: FOIA to WVDEP Sent via the WV DEP FOIA website on 5/6/2025 RE: Fundamental Data, LLC, Permit - Legal Notice of Application (R13-3713) From: Pamela Moe, Bear Creek Consulting and Tucker County resident Under my rights through the Freedom of Information Act (FOIA), I hereby request the following: Before I include the request below, I do want to express my appreciation for the letter that the WV DEP's Office of General Counsel sent to Fundamental Data, LLC asking for further information regarding confidential business information (CBI) related to their permit application. As you are aware, much of the information redacted is very basic. The application does not provide the technical specifications

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necessary to allow the public the ability to clearly see the size and methods of operation for this facility. Or even make reasonable speculations. I look forward to Fundamental Data's reply. As I understand by the date of the letter submitted to them by email, their response is due by May 9th. Please let me know if this is the correct date or if another is more accurate. How will the WV DEP will convey Fundamental Data's response and any new information they may provide to the public? Will their response and a modified application be posted on the WVDEP Application Xtender? I understand that the time clock for the permit review would be reinitiated at that time. Please convey the specifics of the new time table and any new information that Fundamental Data supplies. As we wait for Fundamental Data's reply, I am interested in obtaining further information concerning your agency's consultations and review of the Fundamental Data application for an Air Quality Permit (Application R13-3713) for the Ridgeline Facility located near Thomas in Tucker County WV. With my previous FOIA request asking for "Any and all information and plans associated with..." this permit, the response I received was a copy of the original redacted permit. I do not feel the response of the original redacted permit satisfies the interests of the public for a proposed facility that holds such high stakes for the towns of Thomas and Davis, other local Tucker County residents, and the surrounding special natural areas including: Blackwater Falls State Park; Canaan Valley and it's National Wildlife Refuge; Pendleton Creek and Blackwater River Watershed; Dolly Sods and Otter Creek Wilderness Areas; Canaan Valley Resort State Park; the Monongahela National Forest; three local well-known and utilized ski areas; and many other local homes and businesses. Consider this request to include, but not be limited to: reports, letters, memos, records of meetings, telephone conversations, electronic data or email concerning your agencies consultations's regarding the Fundamental Data permit application with the Fundamental Data Responsible Official, Casey Chapman; with Lewis Reynolds of Fundamental Data; and, with Leah Blinn, CEC. Please provide me with any and all correspondence and records of meetings, including but not limited to memos, notes of contact and records of phone and emails between your offices and both parties of Fundamental Data, LLC cited about and with Ms. Blinn of CEC I am requesting these items for the following dates and/or timeframe: January 1, 2025 through May 6, 2025. Again, I feel it is critical for the public to see an un-redacted permit per the Notice of Application for this facility in order to fully evaluate the facility and it's impacts, and, be able to provide meaningful comments to the WV DEP Division of Air Quality during it's review of the permit application. When Fundamental Data submits an application to the public that is more complete and forthcoming, I ask that the permit be re-advertised by Fundamental Data, LLC and made fully available for public review. I thank you and look forward to your assistance with this matter and your response. Sincerely, Pamela Moe Bear Creek Consulting cc: Casey Chapman, Fundamental Data, LLC, cchapman@fundamentaldata.com Jerry Williams, P.E., WV DEP Division of Air Quality, Jerry.Williams@wv.gov Laura Crowder, Director, WV DEP Division of Air Quality, Laura.M.Crowder@wv.gov Mary Cate Opila, Branch Chief, US EPA Region 3 Permitting Branch, Opila.MaryCate@epa.gov Gwen Supplee, US EPA Region 3, WV Title V & NSR Permitting, Supplee.Gwendolyn@epa.gov J. Adam Whapham, US EPA Region 3, WV Title V & NSR Permitting, Whapham.Joseph@epa.gov

Timeframe: January 1, 2025 through May 6, 2025

For DEP use only:

Referred to:	
Date referred:	

Kessler, Joseph R <joseph.r.kessler@wv.gov>

Tue, May 13, 2025 at 8:05 AM

To: "Ernest, Nicole D" <nicole.d.ernest@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

Don't think I ever replied, I don't have anything that Jerry would not also have.

[Quoted text hidden]

Williams, Jerry <jerry.williams@wv.gov>

Tue, May 13, 2025 at 8:24 AM

To: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>

Cc: "Ernest, Nicole D" <nicole.d.ernest@wv.gov>, Laura M Crowder <laura.m.crowder@wv.gov>

Nicole,

6/24/25, 2:18 PM

State of West Virginia Mail - Fwd: FOIA #2025-05-026

I will update the cover letter I sent last week based upon DEP's response to the CBI letter. I have an appt at 830, but will get it back to you later this morning or early afternoon.

Thanks,
Jerry

[Quoted text hidden]

--



Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
601 57th Street SE, Charleston, WV 25304
Phone 304-926-0499, ext. 41214
Web dep.wv.gov Email jerry.williams@wv.gov

Williams, Jerry <jerry.williams@wv.gov>

Tue, May 13, 2025 at 9:18 AM

To: "Ernest, Nicole D" <nicole.d.ernest@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, "Kessler, Joseph R" <joseph.r.kessler@wv.gov>

Nicole,

Attached are two documents addressing Pamela Moe's 2nd FOIA. Attachment 1 is a document that answers the questions surrounding the CBI response due date, where it will be posted, and the status of the application after review. The responses to these questions are in blue. Additionally, there are two other statements about the FOIA, with answers in blue. Attachment 2 contains the correspondence between DAQ and FD (Casey Chapman, Lewis Reynolds, Leah Blinn (CEC)) as requested from January 1, 2025 through May 6, 2025.

Thank you,
Jerry

[Quoted text hidden]

2 attachments

 **Attachment 1.pdf**
79K

 **Attachment 2.pdf**
7976K

Ernest, Nicole D <nicole.d.ernest@wv.gov>

Tue, May 13, 2025 at 12:43 PM

To: DEP FOIA <depfoia@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <Joseph.R.Kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>

Good afternoon,

Please see the forwarded email and attached documents from Jerry Williams addressing the FOIA request from Pamela Moe.

Additionally, below are instructions on how to access documents available for Fundamental Data LLC. (DAQ ID No. 093-00034)).

WVDEP-DAQ DOCUMENT MANAGEMENT SYSTEM INSTRUCTIONS

Go to: <https://documents.dep.wv.gov/appxtender> (works best with Microsoft Edge or Google Chrome)
User Name = DEP
Password = DEP

1. Double-click on PERMITS/AIR from the applications listed on the left pane. It should turn blue when selected.
2. Click on the blue square – NEW QUERY.

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6/24/25, 2:18 PM

State of West Virginia Mail - Fwd: FOIA #2025-05-026

3. In the PRIMARY ID box, enter the DAQ ID No. **093-00034**.
4. Click the RUN button at the bottom of the page. You may sort any of the columns by clicking the column heading.
5. Double-click the document in the QUERY RESULTS you want to view.

Regards,

Nicole Ernest

WV Department of Environmental Protection
Division of Air Quality
601 57th Street
Charleston, WV 25304
304-926-0499 x41256

----- Forwarded message -----

From: **Williams, Jerry** <jerry.williams@wv.gov>

Date: Tue, May 13, 2025 at 9:18 AM

Subject: Re: FOIA #2025-05-026

To: Ernest, Nicole D <nicole.d.ernest@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Kessler, Joseph R <joseph.r.kessler@wv.gov>

Nicole,

Attached are two documents addressing Pamela Moe's 2nd FOIA. Attachment 1 is a document that answers the questions surrounding the CBI response due date, where it will be posted, and the status of the application after review. The responses to these questions are in blue. Additionally, there are two other statements about the FOIA, with answers in blue. Attachment 2 contains the correspondence between DAQ and FD (Casey Chapman, Lewis Reynolds, Leah Blinn (CEC)) as requested from January 1, 2025 through May 6, 2025.

Thank you,

Jerry

[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

2 attachments



Attachment 1.pdf

79K



Attachment 2.pdf

7976K



Williams, Jerry <jerry.williams@wv.gov>

Re: Pre-Application Meeting

Kessler, Joseph R <joseph.r.kessler@wv.gov>

Wed, Mar 12, 2025 at 12:48 PM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: "Spiker, Casey" <cspiker@cecinc.com>, Jerry Williams <jerry.williams@wv.gov>

Tomorrow at 1:30 works for us. Please send me an invite and include Jerry Williams who is copied on this e-mail.

Thanks

Joe Kessler

On Wed, Mar 12, 2025 at 11:41 AM Blinn, Leah <lblinn@cecinc.com> wrote:

Thanks Joe! We are free tomorrow afternoon and anytime before 2 PM on Friday.

Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418

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From: Kessler, Joseph R <joseph.r.kessler@wv.gov>**Sent:** Wednesday, March 12, 2025 8:43 AM**To:** Blinn, Leah <lblinn@cecinc.com>**Cc:** Spiker, Casey <cspiker@cecinc.com>**Subject:** Re: Pre-Application Meeting

I got your message and we can set up a virtual meeting no problem. Do you have some dates/times you are thinking about?

--

Joe Kessler, PE

NSR Program Manager

5/7/25, 7:44 AM

State of West Virginia Mail - Re: Pre-Application Meeting

Engineer Senior

West Virginia Division of Air Quality

601-57th St., SE

Charleston, WV 25304

Phone: (304) 926-0499 x41280

Joseph.r.kessler@wv.gov

On Tue, Mar 11, 2025 at 4:45 PM Blinn, Leah <lblinn@cecinc.com> wrote:

Hi Joseph,

I just left you a voicemail as well. We would like to schedule a pre-application meeting with you to review an R-13 permit application that we are about to submit. Can you please let me know what dates and times you would be available this week?

Thank you,

Leah

Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418

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Williams, Jerry <jerry.williams@wv.gov>

Pre-Application Meeting

Blinn, Leah <lblinn@cecinc.com>

Wed, Mar 12, 2025 at 1:01 PM

To: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, "Spiker, Casey" <cspiker@cecinc.com>, Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>

Hi Joe and Jerry,

Thank you for helping us schedule a pre-application meeting. We will review the application over Teams with you noting requested operational restrictions and planned confidentiality claims. Please see the Teams link below my signature.

Thank you,
Leah

Leah E. Blinn | Vice President

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418

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Microsoft Teams [Need help?](#)

Join the meeting now

Meeting ID: 213 808 430 63

Passcode: Ex7Un9QW

Dial in by phone

+1 929-341-4269,,984286527# United States, New York City

[Find a local number](#)

Phone conference ID: 984 286 527#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

 **invite.ics**
6K



Williams, Jerry <jerry.williams@wv.gov>

Confidential Business Information and Redacted Application Discussion

Williams, Jerry <jerry.williams@wv.gov>

Fri, Mar 14, 2025 at 11:39 AM

To: "Blinn, Leah" <lblinn@cecinc.com>, "Spiker, Casey" <cspiker@cecinc.com>

Attached is a copy of the WV newspapers that are qualified by the WV Secretary of State's office to publish Class I legal advertisements in 2025.

Please reach out if you have any questions.

Thank you,
Jerry

[Quoted text hidden]

--



Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov **Email** jerry.williams@wv.gov



2025 Qualified Newspapers.pdf

2251K

West Virginia Qualified Newspapers
FY 2025

County	Newspaper	Party Affiliation	Circulation	W/D	Physical Office Location	City	State	Zip	Mail Office Location	Mailing City	Mail State	Mail Zip	Phone	Filed
Barbour	The Barbour Democrat	Independent	5,300	Weekly	85 Church Street	Philippi	WV	26416	P.O. Box 459	Philippi	WV	26416	304-457-2222	10/31/23
Berkeley	The Journal	Republican	5,236	Daily	207 W. King Street	Martinsburg	WV	25401	207 W. King Street	Martinsburg	WV	25401	304-457-2222	10/11/23
Boone	Coal Valley News	Independent	694	Weekly	145 First Avenue	Danville	WV	25053	145 First Avenue	Danville	WV	25053	304-348-5119	10/30/23
Braxton	Braxton Democrat - Central	Republican	3,536	Weekly	501 Main Street	Sutton	WV	26601	PO Box 516	Sutton	WV	26601	304-348-5119	10/30/23
Braxton	Braxton Citizens News	Democratic	5,663	Weekly	501 Main Street	Sutton	WV	26601	PO Box 516	Sutton	WV	26601	304-348-5119	10/30/23
Brooke	The Herald Dispatch	Independent	1,265	Weekly	55 Town Square	Wellburg	WV	26070	55 Town Square	Wellburg	WV	26070	304-737-0946	10/27/23
Cabell	The County Review	Democratic	9,980	Daily	5192 Braley Road	Huntington	WV	25705	5192 Braley Road	Huntington	WV	25705	304-348-5119	10/30/23
Calhoun	Calhoun Chronicle	Democratic	1,482	Weekly	353 Main Street	Grantsville	WV	26147	353 Main Street	Grantsville	WV	26147	304-354-6917	10/16/23
Clay	Clay County Free Press	Democratic	981	Weekly	1975 Maygal Rd	Precious	WV	26164	PO Box 429, 2nd Floor	Grantsville	WV	26147	304-647-5724	10/16/23
Doddridge	The Herald Record	Republican	1,620	Weekly	177 Main Street	West Union	WV	26456	177 Main Street	West Union	WV	26456	304-873-1600	10/16/23
Doddridge	The Doddridge Independent	Independent	1,132	Weekly	187 Main Street	West Union	WV	26456	187 Main Street	West Union	WV	26456	304-844-8040	10/16/23
Fayette	Fayette Tribune	Independent	657	Weekly	417 Main Street	Oak Hill	WV	25901	PO Box 2338	Beckley	WV	25802	304-255-4487	10/11/23
Glinner	Glenville Democrat	Democratic	1,068	Weekly	108 Court Street	Glenville	WV	26351	PO Box 438	Glenville	WV	26351	304-462-7309	10/11/23
Glinner	Glenville Pathfinder	Republican	1,400	Weekly	108 Court Street	Glenville	WV	26351	PO Box 438	Glenville	WV	26351	304-462-7309	10/11/23
Grant	Grant County Press	Republican	3,100	Weekly	47 South Main Street	Petersburg	WV	26847	PO Box 39, 47 S. Main Street	Petersburg	WV	26847	304-257-1844	10/11/23
Greenbrier	Mountain Messenger	Democratic	2,325	Weekly	860 N. Court Street	Lewisburg	WV	24901	860 Court Street N.	Lewisburg	WV	24901	304-647-5724	10/16/23
Greenbrier	The West Virginia Daily News	Independent	1,550	Daily	188 Foster Street	Lewisburg	WV	24901	188 Foster Street	Lewisburg	WV	24901	304-645-1206	10/31/23
Hampshire	Hampshire Review	Democratic	7,150	Weekly	74 W. Main Street	Romey	WV	26757	PO Box 1036	Romey	WV	26757	304-822-3871	10/30/23
Hancock	Weirton Daily Times	Independent	1,424	Daily	114 Lee Avenue	Weirton	WV	26062	401 Herald Square	Steuersville	WV	49952	740-283-4711	10/16/23
Hardy	Moorefield Examiner	Democratic	3,200	Weekly	132 South Main Street	Moorefield	WV	26836	PO Box 380	Moorefield	WV	26836	304-530-6397	10/11/23
Harrison	Shinnston News & Harrison County Journal	Democratic	729	Weekly	109 Rice Street	Shinnston	WV	26431	PO Box 187	Shinnston	WV	26431	304-592-1030	10/16/23
Harrison	The Exponent Telegraph	Independent	20,913	Daily	324 Hewes Ave.	Clarkburg	WV	26301	PO Box 2000	Clarkburg	WV	26302	304-626-1468	10/24/23
Jackson	Jackson Herald	Republican	2,716	Weekly	112 N Court Street	Ripley	WV	25271	112 W North Street	Ripley	WV	25271	304-626-1468	10/24/23
Jackson	Jackson Star	Democratic	2,821	Weekly	112 N Court Street	Ripley	WV	25271	112 W North Street	Ripley	WV	25271	304-626-1468	10/24/23
Jefferson	Shepherdstown Chronicle	Republican	357	Weekly	217 S Duke Street, Suite 102	Shepherdstown	WV	25443	PO Box 2088	Shepherdstown	WV	25443	304-465-1667	10/11/23
Jefferson	Spirit of Jefferson	Democratic	4,200	Weekly	114 N. Charles Street	Charles Town	WV	25414	PO Box 966	Charles Town	WV	25414	304-725-2046	10/11/23
Kanawha	Charleson Gazette-Mail	Independent	18,888	Daily	1001 Virginia Street East	Charleston	WV	25301	1001 Virginia Street East	Charleston	WV	25301	304-348-5119	10/30/23
Lewis	The Weston Democrat	Independent	1,960	Weekly	139 Main Avenue	Weston	WV	26426	PO Box 2000	Clarkburg	WV	26302	304-626-1468	10/24/23
Lincoln	The Lincoln Journal	Republican	1,167	Weekly	328 Walnut Street	Hamlin	WV	25523	328 Walnut Street	Hamlin	WV	25523	304-348-5119	10/30/23
Lincoln	Lincoln News Sentinel	Democratic	574	Weekly	328 Walnut Street	Hamlin	WV	25523	328 Walnut Street	Hamlin	WV	25523	304-348-5119	10/30/23
Logan	The Logan Banner	Independent	1,141	Weekly	229 Stratton Street, Rm 313	Logan	WV	25701	229 Stratton Street, Rm 313	Logan	WV	25701	304-348-5119	10/30/23
Marion	Times West Virginian	Independent	2,194	Weekly	300 Quincy Street	Fairmont	WV	26554	300 Quincy Street	Fairmont	WV	26554	304-255-4487	10/11/23
Mason	River Cities Register	Republican	3,160	Weekly	510 Main Street	Pt. Pleasant	WV	25550	510 Main Street	Pt. Pleasant	WV	25550	304-626-1468	10/24/23
Mason	River Cities Tribune	Democratic	3,066	Weekly	510 Main Street	Pt. Pleasant	WV	25550	510 Main Street	Pt. Pleasant	WV	25550	304-626-1468	10/24/23
Marshall	Moundsville Daily Echo	Republican	1,301	Daily	713 Lafayette Avenue	Moundsville	WV	26041	713 Lafayette Avenue	Moundsville	WV	26041	304-845-2660	10/27/23
McDowell	Bluefield Daily Telegraph	Independent	3,138	Weekly	928 Bluefield Avenue	Bluefield	WV	24701	PO Box 1599	Bluefield	WV	24701	304-255-4487	10/11/23
Mineral	Mineral News	Democratic	8,332	Weekly	455 S Mineral Street	Keyser	WV	26726	455 S Mineral Street	Keyser	WV	26726	304-626-1468	10/24/23
Mineral	Mineral Tribune	Republican	2,964	Weekly	455 S Mineral Street	Keyser	WV	26726	455 S Mineral Street	Keyser	WV	26726	304-626-1468	10/24/23
Mingo	Williamson Daily News	Independent	4,185	Weekly	73 East 3rd Avenue	Williamson	WV	25661	73 East 3rd Avenue	Williamson	WV	25661	800-593-4054	10/10/23
Mingo	Williamson Daily News	Independent	691	Weekly	38 West Second Avenue	Williamson	WV	25661	38 West Second Avenue	Williamson	WV	25661	304-348-5119	10/30/23
Monongalia	Dominion Post	Independent	9,122	Daily	1251 Earl L Core Rd	Morgantown	WV	26505	1251 Earl L Core Rd	Morgantown	WV	26505	304-291-9415	10/19/23
Monroe	Monroe Watchman	Independent	2,620	Weekly	430 Main Street	Union	WV	24983	P.O. Box 179	Union	WV	24983	304-772-3016	10/19/23
Morgan	Morgan Messenger	Republican	5,146	Weekly	16 N. Mercer Street	Berkeley Springs	WV	25411	16 N. Mercer Street, PO Box 567	Berkeley Springs	WV	25411	304-258-1800	10/16/23
Nicholas	Nicholas Chronicle	Democratic	4,617	Weekly	718 Broad Street	Summersville	WV	26651	718 Broad Street	Summersville	WV	26651	304-872-2251	10/19/23
Ohio	The Intelligencer	Republican	4,501	Daily	1500 Main Street	Wheeling	WV	26003	1500 Main Street	Wheeling	WV	26003	740-283-4711	10/27/23
Ohio	Wheeling News Register	Democratic	2,471	Daily	1500 Main Street	Wheeling	WV	26003	1500 Main Street	Wheeling	WV	26003	740-283-4711	10/27/23
Pendleton	Pendleton Times	Democratic	2,831	Weekly	77 N. Main Street	Franklin	WV	26807	PO Box 906	Franklin	WV	26807	304-358-2304	10/11/23
Pleasants	Pleasants County Leader	Republican	2,165	Weekly	206 George Street	Saint Marys	WV	26170	PO Box 27	Saint Marys	WV	26170	304-684-2424	10/27/23
Pleasants	The St. Marys Oracle	Democratic	2,940	Weekly	206 George Street	Saint Marys	WV	26170	PO Box 27	Saint Marys	WV	26170	304-684-2424	10/27/23
Pocahontas	Pocahontas Times	Independent	3,739	Weekly	206 8th Street	Marlinton	WV	24954	206 8th Street	Marlinton	WV	24954	304-799-4973	10/15/23
Preston	Preston Journal	Republican	2,475	Weekly	208 W Main Street	Kingwood	WV	26537	PO Box 587	Kingwood	WV	26537	304-626-1468	10/24/23
Preston	Preston News	Democratic	2,596	Weekly	208 W Main Street	Kingwood	WV	26537	PO Box 587	Kingwood	WV	26537	304-626-1468	10/24/23
Puam	The Hurricane Breeze	Republican	1,083	Weekly	978 Hurricane Creek Road	Hurricane	WV	25526	PO Box 310	Hurricane	WV	25526	304-562-9881	10/25/23
Raleigh	Register-Herald	Independent	4,586	Weekly	801 N Kanawha Street	Beckley	WV	25801	801 N Kanawha Street	Beckley	WV	25801	304-255-4487	10/19/23
Randolph	The Inter-Mountain	Republican	3,000	Daily	570 Railroad Avenue	Films	WV	26241	570 Railroad Avenue	Films	WV	26241	304-636-2121	10/23/23
Ritchie	The Pemboro News	Democratic	3,565	Weekly	103 N Spring Street	Harrisville	WV	26362	103 N Spring Street	Harrisville	WV	26362	304-683-4947	10/27/23
Ritchie	The Ritchie Gazette	Independent	2,100	Weekly	200 East Main Street	Harrisville	WV	26362	200 East Main Street	Harrisville	WV	26362	304-871-0716	10/31/23
Roane	Roane County Reporter	Democratic	2,488	Weekly	210 East Main Street	Spencer	WV	25276	210 East Main Street	Spencer	WV	25276	304-927-2360	10/23/23
Roane	The Times Record	Republican	1,505	Weekly	210 East Main Street	Spencer	WV	25276	210 East Main Street	Spencer	WV	25276	304-927-2360	10/23/23
Summers	The Hinton News	Independent	825	Weekly	21 Lowell Road	Talcott	WV	24981	188 Foster Street	Lewisburg	WV	24981	304-645-1206	10/31/23
Taylor	The Mountain Statesman	Independent	1,780	Weekly	914 W Main Street	Grafton	WV	26354	PO Box 2000	Clarkburg	WV	26302	304-626-1468	10/25/23
Tucker	The Parsons Advocate	Democratic	2,528	Weekly	219 Central Avenue	Parsons	WV	26287	PO Box 345	Parsons	WV	26287	304-478-3533	10/16/23
Tyler	Tyler Star News	Republican	1,091	Weekly	720 Wells Street	Sistersville	WV	26175	720 Wells Street	Sistersville	WV	26175	304-652-4141	10/15/23
Upshur	The Record Delta	Independent	2,502	Weekly	19 Chauncy Street	Clarksburg	WV	26021	PO Box 2000	Clarksburg	WV	26021	304-626-1468	10/24/23
Wayne	The Wayne County News	Independent	1,023	Weekly	1411 Riverside Drive	Wayne	WV	25570	1411 Riverside Drive	Wayne	WV	25570	304-348-5119	10/30/23
Webster	Webster Echo	Democratic	1,185	Weekly	219 Back Fork Street	Webster Springs	WV	26288	219 Back Fork Street	Webster Springs	WV	26288	304-348-5119	10/30/23
Wetzel	Wetzel Chronicle	Independent	1,357	Weekly	1100 3rd Street	New Martinsville	WV	26155	1100 3rd Street	New Martinsville	WV	26155	304-455-3300	10/11/23
Wirt	Wirt County Journal	Democratic	2,169	Weekly	1 Midway Square	Elizabeth	WV	26143	PO Box 309	Elizabeth	WV	26143	304-275-8981	10/27/23
Wood	Parkersburg News & Sentinel	Independent	7,239	Daily	519 Juliana Street	Parkersburg	WV	26101	519 Juliana Street	Parkersburg	WV	26101	304-485-1891	10/25/23
Wyoming														

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline Facility

2 messages

Williams, Jerry <jerry.williams@wv.gov>

Wed, Mar 19, 2025 at 6:59 AM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>, Stephanie R Mink <stephanie.r.mink@wv.gov>

Leah,

We did receive the redacted copy of the permit application for the Ridgeline Facility. When should we expect to receive the CBI version? Please let me know if you have any questions.

Thank you,
Jerry

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov

Blinn, Leah <lblinn@cecinc.com>

Wed, Mar 19, 2025 at 8:53 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>, Stephanie R Mink <stephanie.r.mink@wv.gov>, Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>

Hi Jerry,

The CBI copy should be arriving in the next hour or so. We sent it priority overnight. Going forward, please copy Casey Chapman and Lewis Reynolds on future correspondence.

Thank you,

Leha

Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

[700 Cherrington Parkway, Moon Township, PA 15108](#)**direct** 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418www.cecinc.com

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From: Williams, Jerry <jerry.williams@wv.gov>
Sent: Wednesday, March 19, 2025 6:59 AM
To: Blinn, Leah <lblinn@cecinc.com>
Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>; Stephanie R Mink <stephanie.r.mink@wv.gov>
Subject: Ridgeline Facility

Leah,

We did receive the redacted copy of the permit application for the Ridgeline Facility. When should we expect to receive the CBI version? Please let me know if you have any questions.

Thank you,

Jerry

--

Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
601 57th Street SE, Charleston, WV 25304
Phone 304-926-0499, ext. 41214
Web dep.wv.gov Email jerry.williams@wv.gov

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline Facility

Blinn, Leah <lblinn@cecinc.com>

Wed, Mar 19, 2025 at 8:54 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Hi Jerry,

The legal ad will be published in the Parsons Advocate. I believe that was the newspaper you recommended to us last week. Can you please confirm?

Thank you,
Leah

Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418

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From: Williams, Jerry <jerry.williams@wv.gov>**Sent:** Wednesday, March 19, 2025 7:38 AM**To:** Blinn, Leah <lblinn@cecinc.com>; Spiker, Casey <cspiker@cecinc.com>**Subject:** Ridgeline Facility

Good morning.

I wanted to check in and ask which newspaper you were planning on publishing the Class I legal advertisement. We want to avoid the possibility of a republic if placed in the incorrect paper.

5/7/25, 7:51 AM

State of West Virginia Mail - Ridgeline Facility

Thank you,

Jerry

--
Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
[601 57th Street SE, Charleston, WV 25304](#)
Phone 304-926-0499, ext. 41214
Web [dep.wv.gov](#) **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Wed, Mar 19, 2025 at 8:58 AM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Leah,

That is correct.

Thank you,
Jerry

[Quoted text hidden]

--



Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov Email jerry.williams@wv.gov

5/7/25, 7:53 AM

State of West Virginia Mail - Ridgeline Facility



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Fri, Mar 21, 2025 at 2:10 PM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Good afternoon.

Could you please provide your availability for a phone discussion on Wednesday March 26th or Thursday March 27th?

Thank you,
Jerry

[Quoted text hidden]

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Mon, Mar 24, 2025 at 1:26 PM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Leah,

I spoke with Casey on Friday to let him know the application review was progressing. The reason for the suggested call is to discuss some items that need further clarification. I suggested Wednesday or later so that all information will have been reviewed. Could you provide the tracking number for the CBI application, as that information had not been received as of Friday. I have reviewed all information in the redacted copy, but would prefer to wait for the phone discussion until I have time to review the CBI, as that may lead to more or less questions.

Thank you,

Jerry

[Quoted text hidden]

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Mon, Mar 24, 2025 at 1:45 PM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

I have made good progress on developing a draft permit. What is your team's availability for a call on Wednesday or Thursday?

Also, @Casey Chapman , I spoke with Joe and we are good to go on Tuesday April 8 for a site inspection.

Thank you,
Jerry

[Quoted text hidden]

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality*

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Blinn, Leah <lblinn@cecinc.com>

Mon, Mar 24, 2025 at 1:48 PM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Hi Jerry,

That sounds good. We are available Wednesday or Thursday morning. Feel free to propose a time or send an invite.

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Casey Chapman <cchapman@fundamentaldata.com>

Mon, Mar 24, 2025 at 1:50 PM

To: "Blinn, Leah" <lblinn@cecinc.com>, "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

All,

Wednesday works for us. Please let us know the time.

Thank you,

Casey

[Quoted text hidden]

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Mon, Mar 24, 2025 at 1:55 PM

To: Casey Chapman <cchapman@fundamentaldata.com>

Cc: "Blinn, Leah" <lblinn@cecinc.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

**Ridgeline Facility**Mar 26, 2025, 10:00am – Mar 26, 2025, 11:00am
(GMT-04:00) Eastern Time - New York

[Quoted text hidden]

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov

**Williams, Jerry** <jerry.williams@wv.gov>

Site Inspection

2 messages

Williams, Jerry <jerry.williams@wv.gov>

Tue, Apr 1, 2025 at 9:36 AM

To: Casey Chapman <cchapman@fundamentaldata.com>, Joseph R Kessler <joseph.r.kessler@wv.gov>

Casey,

As we discussed last week, we will plan to meet you next Tuesday April 8th to look at the site. Please let us know where the best place to meet will be and we can set up the time. We look forward to meeting you. Also, let us know if any specific PPE is required while on site. Please let me know if you have any questions.

Thank you,
Jerry

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov Email jerry.williams@wv.gov

Casey Chapman <cchapman@fundamentaldata.com>

Tue, Apr 1, 2025 at 11:51 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>

Jerry,

I just tried to call you. Please call me as soon as you are available, 540-454-7775.

Respectfully,

Casey

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Williams, Jerry <jerry.williams@wv.gov>

Thu, Apr 3, 2025 at 12:41 PM

To: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Blinn, Leah" <lblinn@cecinc.com>, "Spiker, Casey" <cspiker@cecinc.com>

Good afternoon.

Would you be available for a call tomorrow or Monday to discuss a few items? If you have any questions, prior to the call, please feel free to contact me.

Thank you,
Jerry

--



Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Blinn, Leah <lblinn@cecinc.com>

Fri, Apr 4, 2025 at 9:55 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>, Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Hi Jerry,

Thanks for reaching out to us. Would 8:30 AM work for you on Monday? Feel free to send a meeting invite if that time is good.

Thank you,
Leah

Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418

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From: Williams, Jerry <jerry.williams@wv.gov>**Sent:** Thursday, April 3, 2025 12:41 PM**To:** Casey Chapman <cchapman@fundamentaldata.com>; Lewis Reynolds <lewis.reynolds@prismrenewables.com>; Blinn, Leah <lblinn@cecinc.com>; Spiker, Casey <cspiker@cecinc.com>**Subject:** Ridgeline

Good afternoon.

Would you be available for a call tomorrow or Monday to discuss a few items? If you have any questions, prior to the call, please feel free to contact me.

5/7/25, 8:05 AM

State of West Virginia Mail - Ridgeline

Thank you,

Jerry

--

Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
601 57th Street SE, Charleston, WV 25304
Phone 304-926-0499, ext. 41214
Web dep.wv.gov **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Williams, Jerry <jerry.williams@wv.gov>

Fri, Apr 4, 2025 at 10:02 AM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

**Ridgeline**Apr 7, 2025, 8:30am – Apr 7, 2025, 9:00am
(GMT-04:00) Eastern Time - New York

[Quoted text hidden]

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Williams, Jerry <jerry.williams@wv.gov>

Wed, Apr 9, 2025 at 6:53 AM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Good morning. At your convenience, can you please email me the affidavit of publication for the Class I legal advertisement? Once that is received, I will be able to deem the permit application administratively complete. Please let me know if you have any questions.

Thank you,
Jerry

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Spiker, Casey <cspiker@cecinc.com>

Wed, Apr 9, 2025 at 8:40 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>, "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>

Good Morning Jerry,

Please see attached.

Thanks,

Casey

Casey N. Spiker | *Project Manager*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1602 **office** 412.429.2324 **mobile** 412.463.6569

www.cecinc.com

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BRWAC50DE54E9EB_011019.pdf

603K

The Parsons Advocate

Invoice

Mountain Media, LLC
P.O. Box 429
Lewisburg, WV 24901

DATE	INVOICE #
3/26/2025	25-429861

BILL TO

Civil & Environmental Consultants, Inc.
Casey Spiker
700 Cherrington Parkway
Moon Township, PA 15108

PAID
03/20/2025

P.O. NO.

TERMS

PROJECT

QUANTITY	DESCRIPTION	RATE	AMOUNT
	Legal Advertising in The Parsons Advocate.	38.18	38.18

FEIN 26-0028834
Air Quality Permit Notice
332 words set solid @ .115 per word
3/26

	Total	\$38.18
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Mountain Media, LLC publishes the Clay County Free Press, the Mountain Messenger, Properties and Lifestyles, mountainmessenger.com and numerous Specialty Publications

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LEGAL

AIR QUALITY PERMIT NOTICE

Notice is given that FUNDAMENTAL DATA LLC has applied to the West Virginia Department of Environmental Protection, Division of Air Quality, for a Conservation Permit for the RIDGELINE FACILITY to be located off of US-44, near the City of Thomas, in Tucker County, West Virginia. The latitude and longitude coordinates are 39.153539, -79.446464.

The applicant estimates the potential to discharge the following Regulated Air Pollutants will be:

NOx:	99.35	ppb
CO:	56.36	ppb
VOC:	43.93	ppb
SOx:	58.89	ppb
PM:	97.46	ppb
PM10:	71.86	ppb
PM2.5:	71.54	ppb
Lead:	0.02	ppb
Total HAPs:	8.47	ppb

Startup of operations is planned to begin in 2027 or 2028. Written consent will be received by the West Virginia Department of Environmental Protection, Division of Air Quality (DAQ), 601 57th Street, SE, Charleston, WV 25304, for a least 30 calendar days from the date of publication of this notice. Written consent will also be received via email at DAQ@wvda.gov. Any questions regarding this permit application should be directed to the DAQ at (800) 926-0479, extension 41281, during normal business hours. Dated the 18th day of March, 2025.

FUNDAMENTAL DATA LLC

By: Casey L. Chapman
Responsible Official
125 1st St. SE, Suite 1A
Pocahontas, VA 26182

LEGAL

FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026
LEVY ESTIMATE - BUDGET DOCUMENTSTATE OF WEST VIRGINIA
MUNICIPALITY OF PARSONS, WEST VIRGINIA

In accordance with Code § 11-2-14, as amended, the Council proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and does determine and estimate the several amounts to be levied as follows:

The amount due and the amount that will become due and collectible from every source during the fiscal year INCLUDING THE LEVY OF TAXES, is as follows:

REVENUE SOURCES

Unassigned Fund Balance	\$ 100,000
Property Taxes - Current Expense	163,514
Prior Year Taxes	5,000
Supplemental Taxes	5,000
Tax Loss Reimbursement	200
Tax Exemption, Interest & Publication Fees	2,500
Gas & Oil Severance Tax	5,000
Excise Tax on Utilities	50,000
Wine & Liquor Tax	12,000
Automated Control Tax	500
Hotel Occupancy Tax	9,000
Fees, Fines & Court Costs	2,000
Parking Violations	100
Licenses	4,500
Building Permit Fees	1,000
Miscellaneous Permits	240
Franchise Fees	6,000
IRP Fees (Interstate Registration Plan)	14,000
Parks & Recreation	12,500
Rents, Royalties and Concessions	105,000
Charges for Services	38,500
Contributions from Other Entities	345,000
Earning Income	10,000
Interest Earned on Investments	500
Sale of Fixed Assets	1,000
Video Lottery (LVL)	1,000
TOTAL ESTIMATED REVENUE (GENERAL FUND)	\$ 825,024

COAL SEVERANCE TAX FUND

Assigned Fund Balance (Coal Fund Only)	\$ 100
Coal Severance Tax	7,500
Interest Earned on Investment	10
Reimbursements	-
Refunds	-
TOTAL ESTIMATED REVENUE (COAL SEVERANCE FUND)	\$ 7,610

ESTIMATED CURRENT EXPENDITURES

	General Fund	Coal Severance Fund
Mayer's Office	\$ 2,584	\$ -
City Council	7,751	-
Recorder's Office	1,938	-
City Manager's Office	18,000	-
Treasurer's Office	13,500	-
Police Judge's Office	4,500	-
City Attorney	30,000	-
Custodial	16,000	-
City Hall	224,254	7,610
Public Grounds	2,000	-
Contingencies	89,500	-
Police Department	95,000	-
Streets and Highways	225,000	-
Street Lights	30,000	-
Signs and Signals	10,000	-
Snow Removal	21,000	-
Street Construction	12,000	-
Parks & Recreation	10,625	-
Visitors Bureau	4,500	-
Park Associations / Festivals	25,000	-
Community Center	34,000	-
Youth Program	1,000	-
Beautification Programs	10,000	-
TOTAL ESTIMATED EXPENDITURES	\$ 825,024	\$ 7,610

MUNICIPALITY OF PARSONS, WEST VIRGINIA

Regular Current Expense Levy

FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026

CLASS	Assessed Value for Tax Purposes	Levy Rate \$/100	Taxes Levied
Personal Property	\$ 0	10.47	\$ 0
Public Utility	\$ 0	-	\$ 0
Total Class I	\$ 0	-	\$ 0
CLASS II			
Real Estate	\$ 29,217,810	20.94	\$ 61,182
Personal Property	\$ 289,110	-	\$ -
Total Class II	\$ 29,506,920	-	\$ 61,182
CLASS III			
Real Estate	\$ 15,930,060	41.88	\$ 66,715
Personal Property	\$ 8,792,238	-	\$ 36,822
Public Utility	\$ 3,960,574	-	\$ 16,587
Total Class III	\$ 28,682,872	-	\$ 119,124
CLASS IV			
Total Value & Projected Revenue	\$ 38,299,792	-	\$ 182,142
Less Delinquencies, Expectations & Uncollectible Taxes	-	2.00%	\$ 3,388
Less Tax Discounts (also Total Projected Revenue to calculate)	-	2.00%	\$ 0
Less Allowance for Tax Increment Financing (if Applicable)	-	-	\$ 0
Total Projected Property Tax Collection	-	-	\$ 186,024
Less Assessor Valuation Fund	-	1.50%	\$ 2,489
(Subtracted from regular current expense taxes levied only)	-	-	\$ 0
Net Amount to be Raised by Levy of Property Taxes	-	-	\$ 183,535

STATE OF WEST VIRGINIA

COUNTY OF TUCKER

MUNICIPALITY OF PARSONS

I, Richard L. Lemons, Recording Officer of said municipality, do hereby certify that the foregoing are true copies from the record of the orders made and entered by the council of the said municipality on the 18th day of March 2025.

Richard L. Lemons
Recording Officer
Tucker County of West Virginia

LEGAL

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Exceeded Maximum Contaminant Level (MCL) for Halonitrile Acids

Our water system recently violated a drinking water standard. Although this is not an emergency, you, as our customers, have the right to know what happened, what you should do, and what we are doing to correct the situation.

We routinely monitor for the presence of drinking water contaminants. Test results for 11/2024 and 3/11/2025 show that our system exceeds the standard or maximum contaminant level (MCL) for Halonitrile Acids. The average level of Halonitrile Acids over the last four quarters was 62.00000000000001 ug/L at 81 LEADWATER BPS location. The standard for Halonitrile Acids is 60 ug/L.

What should I do?

You do not need to use an alternative (e.g. bottled water supply). However, if you have specific health concerns, it is recommended that you consult with your doctor.

What does this mean?

This is not an immediate risk. If it had been, you would have been notified immediately. However, some people who drink water containing Halonitrile Acids in excess of the MCL over many years may have an increased risk of getting cancer.

What happened? What is being done? (Source: corrective action)

The quarterly average of 12.4 ug/L is still just over the MCL. First quarter test was 0.014 ug/L, which is well under the MCL 0.050. But the quarterly average is 0.062 ug/L. Additional flushing has been performed to help maintain compliance levels.

For more information, please contact Adam S. Lipcovich at (304) 478-2186 or T.O. Box 328, Hardscrabble, WV 26021.

Please share this information with all the other people who drink this water, especially those who may not be connected to this network directly (for example, people in apartments, nursing homes, schools, and businesses).

Be sure to stop by posting this notice in a public place or distributing copies by hand or mail.

This Notice is being sent to you by: **RAMBRICK P2R**
State Water System ID #: **303455154**

Date Distributed: 3/13/25

LEGAL

Tucker County Commission Levy Estimate (Budget)
1015 - 2025 Fiscal Year

STATE OF WEST VIRGINIA

County of Tucker, West Virginia

In accordance with Code § 11-2-10, as amended, the Tucker County Commission proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current year, and does determine and estimate the several amounts to be levied as follows:

	Estimated Revenue
General Fund	1,000,000
Fund Balance	3,028,797
Property Taxes - Current Year	65,000
Prior Year Taxes	30,000
Tax Exemption, Interest & Publication Fees	500
Gas Taxes	125,000
Gas & Oil Severance Tax	20,000
Wine & Liquor Tax	15,000
Hotel Occupancy Tax	1,000,000
Payment in Lieu of Taxes	45,000
Federal Grant - Federal Payment in Lieu of Taxes	100,000
State Grants	50,000
State's Service of Process	3,000
County Clerk's Recurring	20,000
Circuit Clerk's Recurring	6,500
Motor Vehicle License Fee	400
Rents & Concessions	16,000
Special Patrol / Security Systems	30,000
Franchise Agreement	3,900
IRP Fees (Interstate Registration Plan)	30,000
Regional Jail Operations Period Reimbursement	4,500
Interest Earned	10,000
Miscellaneous Revenue	21,285
Sherriff's Commission	15,000
Quota Income	40,000
Video Lottery	5,000
Refunds / Reimbursements (External Sources)	700,000
Transfer Assessor's Valuation Fund	127,482
Total Estimated General Fund Revenue	\$ 7,180,464
Estimated Revenue	\$ 32,667
Assigned Fund Balance	5,000
Coal Severance Tax	38,667
Total Coal Severance	\$ 43,667

ESTIMATED EXPENDITURES

GENERAL GOVERNMENT

	General Fund	Coal Severance Fund
County Commission	\$ 436,611	\$ 38,667
County Clerk	320,762	-
Circuit Clerk	214,520	-
Sherriff - Township	411,303	-
Prosecuting Attorney	346,611	-
Assessor	239,440	-
Assessor's Valuation Fund	171,482	-
Statewide Computer Network	18,000	-
Agricultural Agent	128,091	-
Electronics - County Clerk	105,617	-
Magistrate Court	10,000	-
Circuit Court	6,212	-
Coordination	867,559	-
Regional Development Authority	2,565	-
Economic Development	62,000	-
Rehabilitation of Property	40,000	-
Contingencies - Not to Exceed 10% of Budget	70,000	-
TOTAL GENERAL GOVERNMENT	\$ 3,455,722	\$ 38,667

PUBLIC SAFETY

Sherriff - Law Enforcement	720,067	-
Sherriff - Service of Process	105,151	-
Regional Jail	150,000	-
Emergency Services	91,064	-
Communications Center	643,590	-
Fire Department	140,000	-
Animal Care Authority	230,000	-
Dog Welfare / Humane Society	190,541	-
Community Based Corrections Program	338,781	-
9-1-1	11,628	-
TOTAL PUBLIC SAFETY	\$ 3,889,892	\$ -

HEALTH AND SANITATION

Local Health Department	15,000	-
TOTAL HEALTH & SANITATION	\$ 15,000	\$ -

CULTURE AND RECREATION

Parks & Recreation	120,000	-
4-H Camp	80,000	-
Miscellaneous Recreation	20,000	-
Visitors Bureau	500,000	-
Library	27,500	-
TOTAL CULTURE & RECREATION	\$ 947,500	\$ -

SOCIAL SERVICES

TOTAL SOCIAL SERVICES	\$ -	\$ -
TOTAL CAPITAL PROJECTS	\$ -	\$ -
TOTAL CAPITAL OUTLAY	\$ 21,285	\$ -
Total Expenditures	\$ 7,180,464	\$ 38,667

TUCKER COUNTY, WEST VIRGINIA

REGULAR CURRENT EXPENSE LEVY

FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026

CLASS	Assessed Value for Tax Purposes	Levy Rate \$/100	Taxes Levied
Personal Property	\$ 0	11.28	\$ 0
Public Utility	\$ 0	-	\$ 0
Total Class I	\$ 0	-	\$ 0
CLASS II			
Real Estate	\$ 448,089,110	22.56	\$ 1,010,889
Personal Property	\$ 2,872,532	-	\$ 6,680
Total Class II	\$ 450,961,642	-	\$ 1,017,569
CLASS III			
Real Estate	\$ 314,004,660	45.13	\$ 1,416,789
Personal Property	\$ 130,947,857	-	\$ 590,837
Public Utility	\$ 56,402,222	-	\$ 254,590
Total Class III	\$ 501,354,739	-	\$ 2,262,216
CLASS IV			
Real Estate	\$ 69,648,780	53.12	\$ 314,235
Personal Property	\$ 22,271,249	-	\$ 100,488
Public Utility	\$ 9,919,412	-	\$ 44,725
Total Class IV	\$ 101,839,441	-	\$ 459,448
Total Value & Projected Revenue	\$ 1,064,146,882	-	\$ 3,238,083
Less Delinquencies, Expectations & Uncollectible Taxes	-	2.00%	\$ 186,950
Less Tax Discounts	-	2.00%	\$ 71,041
Less Allowance for Tax Increment Financing (if Applicable)	-	-	\$ 0
Total Projected Property Tax Collection	-	-	\$ 3,480,092
Less Assessor Valuation Fund	-	1.50%	\$ 0
(Subtracted from regular current expense taxes levied only)	-	-	\$ 0
Net Amount to be Raised by Levy of Property Taxes	-	-	\$ 3,480,092

STATE OF WEST VIRGINIA

COUNTY OF TUCKER

MUNICIPALITY OF PARSONS

I, Sherry Williams, CLERK OF THE COUNTY COMMISSION OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING ARE TRUE COPIES FROM THE RECORD OF ORDERS MADE AND ENTERED BY SAID COMMISSION ON THE 13th DAY OF MARCH 2025.

Sherry Williams
County Clerk

The Parsons Advocate

MOUNTAIN MEDIA LLC
PO Box 429 Lewisburg, WV 24901
304-647-5724

CERTIFICATE OF PUBLICATION

State of West Virginia
County of Tucker, SS:

I, **Kathleen Stickley**, one of the Editors or Agents of **The Parsons Advocate**, a weekly newspaper of general circulation published at Parsons, WV in the County of Tucker, State of West Virginia, do certify that publication of the advertisement or advertisements **Air Quality Permit Notice**, attached here to was made in **1 issue(s)** of the newspaper, dated **March 26th, 2025**.

Given under my hand this **31st Day of March 2025**.

K. Stickley

Editor or Publisher

\$36.18
Publication fee

Subscribed and Sworn to before me

This 31 day of March, 2025

My commission expires: August 30, 2028.

Signature

Kathy L. Hunter

Notary Public





Williams, Jerry <jerry.williams@wv.gov>

Commercial Display Ad / Posted Sign

4 messages

Williams, Jerry <jerry.williams@wv.gov>

Thu, Apr 10, 2025 at 9:46 AM

To: Casey Chapman <cchapman@fundamentaldata.com>

Casey,

As a follow-up to our call yesterday, I have attached files that include examples of the commercial display ad and posted sign that are required for synthetic minor permitting actions. The telephone number on the examples I have included should not be used for this permitting action. Instead, please use 304-926-0499 ext. 41214. The commercial display ad that I included as an example was for a modified facility. Therefore, the second and fourth paragraphs that reference emissions increases and decreases can be deleted. You would only need to use paragraph 3 which is the potential to discharge. Additionally, I recommend only listing the following pollutants: Volatile Organic Compounds, Nitrogen Oxides, Carbon Monoxide, Sulfur Dioxide, Particulate Matter less than 10 microns in diameter, Particulate Matter less than 2.5 microns in diameter, Lead, and Total Hazardous Air Pollutants. I would suggest providing us with a draft prior to publishing so that we can ensure that the sign and ad will meet the regulatory requirements.

The commercial display ad must meet the requirements of 45CSR13 section 8.4.a and the sign must meet the requirements of 8.5.a.

8.4.a

Within one week prior to the Secretary's placement of a Class I legal advertisement of intent to issue or within three (3) working days of the Secretary's placement of the advertisement, the applicant shall publish a commercial display advertisement in a newspaper of general circulation in the area where the source is or will be located. The commercial display advertisement shall be at least 3 inches by 5 inches and contain at a minimum, the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought, the proposed start-up date for the source and a contact telephone number for more information.

8.5.a

Within one week prior to the Secretary's placement of a Class I legal advertisement of intent to issue or within three (3) working days of the Secretary's placement of the advertisement of submittal of a permit application, the applicant shall post a visible and accessible sign, at a minimum 2 feet square, at the entrance to the source or proposed site. The sign must be clearly marked indicating that an air quality permit has been applied for and include the West Virginia Division of Air Quality permitting section telephone number for additional information. The applicant must post the sign for the duration of the public notice period.

As you review, please reach out with any questions.

Thank you,
Jerry


--


**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**


601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov

3 attachments

 **2438V_02-12-21C.pdf**
1270K

 **2438V_02-12-21D.pdf**
1952K

 **2438V_02-12-21F.pdf**
113K

Casey Chapman <cchapman@fundamentaldata.com>
To: "Williams, Jerry" <jerry.williams@wv.gov>

Wed, Apr 23, 2025 at 9:43 AM

Jerry,

Please give me a call when you have a chance.

Thank you,

Casey

[Quoted text hidden]

Williams, Jerry <jerry.williams@wv.gov>
To: Casey Chapman <cchapman@fundamentaldata.com>

Wed, Apr 23, 2025 at 9:49 AM

Casey,

I am out of the office today for a work meeting. I can call tomorrow. Is that ok?

Thank you,
Jerry



Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
601 57th Street SE, Charleston, WV 25304
Phone 304-926-0499, ext. 41214
Web dep.wv.gov Email jerry.williams@wv.gov

[Quoted text hidden]

Casey Chapman <cchapman@fundamentaldata.com>
To: Jerry Williams <jerry.williams@wv.gov>

Wed, Apr 23, 2025 at 9:54 AM

Yes.

Sent from my mobile device.

On Apr 23, 2025, at 9:49 AM, Williams, Jerry <jerry.williams@wv.gov> wrote:

5/7/25, 8:52 AM

State of West Virginia Mail - Commercial Display Ad / Posted Sign

[Quoted text hidden]

ICL-IP America, Inc.

HAS SUBMITTED AN
APPLICATION TO THE WVDEP
DIVISION OF AIR QUALITY
FOR A REGULATION 13
AIR QUALITY PERMIT.

FOR INFORMATION, CONTACT:
WVDEP DIVISION OF AIR QUALITY

304.926.0499
EXTENSION 41254



4 Wednesday, January 13, 2021

NEWS

Point Pleasant Register

COVID-19

From page 1

(8 hospitalizations, 9 deaths)
90-99 — 16 cases (5 hospitalizations, 3 deaths)
100-109 — 1 case (1 hospitalization)
Additionally, 63 individuals in Phase 1A of the COVID vaccine distribution process were vaccinated on Jan. 11 by the Meigs County Health Department. This was the Meigs County Health Department's third Phase 1A clinic. These additional doses bring the total vaccinations of Phase 1A to 227.

For more data and information on the cases in Meigs County visit <https://www.meigshealth.com/covid-19/>.
Meigs County remained "Red" on the Ohio Public Health Advisory System after meeting two of the seven indicators on Thursday.

Mason County
DHHR reported 1,232 total cases (since March) for Mason County in the 10 a.m. update on Tuesday morning, 14 more than Monday. Of those, 1,189 are confirmed cases and 34 are probable cases. DHHR has reported 24 deaths in Mason County.

As reported earlier in this article, DHHR reported two deaths due to COVID-19 on Tuesday. One individual was a female in the 70-79 year age range and the other was a male in the 90-95 year age range.

According to DHHR, the age ranges for the 1,232 COVID-19 cases DHHR is reporting in Mason County are as follows:

0-9 — 24 cases (plus 1 probable case, 1 new confirmed case)
10-19 — 107 cases (plus 4 probable case, 6 new confirmed cases)
20-29 — 201 cases (plus 4 probable cases, 4 new confirmed cases)
30-39 — 134 cases (plus 7 probable case (1 new), 3 new confirmed cases)
40-49 — 172 cases (plus 7 probable cases, 9 new confirmed cases)
50-59 — 200 cases (plus 3 probable cases, 3 deaths, 2 new con-

firmed cases)
60-69 — 176 cases (plus 5 probable case, 4 death)
70+ — 184 cases (plus 3 probable cases, 17 deaths)

On Tuesday, Mason County remained "red" on the West Virginia County Alert System map. Mason County's latest infection rate was 64.11 on Tuesday, with a 8.55 percent positivity rate. Surrounding counties are red and orange.

Ohio

The Ohio Department of Health reported a 24-hour change of 7,981 new cases on Tuesday (21-day average of 7,424). There were 100 new deaths (21-day average of 74), 486 new hospitalizations (21-day average of 299) and 49 new ICU admissions (21-day average of 31) reported in the previous 24 hours, according to Tuesday's update.

West Virginia

As of the 10 a.m. update on Tuesday, DHHR is reporting a total of 103,203 cases with 1,634 deaths. There was an increase of 921 cases from Monday and 40 new deaths. DHHR reports a total of 1,664,418 lab test have been completed, with a 5.40 cumulative percent positivity rate. The daily positivity rate in the state was 8.68 percent. There are 28,577 currently active cases in the state.

DHHR reported on Tuesday that 93,481 first doses of the COVID-19 vaccine have been administered to residents in West Virginia. So far, 13,764 people have been fully vaccinated.

Kayla (Hawthorne) Dunham and Sarah Hawley contributed to this story.

Editor's Note: The Jan. 8 article included incorrect age range data for Mason County. This has been corrected in today's article. Ohio Valley Publishing apologizes for the error. Statistics reported in this article are tentative and subject to change. This was the information available at press time with more to be added as it becomes available.

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House races to oust Trump

By Lisa Mascara, Zuko Miller and Mary Clare Jalonick
Associated Press



President Donald Trump speaks to the media before leaving Air Force One, at Andrews Air Force Base, Md., to travel to Texas.

WASHINGTON — The U.S. House pressed swiftly Tuesday toward impeaching President Donald Trump for the deadly Capitol attack, taking time only to try to persuade his vice president to push him out first. Trump showed no remorse, blaming his accusers instead for the "tremendous anger" in America.

Already scheduled to leave office next week, Trump is on the verge of becoming the only president in history to be twice impeached. His incendiary rhetoric at a rally ahead of the Capitol uprising is now in the impeachment charge against him, even as the falsehoods he spread about election fraud are still being championed by some Republicans.

As lawmakers reconvened at the Capitol for the first time since the bloody siege, they were also bracing for more violence ahead of Demo-

cratic President-elect Joe Biden's inauguration, Jan. 20.

"All of us have to do some soul searching," said Rep. Jamie Raskin, D-Md., during a House rules debate, pleading for a change of heart among colleagues still backing Trump.

"Trump, meanwhile, warned the lawmakers off impeachment and suggested it was the drive to oust him that was dividing the country.

"To continue on this path, I think it's causing tremendous danger to our country, and it's

causing tremendous anger," Trump said. In his first remarks to reporters since last week's violence, the outgoing president offered no condolences for those dead or injured, only saying, "I want no violence."

Impeachment ahead, the House was first pressing Vice President Mike Pence and the Cabinet to remove Trump more quickly and surely, warning he is a threat to democracy in the few remaining days of his presidency.

The House was

expected to approve a resolution calling on Pence and the Cabinet to invoke the 25th Amendment to the Constitution to declare the president unable to serve. Pence, who had a "good meeting" with Trump on Monday, their first since the vice president was among those sheltering from the attack, was not expected to take any such action.

After that, the House would move swiftly to impeachment on Wednesday.

Trump faces a single charge — "incitement of insurrection" — in the impeachment resolution after the most serious and deadly domestic incursion at the Capitol in the nation's history.

During an emotional debate ahead of the House action, Rep. Norma Torres, D-Calif., urged her Republican colleagues to understand the stakes, recounting a phone call from her son as she fled during the siege.

"Sweetie, I'm OK," she told him. "I'm running for my life."

Trial in West Virginia opioid lawsuit rescheduled for May 3

CHARLESTON, W.Va. (AP) — A federal judge in West Virginia has set a new trial date in a lawsuit filed by the city of Huntington and Cabell County over the opioid crisis.

U.S. District Judge David Faber on Wednesday set May 3 as the new trial date. The trial had been postponed due to the coronavirus pandemic.

The lawsuit accuses drug distributors AmerisourceBergens, Cardinal Health and McKesson of fueling the local opioid epidemic.

Council

From page 1

city tries to pave selected roads three times per year.

Two new police officers are scheduled to be sworn in on Jan. 25 for the city, according to Billings.

In council member concerns, Gabe Roush said he stepped away from organizing the Bikes and BBQ event, usually in June, and is waiting to see how that festival will transition this year. Roush said he would keep the council updated when he knows more.

Judy Holland said a resident notified her that the brick at Medal of Honor Park is getting mold. Street Commissioner Randy Hall said he would take a look at it.

Dylan Handley said he has been approached by many residents about dogs barking and howling. Handley said he called the county dog warden for the dogs outside of the city limits, but questioned what could be done for the animals inside the city limits. Hall said he

and Tatterton have reviewed the ordinance many times and it states "no consequences." Handley said he feels the city needs to enforce the rules and should change the ordinance. Supple will be looking into the ordinances on dogs in the city.

All council members were present at the meeting along with Mayor Billings and Clerk Tatterton.

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Kayla (Hawthorne) Dunham is a staff writer for Ohio Valley Publishing. Reach her at (304) 675-1333, ext. 1992.

and Tatterton have reviewed the ordinance many times and it states "no consequences." Handley said he feels the city needs to enforce the rules and should change the ordinance. Supple will be looking into the ordinances on dogs in the city.

All council members were present at the meeting along with Mayor Billings and Clerk Tatterton.

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Kayla (Hawthorne) Dunham is a staff writer for Ohio Valley Publishing. Reach her at (304) 675-1333, ext. 1992.

Granny

From page 1

through her dad.

"Granny Moon" took Austin about two months to write.

"All this information, all this stuff and all these scenes came to me and I lived them as if I was there. It was kind of strange," Austin said. Austin said she started the first book at the age

of 75 and was not sure why she waited so long. "I'm still kind of overwhelmed. I started this at the end of 2017 and I just was not prepared. I didn't know I was going to write books and I don't know if I'll write any more —

maybe I used up everything I knew or could think of," Austin joked. "A lot of it was imagined. Austin said she believes she was meant to write these stories.

"I would write so fast that I couldn't write it down fast enough, and I wrote it longhand and then came to the office in my downtime and I would transcribe it on the computer. But, I would be exhausted and I would go to bed to sleep.

When I would wake up, that group of characters would be waiting for me to tell them what to do. It was meant for me to do this and I think it was inspired by God. Well, I know it was," Austin said. "I know he did it for me and I feel good for having gotten it out there. I feel like I was called to write these four books and that may be the end of it.

Aside from the trilogy, Austin also wrote a book that is based in the

same time period, but is a standalone novel with different characters from the trilogy.

"Granny Moon" is available on Amazon, Barnes and Noble and at the Mason County Chamber of Commerce office on Main Street in downtown Point Pleasant.

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Kayla (Hawthorne) Dunham is a staff writer for Ohio Valley Publishing. Reach her at (304) 675-1333, ext. 1992.

AIR QUALITY PERMIT NOTICE

Notice is given that ICL-IP America, Inc. has applied to the West Virginia Department of Environmental Protection (WVDEP), Division of Air Quality (DAQ), to update a Regulation 13 Construction Permit for a specialty chemical manufacturing facility, The Gallipolis Ferry Plant is located on State Route 2, in Gallipolis Ferry in Mason County, West Virginia.

The following increase in potential emissions will be authorized by this permit action: Volatile Organic Compounds, 18.79 tons per year (TPY); Total Hazardous Air Pollutants, 1.12 TPY; Formaldehyde, 0.03 TPY; Hydrogen Chloride, 3.30 TPY; Chlorine, 0.14 TPY; Phosphorus, 0.10 TPY; Diethanolamine, 0.21 TPY.

The potential to discharge the following Regulated Air Pollutants will be: Particulate Matter less than 10 microns, 6.12 tons per year (TPY); Particulate Matter, 6.12 TPY; Sulfur Dioxide, 1.40 TPY; Oxides of Nitrogen, 77.71 TPY; Carbon Monoxide, 56.56 TPY; Volatile Organic Compounds, 63.41 TPY; Hazardous Air Pollutants, 18.94 TPY.

The following decrease in potential emissions will be authorized by this permit action: Propylene Oxide, 0.21 TPY; Ethylene Oxide, 0.01 TPY; Epichlorohydrin, 1.09 TPY; Propylene Dichloride, 0.88 TPY; Phenol, 0.45 TPY.

For more information call WVDEP-DAQ at (304) 926-0499, extension 1227.

History

From page 1

schools and Black history tours. The Center also usually does presentations for the University of Rio Grande's nursing classes on what historians refer to as African American Slave Medicine.

Payne added. Because of COVID, such presentations haven't been possible. With internet, Payne hopes that the Center can produce more virtual content.

Payne noted that many

of the Center's presentations are geared toward school-age children but said that people of all ages can learn from its programs.

"A lot of adults don't know about the John Gee Black Historical Center, the (Pine Street) Colored Cemetery, everything that's the history part of African Americans in Gallia County," she said.

Membership forms can be found on the Center's website or can be mailed to those interested. The Center can also receive donations through AmazonSmile, an extension

on Amazon that donates a percentage of purchases to charitable organizations of consumers' choosing.

The John Gee Black Historical Center is located at 48 Pine Street. Its hours are 10 a.m. to 3 p.m. every Friday and Saturday, and tours can be scheduled at other times as well.

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Stacia Moody is a freelance writer for Ohio Valley Publishing from Gallipolis, Ohio. She is a graduate of River Valley High School and currently attends Yale University.



Williams, Jerry <jerry.williams@wv.gov>

Community Engagement

Lewis Reynolds <lreynolds@fundamentaldata.com>

Sun, Apr 13, 2025 at 3:13 PM

To: "Jerry Williams (jerry.williams@wv.gov)" <jerry.williams@wv.gov>

Cc: Casey Chapman <cchapman@fundamentaldata.com>

Jerry,

I wanted to let you know that I am monitoring the public meeting taking place in Davis today. The event is very heavily attended (probably close to 500 between the in-person crowd and attendees on Zoom). Your email was distributed by one of the environmentalists speaking against the project with the suggestion that it should be "flooded". Just though you should be aware.

Best,

Lewis

5/7/25, 9:08 AM

State of West Virginia Mail - Call Request



Williams, Jerry <jerry.williams@wv.gov>

Call Request

Casey Chapman <cchapman@fundamentaldata.com>
To: "Williams, Jerry" <jerry.williams@wv.gov>

Thu, Apr 24, 2025 at 10:18 AM

Jerry,

Please call me when you are available. I just tried your office but got your voicemail.

Respectfully,

Casey

FOIA to WVDEP

Sent via the WV DEP FOIA website on 5/6/2025

RE: Fundamental Data, LLC, Permit - Legal Notice of Application (R13-3713)

From: Pamela Moe, Bear Creek Consulting and Tucker County resident

I spoke with Pamela Moe on April 28, 2025 regarding her previous FOIA. I indicated to her that Fundamental Data had not submitted any other technical information outside of the application since the original application submission. We also discussed the method in which the CBI response would be posted (Application Xtender).

Excerpts from her second FOIA and responses:

- *I look forward to Fundamental Data's reply. As I understand by the date of the letter submitted to them by email, their response is due by May 9th. Please let me know if this is the correct date or if another is more accurate.*

The letter was sent via email to Casey Chapman of Fundamental Data on April 25, 2025. The letter requested a written response within 15 days of receipt of the request. This would equate to the date of May 9, 2025..

- *How will the WV DEP will convey Fundamental Data's response and any new information they may provide to the public? Will their response and a modified application be posted on the WVDEP Application Xtender?*

The Division of Air Quality (DAQ) will post the response and any additional information regarding this request on WVDEP's Application Xtender.

- *I understand that the time clock for the permit review would be reinitiated at that time. Please convey the specifics of the new time table and any new information that Fundamental Data supplies.*

Upon receipt of the response, DAQ will review and make a determination on the status of the application. Once this determination is made, DAQ will provide a response to Fundamental Data indicating the status and post this response on WVDEP's Application Xtender.

FOIA Request Reply

- *Consider this request to include, but not be limited to: reports, letters, memos, records of meetings, telephone conversations, electronic data or email concerning your agencies consultations's regarding the Fundamental Data permit application with the Fundamental Data Responsible Official, Casey Chapman; with Lewis Reynolds of Fundamental Data; and, with Leah Blinn, CEC.*

Attached to this email are the documents requested above, which include emails concerning the DAQ's consultations regarding Permit Application R13-3713 with Casey Chapman, Lewis Reynolds, and Leah Blinn. The attached document is labeled FD App Correspondence thru 05.06.2025.

- *Please provide me with any and all correspondence and records of meetings, including but not limited to memos, notes of contact and records of phone and emails between your offices and both parties of Fundamental Data, LLC cited about and with Ms. Blinn of CEC*

This information is included in the previously described attached document.



Williams, Jerry <jerry.williams@wv.gov>

Pamela Moe FOIA #2

2 messages

Williams, Jerry <jerry.williams@wv.gov>

Wed, May 7, 2025 at 1:32 PM

To: Nicole D Ernest <nicole.d.ernest@wv.gov>

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>, Laura M Crowder <laura.m.crowder@wv.gov>

Nicole,

Thank you for speaking with me earlier today regarding this FOIA request. As we discussed, I have provided responses to the 3 questions that Pamela Moe posed in regard to the CBI response deadline, where the response would be posted (AX), and notification of application status following the response. The deadline can be somewhat tricky as Jason asked for a response within 15 days of receipt instead of an actual date. If we count the original date as day 1 the deadline would be Friday May 9, whereas, if we do not, the deadline would be a Saturday, which I assume would push it out to COB on Monday May 12. I included a deadline of May 9 in my response.

I have included these answers as well as responses (in blue) to the FOIA information as attachments to this email. Attachment 1 is a pdf which summarizes these responses. Attachment 2 is a pdf of all emails between me and the 3 people referenced in her request (Casey Chapman, Lewis Reynolds, and Leah Blinn).

Please let me know if you have any questions or need additional information.

Thank you,
Jerry

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov Email jerry.williams@wv.gov

2 attachments**Attachment 1.pdf**

80K

**Attachment 2.pdf**

7976K

Ernest, Nicole D <nicole.d.ernest@wv.gov>

Wed, May 7, 2025 at 1:46 PM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Thank you so much, Jerry. I really appreciate the time and effort you put into this!

Nicole

[Quoted text hidden]



FUNDAMENTAL DATA

May 7, 2025

Jason Wandling
General Counsel
WV Department of Environmental Protection
601 57th Street, SE
Charleston, WV 25304

Re: Confidential Business Information
Permit Number: RB-3717
Facility ID Number: 093-00034

Dear Mr. Wandling,

We write in reply to your letter dated April 25, 2025, concerning the West Virginia Department of Environmental Protection's (WVDEP) purported rescission of its prior completeness determination for our permit application. We address the confidentiality claims contained in our application and to reaffirm the basis for the redaction of certain proprietary information, which is critical to the Ridgeline project and, by extension, to the broader success of innovative initiatives in the State of West Virginia.

We respond in the spirit of constructive dialogue and cooperation; however, we respectfully assert that the Department's decision appears inconsistent with applicable administrative procedures. We reserve all rights available to us in law and equity.

The Ridgeline project arises at a time of extraordinary technological transformation and global competition. The United States faces growing pressure from foreign adversaries, particularly in areas of artificial intelligence and advanced computing. The essential infrastructure to support this innovation, particularly reliable power generation, has lagged nationwide due to regulatory and permitting delays. Policymakers in West Virginia, including Governor Morrissey and the Legislature, should be commended for their foresight in enacting the Power Generation and Consumption Act of 2025 (the "Power Act"), which positions the State to capitalize on this fleeting opportunity. Our project directly supports West Virginia's stated goal and represents more than a power generation resource — it is a strategic investment in national and economic security.

In this environment, Rule 31 plays a critical role in protecting confidential business information (CBI) and trade secrets from disclosure to the public and to Fundamental's

competitors. The proper interpretation and application of Rule 31 will determine whether West Virginia can compete successfully for next-generation technology and energy infrastructure. The ability to maintain the confidentiality of proprietary business information is not only vital to our company's competitiveness but is also a key factor considered by other investors evaluating projects within the State. If the State cannot protect confidential business information in a manner consistent with its laws, the State will chill investment and drive away businesses the Power Act intends to attract.

We understand that public interest in the project has increased, and we are committed to engaging constructively with local stakeholders. Our confidentiality claims are not intended to obscure our operations from the public but are necessary to protect sensitive, proprietary data from our competitors, as the regulations correctly allow. The public should not assume that redacting information from the public version of our application is an attempt to hide relevant data; rather, such redactions are necessary to protect innovation from theft. Although not directly relevant to the Department's position here, we emphasize the following to provide some comfort to the public:

1. Ridgeline does not plan any consumption or use of water resources from or discharge of wastewater to local rivers, streams, or municipal systems.
2. If advanced, the project will result in the creation of substantial, high-paying, permanent jobs and generate unprecedented tax revenue for local jurisdictions.
3. The plant is sited in a lowland area surrounded by hills that should substantially limit and may even completely obscure visibility of the plant from public roadways or populated areas.
4. The facility expects to operate at noise levels below the threshold requiring hearing protection under OSHA regulations and is physically more than one mile from the nearest occupied structure and is buffered by topography and forest.

Turning to the core issue of confidentiality: while your letter does not explicitly reference a Freedom of Information Act (FOIA) request, §45-31 suggests that a determination under Rule 31 was initiated upon receipt of a public records request under §29B-1-1. We presume, therefore, that such a request has been made and request a copy of all such requests.

We remain confident that the redacted materials meet the statutory definition of "trade secrets" under §45-31-2.3, as

"trade secrets" may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or

other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors.

Note that "trade secrets" includes plans, patterns and processes, such as the identity, number and configuration of power sources that provide an advantage over competitors. With that in mind, the redacted materials in our application fall within two categories:

1. Information governed by binding confidentiality and non-disclosure agreements with third-party vendors, and
2. Proprietary data constituting trade secrets under applicable law.

Your letter states that your

"review has determined that the information claimed as CBI may not qualify for such designation as it falls under the definition of "Types and Amounts of Air Pollutants Discharged" as excluded under §45-31-6 and defined under §45-31-2.4 (and further defined under 45CSR31 b). There is also some concern that the claimed CBI may not meet the eligibility requirements under §45-31-4.l(b) and 4.l(c)."

The above reflects claims that the redacted information may constitute "types and amounts of air pollutants discharged," which cannot be claimed as confidential under §45-31-6 and the definitions provided in §45-31-2.4 and 45CSR31B. However, this interpretation is not supported by the text of §45-31-2.4, which reads as follows:

2.4.a.1. Emission data necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

2.4.a.2. Emission data necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

2.4.a.3. A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

As we are a proposed new facility and have not yet emitted any pollutants, §45-31-2.4.a.1 is inapplicable. We have duly provided all the required information under §45-31-2.4.a.2 and §45-31-2.4.a.3. The redacted portions of our application pertain solely to specific equipment identification and our system configuration, which do not constitute emissions data. Even without the redacted material, the Department has sufficient information to set verifiable limits on the collective emissions from this equipment, which cumulatively constitute the source. A "stationary source" is defined in §45-13-2.24 as "any building, structure, facility, installation, or emission unit, or combination thereof" This definition supports our position that emissions data requirements need not extend to the disclosure of sub-emissions from individual components of a source but rather pertain to the source in its entirety. The rule contemplates disclosure of emissions from the "source," not necessarily from each subcomponent of a source, where total emissions can be effectively limited by reasonable permit conditions. The source is broadly defined under §45-13-2.24 as including combinations of emission units, further reinforcing this point. The public, therefore, has full access to all required emissions data as defined, without compromising sensitive technical information.

Furthermore, §45-31-2.4.a.2 refers to "emission data necessary to determine the identity, amount, frequency, concentration or other characteristics" of the emission source, meaning that the information necessary to development of emission limits cannot be CBI. The redacted information can be CBI because it is not necessary to the determination of emission limits. Verifiable limits can be developed without the redacted material, based on general knowledge of turbine operations, permissible fuel sources, hours of operation and other factors that can be specified in the permit. The proposed project is one where alternatives to CBI, such as use of "aggregation, categorization, surrogate parameters, emissions monitoring or sampling, or parametric monitoring", can result in "a practically enforceable method of determining emissions." §45-31B-4.1.

Finally, your letter references potential deficiencies under §45-31-4.1(b) and 4.1(c), which relate to the applicant's efforts to maintain confidentiality. We are uncertain what "concern" exists in this regard, as we have taken and continue to take robust measures to protect the confidentiality of our trade secrets. If WVDEP has reason to believe otherwise, we respectfully request the detailed and specific factual basis for such a concern so we may address it directly.

The Department has an unredacted version of the application before it and its review should continue without pause. The number of inquiries about the project received by the Department does not affect the nature of the information redacted. We respectfully submit that our redactions are correct, consistent with applicable law, and are absolutely crucial to our competitive position in our field.

We trust this response clarifies the basis for our confidentiality designations and supports a determination by Secretary Ward that the information in question qualifies for CBI protection under Rule 31. Should that not be the case, we request further and immediate clarification

of the Department's position without release of any redacted material to the general public. In the event of a disagreement between the Department and an applicant regarding CBI, the Department might suspend permitting, but there is no authority for the Department to release information.

Please contact me if you would like to further discuss this response or the project that we have proposed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Casey Chapman".

Casey Chapman



Williams, Jerry <jerry.williams@wv.gov>

Fundamental Data CBI determination, Permit No. R13-3713

1 message

Driver, Charles S <charles.s.driver@wv.gov>
To: Casey Chapman <cchapman@fundamentaldata.com>
Cc: "David L. Yaussy" <dyaussy@spilmanlaw.com>
Bcc: jerry.williams@wv.gov

Mon, May 12, 2025 at 2:30 PM

Mr. Chapman,

I have attached correspondence indicating the result of WVDEP's review of Fundamental Data's claimed confidential business information for Permit No. R13-3713, Facility ID No. 093-00034. I have additionally cc'ed your counsel.

Please contact me with any questions or concerns.

Scott Driver
Chief, Office of Legal Services
West Virginia Department of
Environmental Protection
[601 57th Street Southeast](#)
[Charleston WV 25304](#)
Telephone: (304) 926-0499 x41221
Facsimile: (304) 926-0461
E-mail: charles.s.driver@wv.gov



Fundamental Data, CBI Determination.pdf
110K



west virginia department of environmental protection

Office of Legal Services
601 57th Street, SE
Charleston, WV 25304
(304) 926-0460

Harold D. Ward, Cabinet Secretary
dep.wv.gov

May 12, 2025

Mr. Casey Chapman
Responsible Official
Fundamental Data LLC
cchapman@fundamentaldata.com

Re: Confidential Business Information
Fundamental Data LLC
Permit Number: R13-3713
Facility ID Number: 093-00034

Mr. Chapman:

The WVDEP appreciates your timely response to the letter from the WVDEP's Office of the General Counsel ("OGC") sent to you on April 25, 2025. To be clear, as stated in the OGC's letter, while the review of your confidential business information ("CBI") claims was triggered by the public comments received that requested additional information to be released, the subsequent letter was sent under the authority granted to the Secretary under 45CSR13, Sections 5.4 and 5.8 relating to the information required for a complete application. It is important to note that all public comments received by the WVDEP are part of the public record and available for your review upon request.


Further, 45CSR13 grants the Secretary the authority to determine when a permit application is complete (§45-13-5.8), and is explicit that such a designation does not preclude the WVDEP from requesting additional information (language that was included in your completeness e-mail sent on April 9, 2025). Clearly, if additional information is requested, the application can no longer be considered complete, and the WVDEP believes that a reasonable interpretation of 45CSR13 allows for the Secretary to have discretion when requesting additional information to pause (or in some cases even later restart) the statutory clock. If this is not the case, an applicant could control the review process through delay in submitting additional information or, detrimental to the regulated community, strip the WVDEP of the flexibility and time to work with applicants to provide a complete application. However, as stated in the OGC's letter, the DAQ's technical review of the permit application was not affected by the change of application status and is on-going, and WVDEP remains as before committed to a full and complete review, pursuant to the rules governing such a review, and done in a timely manner.

Concerning your further justification of the CBI claims, the WVDEP has reviewed the information provided and has determined that there are non-confidential alternatives through the use of aggregation, categorization, surrogate parameters, emissions monitoring or sampling, or parametric monitoring that result in a practically enforceable method of determining emissions from the proposed facility (as provided for under §45-31B-4.1). These alternatives may include, but are not limited to, the use of aggregate hours of operation tracking, aggregate heat input limitations, aggregate emission units, aggregate fuel throughputs, and categorized fuels. These non-confidential alternatives are consistent with applicable rules and standards and will result in a practically enforceable method of determining emissions., etc. Further, the WVDEP has determined that, pursuant to §45-31-4.1(b) and 4.1(c), there are not reasonable means to obtain the information claimed as CBI by using the publicly available aggregated data. It is therefore the WVDEP's determination that the information claimed by Fundamental Data, LLC as CBI in Permit Application R13-3713 satisfies the necessary requirements to be deemed confidential and will be maintained as such.

As noted above, the WVDEP has received a significant number of comments from concerned citizens. Accordingly, the WVDEP encourages sensitivity to those concerns and the exercise of transparency to the greatest extent possible regarding information not claimed as confidential.

Please note that this determination is specific to Permit Application R13-3713 and does not necessarily apply to any changes to the current application or modifications in the future without additional review. With this response, the statutory clock shall restart and will be backdated to the date of submission of the response letter on May 7, 2025.

Sincerely,


C. Scott Driver,
Chief, Office of Legal Services



Williams, Jerry <jerry.williams@wv.gov>

Re: Pre-Application Meeting

Kessler, Joseph R <joseph.r.kessler@wv.gov>

Wed, Mar 12, 2025 at 12:48 PM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: "Spiker, Casey" <cspiker@cecinc.com>, Jerry Williams <jerry.williams@wv.gov>

Tomorrow at 1:30 works for us. Please send me an invite and include Jerry Williams who is copied on this e-mail.

Thanks

Joe Kessler

On Wed, Mar 12, 2025 at 11:41 AM Blinn, Leah <lblinn@cecinc.com> wrote:

Thanks Joe! We are free tomorrow afternoon and anytime before 2 PM on Friday.

Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418

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From: Kessler, Joseph R <joseph.r.kessler@wv.gov>

Sent: Wednesday, March 12, 2025 8:43 AM

To: Blinn, Leah <lblinn@cecinc.com>

Cc: Spiker, Casey <cspiker@cecinc.com>

Subject: Re: Pre-Application Meeting

I got your message and we can set up a virtual meeting no problem. Do you have some dates/times you are thinking about?

--

Joe Kessler, PE

NSR Program Manager

5/7/25, 7:44 AM

State of West Virginia Mail - Re: Pre-Application Meeting

Engineer Senior

West Virginia Division of Air Quality

601-57th St., SE

Charleston, WV 25304

Phone: (304) 926-0499 x41280

Joseph.r.kessler@wv.gov

On Tue, Mar 11, 2025 at 4:45 PM Blinn, Leah <lblinn@cecinc.com> wrote:

Hi Joseph,

I just left you a voicemail as well. We would like to schedule a pre-application meeting with you to review an R-13 permit application that we are about to submit. Can you please let me know what dates and times you would be available this week?

Thank you,

Leah

Leah E. Blinn | Vice President

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

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Williams, Jerry <jerry.williams@wv.gov>

Pre-Application Meeting

Blinn, Leah <lblinn@cecinc.com>

Wed, Mar 12, 2025 at 1:01 PM

To: "Kessler, Joseph R" <joseph.r.kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, "Spiker, Casey" <cspiker@cecinc.com>, Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>

Hi Joe and Jerry,

Thank you for helping us schedule a pre-application meeting. We will review the application over Teams with you noting requested operational restrictions and planned confidentiality claims. Please see the Teams link below my signature.

Thank you,
Leah

Leah E. Blinn | Vice President

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418

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**Williams, Jerry** <jerry.williams@wv.gov>

Confidential Business Information and Redacted Application Discussion

Williams, Jerry <jerry.williams@wv.gov>

Fri, Mar 14, 2025 at 11:39 AM

To: "Blinn, Leah" <lblinn@cecinc.com>, "Spiker, Casey" <cspiker@cecinc.com>

Attached is a copy of the WV newspapers that are qualified by the WV Secretary of State's office to publish Class I legal advertisements in 2025.

Please reach out if you have any questions.

Thank you,
Jerry

[Quoted text hidden]

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov**2025 Qualified Newspapers.pdf**
2251K

West Virginia Qualified Newspapers
FY 2025

County	Newspaper	W/D	Physical Office Location	City	State	Zip	Mail Office Location	Mailing City	Mail State	Mail Zip	Phone	Filed
Barbour	The Barbour Democrat	5,300 Weekly	85 Church Street	Philippi	WV	26416	P.O. Box 459	Philippi	WV	26416	304-457-2222	10/31/23
Berkeley	The Journal	5,236 Daily	207 W. King Street	Martinsburg	WV	25401	207 W. King Street	Martinsburg	WV	25401		10/11/23
Boone	Coal Valley News	694 Weekly	145 First Avenue	Danville	WV	25053	145 First Avenue	Danville	WV	25053	304-348-5119	10/30/23
Braxton	Braxton Democrat - Central	3,536 Weekly	501 Main Street	Sutton	WV	26601	PO Box 516	Sutton	WV	26601		10/30/23
Braxton	Braxton Citizens' News	5,663 Weekly	501 Main Street	Sutton	WV	26601	PO Box 516	Sutton	WV	26601		10/31/23
Brooke	Brooke County Review	1,265 Weekly	55 Town Square	Wellburg	WV	26070	55 Town Square	Wellburg	WV	26070	304-737-0946	10/27/23
Cabell	The Herald Chronicle	9,880 Daily	5192 Braley Road	Huntington	WV	25705	5192 Braley Road	Huntington	WV	25705	304-348-5119	10/30/23
Calhoun	Calhoun Chronicle	1,482 Weekly	353 Main Street	Grantsville	WV	26147	PO Box 830	Grantsville	WV	26147	304-354-6917	10/16/23
Clay	Clay County Free Press	981 Weekly	1967 Mayes Rd	Prichard	WV	26164	PO Box 429, 2nd Floor	Grantsville	WV	26164	304-647-5724	10/16/23
Doddridge	The Herald Record	1,620 Weekly	177 Main Street	West Union	WV	26456	177 Main Street	West Union	WV	26456	304-873-1000	10/27/23
Doddridge	The Doddridge Independent	1,132 Weekly	187 Main Street	West Union	WV	26456	187 Main Street	West Union	WV	26456	304-844-8040	10/27/23
Fayette	Fayette Tribune	657 Weekly	417 Main Street	Oak Hill	WV	25901	PO Box 2338	Beckley	WV	25802	304-255-4487	10/11/23
Glinn	Glenville Democrat	1,068 Weekly	108 Court Street	Glenville	WV	26351	PO Box 458	Glenville	WV	26351	304-462-7309	10/11/23
Glinn	Glenville Pathfinder	1,000 Weekly	108 Court Street	Glenville	WV	26351	PO Box 458	Glenville	WV	26351	304-462-7309	10/11/23
Grant	Grant County Press	2,125 Weekly	860 N. Court Street	Petersburg	WV	26847	PO Box 39, 47 S. Main Street	Petersburg	WV	26847	304-647-5724	10/16/23
Greenbrier	Mountain Messenger	3,225 Weekly	112 N Court Street	Lewisburg	WV	24901	860 Court Street N.	Lewisburg	WV	24901	304-645-1206	10/31/23
Greenbrier	The West Virginia Daily News	1,550 Daily	188 Foster Street	Lewisburg	WV	24901	188 Foster Street	Lewisburg	WV	24901	304-647-5724	10/16/23
Hampshire	Hampshire Review	7,150 Weekly	74 W. Main Street	Romney	WV	26757	PO Box 1036	Romney	WV	26757	304-822-3871	10/30/23
Hancock	Wellton Daily Times	1,424 Daily	114 Lee Avenue	Wellton	WV	26062	401 Herald Square	Steuersville	WV	43952	740-283-4711	10/16/23
Hardy	Moorefield Examiner	3,200 Weekly	132 South Main Street	Moorefield	WV	26836	PO Box 380	Moorefield	WV	26836	304-530-6397	10/11/23
Harrison	Shinnston News & Harrison County Journal	729 Weekly	109 Bice Street	Shinnston	WV	26431	PO Box 187	Shinnston	WV	26431	304-592-1030	10/16/23
Harrison	The Exponent Telegram	20,913 Daily	324 Howes Ave.	Clarksburg	WV	26301	PO Box 2000	Clarksburg	WV	26301	304-626-1468	10/24/23
Jackson	Jackson Herald	2,716 Weekly	112 N Court Street	Ripley	WV	25271	112 W North Street	Ripley	WV	25271	304-626-1468	10/24/23
Jackson	Jackson Star	2,821 Weekly	112 N Court Street	Ripley	WV	25271	112 W North Street	Ripley	WV	25271	304-626-1468	10/24/23
Jefferson	Shepherdstown Chronicle	357 Weekly	217 S Duke Street, Suite 102	Shepherdstown	WV	25443	PO Box 2088	Shepherdstown	WV	25443	540-465-1667	10/11/23
Jefferson	Christ of Jefferson	4,200 Weekly	114 N. Charles Street	Charles Town	WV	25414	PO Box 966	Charles Town	WV	25414	304-725-2046	10/30/23
Kanawha	Charleston Gazette-Mail	18,888 Daily	1001 Virginia Street East	Charleston	WV	25301	1001 Virginia Street East	Charleston	WV	25301	304-348-5119	10/30/23
Lewis	The Weston Democrat	1,960 Weekly	139 Main Avenue	Watson	WV	26426	PO Box 2000	Clarksburg	WV	26302	304-626-1468	10/24/23
Lincolin	The Lincoln Journal	1,167 Weekly	328 Walnut Street	Hamlin	WV	25523	328 Walnut Street	Hamlin	WV	25523	304-348-5119	10/30/23
Lincolin	Lincoln News Sentinel	574 Weekly	328 Walnut Street	Hamlin	WV	25523	328 Walnut Street	Hamlin	WV	25523	304-348-5119	10/30/23
Logan	The Logan Banner	1,141 Weekly	229 Stratton Street, Rm 313	Logan	WV	25701	229 Stratton Street	Logan	WV	25701	304-348-5119	10/30/23
Logan	Times Times Virginian	2,194 Weekly	300 Quincy Street	Fairmont	WV	26654	300 Quincy Street	Fairmont	WV	26654	304-255-4487	10/11/23
Mason	River Cities Register	3,160 Weekly	510 Main Street	Pt. Pleasant	WV	25550	510 Main Street	Pt. Pleasant	WV	25550	304-626-1468	10/24/23
Mason	River Cities Tribune	3,066 Weekly	510 Main Street	Pt. Pleasant	WV	25550	510 Main Street	Pt. Pleasant	WV	25550	304-626-1468	10/24/23
Marshall	Moundsville Daily Echo	1,301 Daily	713 Lafayette Avenue	Moundsville	WV	26041	713 Lafayette Avenue	Moundsville	WV	26041	304-945-2660	10/27/23
McDowell	Bluefield Daily Telegraph	3,138 Weekly	928 Bluefield Avenue	Bluefield	WV	24701	PO Box 1599	Bluefield	WV	24701	304-255-4487	10/11/23
Mercer	Mineral News	8,332 Weekly	455 S Mineral Street	Keyser	WV	26726	455 S Mineral Street	Keyser	WV	26726	304-626-1468	10/24/23
Mineral	Mineral Tribune	2,964 Weekly	455 S Mineral Street	Keyser	WV	26726	455 S Mineral Street	Keyser	WV	26726	304-626-1468	10/24/23
Mingo	Mingo Messenger	4,185 Weekly	73 East 3rd Avenue	Williamson	WV	25661	73 East 3rd Avenue	Williamson	WV	25661	800-593-4054	10/1/23
Mingo	Williamson Daily News	691 Weekly	38 West Second Avenue	Williamson	WV	25661	38 West Second Avenue	Williamson	WV	25661	304-348-5119	10/30/23
Monongalia	Dominion Post	9,122 Daily	1251 Earl L. Core Rd	Morgantown	WV	26505	1251 Earl L. Core Rd	Morgantown	WV	26505	304-291-9415	10/11/23
Monroe	Monroe Watchman	2,620 Weekly	430 Main Street	Union	WV	24983	P.O. Box 179	Union	WV	24983	304-772-3016	10/19/23
Morgan	Morgan Messenger	5,146 Weekly	16 N. Mercer Street	Berkeley Springs	WV	25411	16 N. Mercer Street, PO Box 567	Berkeley Springs	WV	25411	304-258-1800	10/16/23
Nicholas	Nicholas Chronicle	4,617 Weekly	718 Broad Street	Summersville	WV	26651	718 Broad Street	Summersville	WV	26651	304-872-2251	10/19/23
Nicholas	The Intelligencer	4,501 Daily	1500 Main Street	Wheeling	WV	26003	1500 Main Street	Wheeling	WV	26003	740-283-4711	10/27/23
Ohio	Wheeling News Register	2,471 Daily	1500 Main Street	Wheeling	WV	26003	1500 Main Street	Wheeling	WV	26003	740-283-4711	10/27/23
Pendleton	Pendleton Times	2,831 Weekly	77 N. Main Street	Franklin	WV	26807	PO Box 906	Franklin	WV	26807	304-358-2304	10/11/23
Pleasants	Pleasants County Leader	2,165 Weekly	206 George Street	Saint Marys	WV	26170	PO Box 27	Saint Marys	WV	26170	304-684-2424	10/27/23
Pleasants	The St. Marys Oracle	2,940 Weekly	206 George Street	Saint Marys	WV	26170	PO Box 27	Saint Marys	WV	26170	304-684-2424	10/27/23
Pocahontas	Pocahontas Times	3,739 Weekly	206 8th Street	Marlinton	WV	24954	206 8th Street	Marlinton	WV	24954	304-799-4973	10/5/23
Preston	Preston Journal	2,475 Weekly	208 W Main Street	Kingwood	WV	26537	PO Box 587	Kingwood	WV	26537	304-626-1468	10/24/23
Preston	Preston News	2,596 Weekly	208 W Main Street	Kingwood	WV	26537	PO Box 587	Kingwood	WV	26537	304-626-1468	10/24/23
Putnam	The Hurricane Breeze	1,083 Weekly	978 Hurricane Creek Road	Hurricane	WV	25526	PO Box 310	Hurricane	WV	25526	304-562-9881	10/25/23
Raleigh	Register-Herald	4,586 Weekly	801 N Kanawha Street	Beckley	WV	25801	801 N Kanawha Street	Beckley	WV	25801	304-255-4487	10/19/23
Randolph	The Inter-Mountain	3,000 Daily	520 Railroad Avenue	Elkins	WV	26241	520 Railroad Avenue	Elkins	WV	26241	304-636-2121	10/23/23
Ritchie	The Pemboro News	3,565 Weekly	103 N Spring Street	Harrisville	WV	26362	103 N Spring Street	Harrisville	WV	26362	304-443-4947	10/27/23
Ritchie	The Ritchie Gazette	2,100 Weekly	200 East Main Street	Harrisville	WV	26362	200 East Main Street	Harrisville	WV	26362	304-871-0716	10/31/23
Roane	Roane County Reporter	2,488 Weekly	210 East Main Street	Spencer	WV	25276	210 East Main Street	Spencer	WV	25276	304-927-2360	10/23/23
Roane	The Hinton News	1,505 Weekly	210 East Main Street	Spencer	WV	25276	210 East Main Street	Spencer	WV	25276	304-927-2360	10/23/23
Summers	The Hinton News	825 Weekly	210 East Main Street	Talcott	WV	24981	188 Foster Street	Lewisburg	WV	24981	304-645-1206	10/31/23
Taylor	The Mountain Statesman	1,780 Weekly	914 W Main Street	Grafton	WV	26354	PO Box 2000	Clarksburg	WV	26302	304-626-1468	10/25/23
Tucker	The Parsons Advocate	2,528 Weekly	219 Central Avenue	Parsons	WV	26287	PO Box 345	Parsons	WV	26287	304-478-3333	10/16/23
Tyler	Tyler Star News	1,091 Weekly	720 Wells Street	Sistersville	WV	26175	720 Wells Street	Sistersville	WV	26175	304-652-4141	10/15/23
Upshur	The Record Delta	2,502 Weekly	19 Chauncy Street	Buckhannon	WV	26201	PO Box 2000	Clarksburg	WV	26302	304-626-1468	10/24/23
Wayne	The Wayne County News	1,023 Weekly	1411 Riverside Drive	Wayne	WV	25570	1411 Riverside Drive	Wayne	WV	25570	304-348-5119	10/30/23
Webster	Webster Echo	1,185 Weekly	219 Back Fork Street	Webster Springs	WV	26288	219 Back Fork Street	Webster Springs	WV	26288	304-348-5119	10/30/23
Wetzel	Wetzel Chronicle	1,337 Weekly	1100 3rd Street	New Martinsville	WV	26155	1100 3rd Street	New Martinsville	WV	26155	304-455-3300	10/11/23
Wirt	Wirt County Journal	2,169 Weekly	1 Midway Square	Elizabeth	WV	26143	PO Box 309	Elizabeth	WV	26143	304-275-8981	10/27/23
Wood	Parkersburg News & Sentinel	7,239 Daily	519 Juliana Street	Parkersburg	WV	26101	519 Juliana Street	Parkersburg	WV	26101	304-485-1891	10/25/23
Wyoming												

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline Facility

2 messages

Williams, Jerry <jerry.williams@wv.gov>

Wed, Mar 19, 2025 at 6:59 AM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>, Stephanie R Mink <stephanie.r.mink@wv.gov>

Leah,

We did receive the redacted copy of the permit application for the Ridgeline Facility. When should we expect to receive the CBI version? Please let me know if you have any questions.

Thank you,
Jerry

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov

Blinn, Leah <lblinn@cecinc.com>

Wed, Mar 19, 2025 at 8:53 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>, Stephanie R Mink <stephanie.r.mink@wv.gov>, Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>

Hi Jerry,

The CBI copy should be arriving in the next hour or so. We sent it priority overnight. Going forward, please copy Casey Chapman and Lewis Reynolds on future correspondence.

Thank you,
Leha

Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108**direct** 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418www.cecinc.com

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From: Williams, Jerry <jerry.williams@wv.gov>

Sent: Wednesday, March 19, 2025 6:59 AM

To: Blinn, Leah <lblinn@cecinc.com>

Cc: Joseph R Kessler <joseph.r.kessler@wv.gov>; Stephanie R Mink <stephanie.r.mink@wv.gov>

Subject: Ridgeline Facility

Leah,

We did receive the redacted copy of the permit application for the Ridgeline Facility. When should we expect to receive the CBI version? Please let me know if you have any questions.

Thank you,

Jerry

--

Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Blinn, Leah <lblinn@cecinc.com>

Wed, Mar 19, 2025 at 8:54 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Hi Jerry,

The legal ad will be published in the Parsons Advocate. I believe that was the newspaper you recommended to us last week. Can you please confirm?

Thank you,
Leah

Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

direct 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418

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From: Williams, Jerry <jerry.williams@wv.gov>

Sent: Wednesday, March 19, 2025 7:38 AM

To: Blinn, Leah <lblinn@cecinc.com>; Spiker, Casey <cspiker@cecinc.com>

Subject: Ridgeline Facility

Good morning.

I wanted to check in and ask which newspaper you were planning on publishing the Class I legal advertisement. We want to avoid the possibility of a republish if placed in the incorrect paper.

5/7/25, 7:51 AM

State of West Virginia Mail - Ridgeline Facility

Thank you,

Jerry

--

Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Wed, Mar 19, 2025 at 8:58 AM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Leah,

That is correct.

Thank you,

Jerry

[Quoted text hidden]

--



Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Fri, Mar 21, 2025 at 2:10 PM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Good afternoon.

Could you please provide your availability for a phone discussion on Wednesday March 26th or Thursday March 27th?

Thank you,
Jerry

[Quoted text hidden]

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Mon, Mar 24, 2025 at 1:26 PM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Leah,

I spoke with Casey on Friday to let him know the application review was progressing. The reason for the suggested call is to discuss some items that need further clarification. I suggested Wednesday or later so that all information will have been reviewed. Could you provide the tracking number for the CBI application, as that information had not been received as of Friday. I have reviewed all information in the redacted copy, but would prefer to wait for the phone discussion until I have time to review the CBI, as that may lead to more or less questions.

Thank you,

Jerry

[Quoted text hidden]

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov Email jerry.williams@wv.gov

5/7/25, 7:54 AM

State of West Virginia Mail - Ridgeline Facility



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Blinn, Leah <lblinn@cecinc.com>

Mon, Mar 24, 2025 at 1:35 PM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Thanks Jerry,

Attached is the FedEx confirmation that it was delivered on Wednesday, March 19. Please let us know if you still can't find the CBI version. I agree that it will be helpful to have reviewed the CBI version prior to discussing. However, we can also have multiple calls if you think it will help to getting the draft permit faster.

[Quoted text hidden]

----- Forwarded message -----

From: "Spiker, Casey" <cspiker@cecinc.com>

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc:

Bcc:

Date: Mon, 24 Mar 2025 17:30:14 +0000

Subject: FW: Your shipment was delivered 438994070536

Casey N. Spiker | *Project Manager*

Civil & Environmental Consultants, Inc.

[700 Cherrington Parkway, Moon Township, PA 15108](#)

direct 412.249.1602 **office** 412.429.2324 **mobile** 412.463.6569

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From: FedEx Tracking <TrackingUpdates@fedex.com>

Sent: Wednesday, March 19, 2025 9:54 AM

To: Spiker, Casey <cspiker@cecinc.com>

Subject: Your shipment was delivered 438994070536

We've included the delivery details for you



Your shipment was delivered.

Delivery Date

Wed, 03/19/2025

9:45am

Delivered to

601 57TH ST SE, CHARLESTON, WV 25304

Received by

J.Robinson

[Report missing package](#)

How was your delivery?



Tracking details

Tracking ID 438994070536

From CIVIL&ENVIRONMENTAL CONSULTANTS
700 CHERRINGTON PARKWAY
MOON TOWNSHIP, PA, US
15108

To WV D E P
601 57TH STREET SOUTHEAST
CHARLESTON, WV, US
25304

Ship date Tue 3/18/2025 04:36 PM

Number of pieces 1

Total shipment weight 3.00 LB

Service FedEx Priority Overnight

Reference 350-613 CSPIKER

Shipper reference 350-613 CSPIKER

Department number WVDEP

[TRACK SHIPMENT](#)



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All weights are estimated.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide

5/7/25, 7:54 AM

State of West Virginia Mail - Ridgeline Facility

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Thank you for your business.

ID 1026

 **FW: Your shipment was delivered 438994070536.eml**
98K

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline Facility

Williams, Jerry <jerry.williams@wv.gov>

Mon, Mar 24, 2025 at 1:45 PM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

I have made good progress on developing a draft permit. What is your team's availability for a call on Wednesday or Thursday?

Also, @Casey Chapman , I spoke with Joe and we are good to go on Tuesday April 8 for a site inspection.

Thank you,
Jerry

[Quoted text hidden]

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality*

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Blinn, Leah <lblinn@cecinc.com>

Mon, Mar 24, 2025 at 1:48 PM

To: "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Hi Jerry,

That sounds good. We are available Wednesday or Thursday morning. Feel free to propose a time or send an invite.

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Casey Chapman <cchapman@fundamentaldata.com>

Mon, Mar 24, 2025 at 1:50 PM

To: "Blinn, Leah" <lblinn@cecinc.com>, "Williams, Jerry" <jerry.williams@wv.gov>

Cc: Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

All,

Wednesday works for us. Please let us know the time.

Thank you,

Casey

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline Facility

Mon, Mar 24, 2025 at 1:55 PM

Williams, Jerry <jerry.williams@wv.gov>

To: Casey Chapman <cchapman@fundamentaldata.com>

Cc: "Blinn, Leah" <lblinn@cecinc.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>



Ridgeline Facility

Mar 26, 2025, 10:00am – Mar 26, 2025, 11:00am
(GMT-04:00) Eastern Time - New York

[Quoted text hidden]



Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov **Email** jerry.williams@wv.gov

**Williams, Jerry** <jerry.williams@wv.gov>

Site Inspection

2 messages

Williams, Jerry <jerry.williams@wv.gov>

Tue, Apr 1, 2025 at 9:36 AM

To: Casey Chapman <cchapman@fundamentaldata.com>, Joseph R Kessler <joseph.r.kessler@wv.gov>

Casey,

As we discussed last week, we will plan to meet you next Tuesday April 8th to look at the site. Please let us know where the best place to meet will be and we can set up the time. We look forward to meeting you. Also, let us know if any specific PPE is required while on site. Please let me know if you have any questions.

Thank you,
Jerry

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov

Casey Chapman <cchapman@fundamentaldata.com>

Tue, Apr 1, 2025 at 11:51 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>

Jerry,

I just tried to call you. Please call me as soon as you are available, 540-454-7775.

Respectfully,

Casey

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Williams, Jerry <jerry.williams@wv.gov>

Thu, Apr 3, 2025 at 12:41 PM

To: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Blinn, Leah" <lblinn@cecinc.com>, "Spiker, Casey" <cspiker@cecinc.com>

Good afternoon.

Would you be available for a call tomorrow or Monday to discuss a few items? If you have any questions, prior to the call, please feel free to contact me.

Thank you,
Jerry

--



Jerry Williams, P.E.

Engineer, Division of Air Quality

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

Phone 304-926-0499, ext. 41214

Web dep.wv.gov **Email** jerry.williams@wv.gov

**Williams, Jerry** <jerry.williams@wv.gov>

Ridgeline

Blinn, Leah <lblinn@cecinc.com>

Fri, Apr 4, 2025 at 9:55 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>, Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Hi Jerry,

Thanks for reaching out to us. Would 8:30 AM work for you on Monday? Feel free to send a meeting invite if that time is good.

Thank you,
Leah

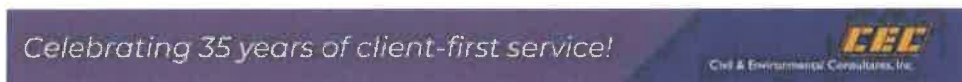
Leah E. Blinn | *Vice President*

Civil & Environmental Consultants, Inc.

700 Cherrington Parkway, Moon Township, PA 15108

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From: Williams, Jerry <jerry.williams@wv.gov>**Sent:** Thursday, April 3, 2025 12:41 PM**To:** Casey Chapman <cchapman@fundamentaldata.com>; Lewis Reynolds <lewis.reynolds@prismrenewables.com>; Blinn, Leah <lblinn@cecinc.com>; Spiker, Casey <cspiker@cecinc.com>**Subject:** Ridgeline

Good afternoon.

Would you be available for a call tomorrow or Monday to discuss a few items? If you have any questions, prior to the call, please feel free to contact me.

5/7/25, 8:05 AM

State of West Virginia Mail - Ridgeline

Thank you,

Jerry

--

Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
[601 57th Street SE, Charleston, WV 25304](#)
Phone 304-926-0499, ext. 41214
Web [dep.wv.gov](#) **Email** jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Williams, Jerry <jerry.williams@wv.gov>

Fri, Apr 4, 2025 at 10:02 AM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>



Ridgeline

Apr 7, 2025, 8:30am – Apr 7, 2025, 9:00am
(GMT-04:00) Eastern Time - New York

[Quoted text hidden]

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Jerry Williams, P.E.

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WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304

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Web dep.wv.gov Email jerry.williams@wv.gov



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Williams, Jerry <jerry.williams@wv.gov>

Wed, Apr 9, 2025 at 6:53 AM

To: "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>, "Spiker, Casey" <cspiker@cecinc.com>

Good morning. At your convenience, can you please email me the affidavit of publication for the Class I legal advertisement? Once that is received, I will be able to deem the permit application administratively complete. Please let me know if you have any questions.

Thank you,
Jerry

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Ridgeline

Spiker, Casey <cspiker@cecinc.com>

Wed, Apr 9, 2025 at 8:40 AM

To: "Williams, Jerry" <jerry.williams@wv.gov>, "Blinn, Leah" <lblinn@cecinc.com>

Cc: Casey Chapman <cchapman@fundamentaldata.com>, Lewis Reynolds <lewis.reynolds@prismrenewables.com>

Good Morning Jerry,

Please see attached.

Thanks,

Casey

Casey N. Spiker | *Project Manager*

Civil & Environmental Consultants, Inc.

[700 Cherrington Parkway, Moon Township, PA 15108](#)

direct 412.249.1602 **office** 412.429.2324 **mobile** 412.463.6569

www.cecinc.com

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BRWAC50DE54E9EB_011019.pdf
603K

The Parsons Advocate

Mountain Media, LLC
P.O. Box 429
Lewisburg, WV 24901

Invoice

DATE	INVOICE #
3/26/2025	25-429861

BILL TO

Civil & Environmental Consultants, Inc.
Casey Spiker
700 Cherrington Parkway
Moon Township, PA 15108

PAID
03/20/2025

P.O. NO.	TERMS	PROJECT
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QUANTITY	DESCRIPTION	RATE	AMOUNT
	Legal Advertising in The Parsons Advocate.	38.18	38.18

FEIN 26-0028834
Air Quality Permit Notice
332 words set solid @ .115 per word
3/26

	Total	\$38.18
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Mountain Media, LLC publishes the Clay County Free Press, the Mountain Messenger, Properties and Lifestyles, mountainmessenger.com and numerous Specialty Publications

AIR QUALITY PERMIT NOTICE

Notice is given that **FUNDAMENTAL DATA LLC** has been applied to the West Virginia Department of Environmental Protection, Department of Air Quality, for a **PERMIT TO DISCHARGE WASTEWATER** (PERMIT) to be located off of US-44, near the City of Thomas, in Tucker County, West Virginia. The latitude and longitude coordinates are 39.1536593; -80.7242222.

The applicant estimates the potential to discharge the following Regulated Air Pollutants will be:

CO	90.35 gpg
CD	56.56 gpg
VOC	2.00 gpg
SO ₂	58.89 gpg
PM ₁₀	37.46 gpg
PM _{2.5}	27.61 gpg
NO _x	71.54 gpg
Lead	0.03 gpg
Total HAPs	0.03 gpg

Issuance of permit is planned to begin in 2027 or 2028. With certain conditions will be received by the West Virginia Department of Environmental Protection, Division of Air Quality (DAQ), 601 17th Street, SE, Charleston, WV 25304, for at least 30 calendar days from the date of publication of this notice. Any comments will still also be received via email at DAQ@DEP.wv.gov or Permitting@DEP.wv.gov.

Any questions regarding this permit application should be directed to the DAQ at (304) 544-0407, extension 4331, during normal business hours.

Dated: 18th day of March, 2023.

By: **FUNDAMENTAL DATA LLC**
Cecely L. Chumley
Responsible Official
125 Hixel Rd. Route 1A
Pocahontas, WV 25952

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

HAZARDOUS WASTE, WY37026784

Your water system recently violated a drinking water standard. Although this is not an emergency; you, or your customers have the right to know what happened, what you should do, and what we are doing to correct it.

We routinely monitor for the presence of drinking water contaminants. This results for 11/2004 and 11/2005 are as follows:

The water quality at our system exceeds the standard or maximum contaminant level (MCL) for all regulated substances. The average level of Halocarbon Aqueous Soluble was found to be four times over 62,000,000µg/L at #1 TEAMING PWS location. The standard for Halocarbon Aqueous is 60 µg/L.

What does this mean?

This does not mean there is an alternative (e.g., bottled water supply). However, if you have specific health concerns, it is recommended that you consult with your doctor.

What does this mean?

If it had been low, you would have been notified immediately. However, some people also drink water containing Halocarbon Aqueous in excess of the MCL over many years may have still experienced risk of getting cancer.

What happens? What is being done? (Describe corrective action)

The quarterly average of HAAs is still past over the MCL. First quarter total was 0.014µg/L which is well under the MCL 0.06, but the quarterly average is 0.062µg/L. Additional flushing has been performed to help reduce the concentration.

For more information, please contact Jason S. Lipkowski at (304) 478-2898 or P.O. Box 228, Hancock, WV 26031.

If you have this information with all the other people who drink this water; especially those who may never have reached this point directly (for example, people in restaurants, nursing homes, schools, and businesses).

This can be done by passing this notice in a public place or distributing copies by hand or mail.

You can also bring this notice to you by e-mail at hazwaste@wv.gov.

Sate Water System ID #: WY37026784 Date Distributed: 3/10/05

Tucker County Commission Levy Estimate (Budget)
2025 - 2026 Fiscal Year

FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026

FISCAL YEAR 2011, 1, 2010 - JUNE 30, 2010
LEVY ESTIMATE - BUDGET DOCUMENT

STATE OF WEST VIRGINIA
MUNICIPALITY OF PARSONS, WEST VIRGINIA

IN accordance with Code § 11-8-4, as amended, the Council proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and does determine and estimate the several amounts to be as follows:

The amount due and the amount that will become due and collectible from every source during the fiscal year INCLUDING THE LEVY OF TAXES, is as follows:

REVENUE SOURCE

Unassigned Fund Balance	\$	100,000
Property Taxes - Current Expense		163,514
Prior Year Taxes		5,000
Supplemental Taxes		5,000
Tax Loss Restoration		200
Tax Penalties, Interest & Publication Fees		2,500
Gas & Oil Severance Tax		5,000
Excise Tax on Utilities		50,000
Wine & Liquor Tax		12,600
Amateur Control Tax		500
Hotel Occupancy Tax		9,000
Fine, Fees & Court Costs		2,000
Parking Violations		100
Licenses		4,500
Building Permit Fees		1,800
Miscellaneous Penalties		240
Franchise Fees		6,000
IRP Fees (Interstate Registration Plan)		14,000
Parks & Recreation		12,500
Rents, Royalties and Cesspools		100,000
Charges for Services		18,500
Contributions from Other Entities		345,000
Gaming Income		10,000
Interest Earned on Investments		500
Sale of Fixed Assets		1,000
Transfer Value (3.3%)		1,000
TOTAL ESTIMATED REVENUE (GENERAL FUND)	\$	895,004

COAL SEVERANCE TAX FUND

REVENUE SOURCES	
Assigned Fund Balance (Cost Fund Only)	\$ 100
Cost Severance Tax	7,500
Interest Earned on Investment	10
Reimbursements	=
Refunds	=
TOTAL ESTIMATED REVENUE	\$ 7,610

(TOTAL ESTIMATED REVENUE
(COAL SEVERANCE FUND))

	General Fund	Civil Service Fund
ESTIMATED CURRENT EXPENDITURES		
Mayor's Office	\$ 2,384	\$ -
City Council	7,591	-
Treasurer's Office	1,518	-
City Manager's Office	15,000	-
Transfer's Office	13,500	-
Police Judge's Office	4,200	-
City Attorney	30,000	-
Custodial	15,000	-
Regional Development Authority	2,000	-
City Hall	224,356	7,610
Public Grounds	7,000	-
Contingencies	89,500	-
Police Department	95,000	-
Streets and Highways	225,000	-
Street Lights	30,000	-
Signs and Signals	10,000	-
Snow Removal	21,000	-
Street Construction	12,000	-
Parks & Recreation	10,625	-
Visitors Bureau	4,500	-
Fair Associations / Fairs	25,000	-
Community Center	34,000	-
Youth Program	1,000	-
Beautification Programs	10,000	-
TOTAL ESTIMATED EXPENDITURES	\$ 855,024	\$ 7,610

MUNICIPALITY OF PARSONS, WEST VIRGINIA

Regular Current Expense Levy

FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026				
Certificate of Valuation				
	Assessed Value For This Purpose	Leroy Rate/\$100	Taxes Levied	
CLASS I				
Personal Property	\$ 0	10.47	\$ 0	0
Public Utility	\$ 0	0	\$ 0	0
Total Class I	\$ 0		\$ 0	0
CLASS II				
Road Estate	\$ 29,217,810	20.94	\$ 611,827	
Personal Property	122,110		\$ 8.	
Total Class II	\$ 29,616,920		\$ 621,018	
CLASS IV				
Road Estate	\$ 15,930,060	41.88	\$ 667,215	
Personal Property	8,792,233		\$ 36,822	
Public Utility	3,950,574		\$ 16,587	
Total Class IV	\$ 28,682,872		\$ 120,124	
Total Value of Projected Revenue \$ 83,429,272				\$ 182,142
Less: Delinquencies, Exemptions & Uncollected Taxes		2.00%		(2,750)
Less Tax Discounts (as Total Projected Revenue to calculate)		2.00%		3,388
Less Allowance for Tax Increment Financing (if Applicable)				0
Total Projected Property Tax Collection			\$ 186,020	
Less Assessor Valuation Fund		3.50%		2,490
(Subtracted from regular current expense taxes levied only)				
Net Amount to be Raised by Levy of Property Taxes			\$ 163,134	

(over returned to the submitter by City of Property Taxes)
 STATE OF WEST VIRGINIA
 COUNTY OF Tucker
 MUNICIPALITY OF PARBONS
 I, Richard L. Lemons, Recording Officer of said municipality, do hereby certify that the foregoing are true copies from the record of the orders made and entered by the council of the said municipality on the 18th day of March 2025.

John J. Lawrence
Magistrate

Greg Bamber
Magistrate

Tucker County Commission Levy Estimate (Budget)
2025 - 2026 Fiscal Year

STATE OF WEST VIRGINIA

In accordance with Code §11-4-10, as amended, the Tucker County Commission proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current year, and doth determine and estimate the several amounts to be as follows:

Amounts Due From Other Sources	Estimated Revenues
Fund Balance	1,060,000
Property Taxes Current Year	3,618,717
Police Year Taxes	65,600
Tax Penalties, Interest & Publication Fees	16,000
Drug Taxes	900
Property Transfer Tax	123,800
Gas & Oil Severance Tax	20,000
Water & Liquor Tax	15,000
Hotel Occupancy Tax	1,000,000
Payments in Lieu of Taxes	45,000
Federal Grants / Federal Payments in Lieu of Taxes	100,000
State Grants	50,000
Sheriff's Services of Powers	3,000
County Clerk's Earnings	3,000
Circuit Clerk's Earnings	6,500
Accident Reports	800
Motor Vehicle License Fee	16,000
Rents & Commissions	300
Special Patrol / Security Systems	3,000
Franchise Agreement	3,700
RF Fee (Resource Registration Fee)	30,000
Regional Jail Operations Partial Reimbursement	4,400
Interest Earnings	10,000
Miscellaneous Revenues	21,185
Sheriff's Commissions	15,000
Camping Income	40,000
Valet Lottery	3,000
Refunds / Reimbursements (External Sources)	700,000
Transferor Assessor's Valuation Fund	17,458
Total Estimated General Fund Revenues	7,190,464
Capital Revenues Tax	Estimated Revenues
Assigned Fund Balance	\$ 33,667
Capital Securities Tax	3,000
Total Capital Revenues	\$ 36,667

ESTIMATED EXPENDITURES

GENERAL GOVERNMENT

County Commissions	\$	436,611	\$	38,667
County Clerk		300,762		
Circuit Clerk		21,532		
Sherriff - Yemassee		411,308		
Prosecuting Attorney		346,611		
Assessor		239,440		
Assessor's Valuation Fund		177,482		
Southwest Computer Network		16,000		
Agricultural Agent		128,031		
Electronix - County Clerk		165,611		
Magnesian Court		6,000		
Circuit Court		6,322		
Corrections		807,559		
Regional Development Authority		2,563		
Economic Development		92,000		
Redistribution of Property		40,000		
Consolidations - Not to Exceed 10% of Budget		75,000		
TOTAL GENERAL GOVERNMENT		3,455,727		38,667
PUBLIC SAFETY				
Sherriff - Law Enforcement		720,060		
Sherriff - Service of Process		105,351		
Regional Jail		150,000		
Emergency Services		91,954		
Communications Center		683,950		
Fire Department		140,000		
Assaultment Authority		250,000		
Dog Warden / Humanec Society		190,541		
Community Based Corrections Program		338,781		
K-9		11,350		
		2,830,952		
TOTAL PUBLIC SAFETY				
HEALTH AND SANITATION				
Local Unifed Depts		15,000		
TOTAL HEALTH & SANITATION		15,000		
CULTURE AND RECREATION				
Parks & Recreation		120,000		
4-H Camp		80,000		
Historical Commissions		20,000		
Vision's Bureau		600,000		
Liquor		22,500		
TOTAL CULTURE & RECREATION		742,500		
SOCIAL SERVICES				
TOTAL SOCIAL SERVICES		-		
CAPITAL PRODUCTS				
Assessor		21,288		
TOTAL CAPITAL OUTLAY		21,288		
Total Expenditures	\$	7,189,464	\$	38,667

BUCKING COUNTY WEST VIRGINIA

TUCKER COUNTY, WEST VIRGINIA
REGULAR CURRENT EXPENSE LEVYREGULAR CURRENT EXPENSE LEVY
FISCAL YEAR JULY 1, 2023 - JUNE 30, 2024

FISCAL YEAR 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100				
		Certificate of Valuation		
	Assessed Value for Tax Purposes	Lvry Ratio/100	Taxes Levied	
Current Year				
Class I				
Personal Property	\$ 0	11.28	\$ 0	
Public Utility	\$ 0		\$ 0	
Total Class I	\$ 0		\$ 0	
Class II				
Real Estate	\$ 448,019,110	22.36	\$ 1,010,899	
Personal Property	2,872,322		6,880	
Total Class II	\$ 450,891,432		\$ 1,017,779	
Class III				
Real Estate	\$ 314,064,637	45.12	\$ 1,416,769	
Personal Property	30,947,857		590,837	
Public Utility	\$ 56,097,222		\$ 214,509	
Total Class III	\$ 501,109,716		\$ 2,262,115	
Class IV				
Real Estate	\$ 69,648,780	25.12	\$ 314,235	
Personal Property	32,271,249		100,488	
Public Utility	\$ 10,935,812		\$ 65,735	
Total Class IV	\$ 112,855,841		\$ 480,458	
Total Value & Projected Revenue	\$ 1,054,148,592		\$ 3,739,083	
Less Delinquencies, Exonerations & Uncollectable Taxes	3.00%		165,950	
Less Tax Discounts	2.00%		71,041	
Less Allowance for Tax Increment Financing (if Applicable)			0	
Total Projected Property Tax Collection			\$ 3,482,092	

Low Assessor Valuation Fund 1.90% 0
(Subtracted from regular current expense taxes levied only)
Net Amount to be Raised by Levy of Property Taxes \$ 3,481,082
STATE OF WEST VIRGINIA
COUNTY OF TUCKER
I, Sherry Sizemore, CLERK OF THE COUNTY COMMISSION OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING ARE TRUE COMES FROM THE RECORD OF ORDERS MADE AND ENTERED BY SAID COMMISSION ON THE 12th DAY OF MARCH 2025.

The Parsons Advocate

MOUNTAIN MEDIA LLC
PO Box 429 Lewisburg, WV 24901
304-647-5724

CERTIFICATE OF PUBLICATION

State of West Virginia
County of Tucker, SS:

I, **Kathleen Stickley**, one of the Editors or Agents of **The Parsons Advocate**, a weekly newspaper of general circulation published at Parsons, WV in the County of Tucker, State of West Virginia, do certify that publication of the advertisement or advertisements **Air Quality Permit Notice**, attached here to was made in **1 issue(s)** of the newspaper, dated **March 26th, 2025**.

Given under my hand this **31st Day of March 2025**.

K. Stickley

Editor or Publisher

\$38.18
Publication fee

Subscribed and Sworn to before me

This 31 day of March, 2025

My commission expires: August 20, 2028

Signature *Kathy L. Hunter*
Notary Public





Williams, Jerry <jerry.williams@wv.gov>

Commercial Display Ad / Posted Sign

4 messages

Williams, Jerry <jerry.williams@wv.gov>

Thu, Apr 10, 2025 at 9:46 AM

To: Casey Chapman <cchapman@fundamentaldata.com>

Casey,

As a follow-up to our call yesterday, I have attached files that include examples of the commercial display ad and posted sign that are required for synthetic minor permitting actions. The telephone number on the examples I have included should not be used for this permitting action. Instead, please use 304-926-0499 ext. 41214. The commercial display ad that I included as an example was for a modified facility. Therefore, the second and fourth paragraphs that reference emissions increases and decreases can be deleted. You would only need to use paragraph 3 which is the potential to discharge. Additionally, I recommend only listing the following pollutants: Volatile Organic Compounds, Nitrogen Oxides, Carbon Monoxide, Sulfur Dioxide, Particulate Matter less than 10 microns in diameter, Particulate Matter less than 2.5 microns in diameter, Lead, and Total Hazardous Air Pollutants. I would suggest providing us with a draft prior to publishing so that we can ensure that the sign and ad will meet the regulatory requirements.

The commercial display ad must meet the requirements of 45CSR13 section 8.4.a and the sign must meet the requirements of 8.5.a.

8.4.a

Within one week prior to the Secretary's placement of a Class I legal advertisement of intent to issue or within three (3) working days of the Secretary's placement of the advertisement, the applicant shall publish a commercial display advertisement in a newspaper of general circulation in the area where the source is or will be located. The commercial display advertisement shall be at least 3 inches by 5 inches and contain at a minimum, the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought, the proposed start-up date for the source and a contact telephone number for more information.

8.5.a

Within one week prior to the Secretary's placement of a Class I legal advertisement of intent to issue or within three (3) working days of the Secretary's placement of the advertisement of submittal of a permit application, the applicant shall post a visible and accessible sign, at a minimum 2 feet square, at the entrance to the source or proposed site. The sign must be clearly marked indicating that an air quality permit has been applied for and include the West Virginia Division of Air Quality permitting section telephone number for additional information. The applicant must post the sign for the duration of the public notice period.

As you review, please reach out with any questions.

Thank you,
Jerry

--

**Jerry Williams, P.E.***Engineer, Division of Air Quality***WV Department of Environmental Protection**


601 57th Street SE, Charleston, WV 25304


Phone 304-926-0499, ext. 41214**Web** dep.wv.gov **Email** jerry.williams@wv.gov


3 attachments

5/7/25, 8:52 AM

State of West Virginia Mail - Commercial Display Ad / Posted Sign

 **2438V_02-12-21C.pdf**
1270K

 **2438V_02-12-21D.pdf**
1952K

 **2438V_02-12-21F.pdf**
113K

Casey Chapman <cchapman@fundamentaldata.com>
To: "Williams, Jerry" <jerry.williams@wv.gov>

Wed, Apr 23, 2025 at 9:43 AM

Jerry,

Please give me a call when you have a chance.

Thank you,

Casey

[Quoted text hidden]

Williams, Jerry <jerry.williams@wv.gov>
To: Casey Chapman <cchapman@fundamentaldata.com>

Wed, Apr 23, 2025 at 9:49 AM

Casey,

I am out of the office today for a work meeting. I can call tomorrow. Is that ok?

Thank you,
Jerry



Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
601 57th Street SE, Charleston, WV 25304
Phone 304-926-0499, ext. 41214
Web dep.wv.gov **Email** jerry.williams@wv.gov

[Quoted text hidden]

Casey Chapman <cchapman@fundamentaldata.com>
To: Jerry Williams <jerry.williams@wv.gov>

Wed, Apr 23, 2025 at 9:54 AM

Yes.

Sent from my mobile device.

On Apr 23, 2025, at 9:49 AM, Williams, Jerry <jerry.williams@wv.gov> wrote:

5/7/25, 8:52 AM

State of West Virginia Mail - Commercial Display Ad / Posted Sign

[Quoted text hidden]



Williams, Jerry <jerry.williams@wv.gov>

Commercial Display Ad / Posted Sign

5 messages

Williams, Jerry <jerry.williams@wv.gov>

Thu, Apr 10, 2025 at 9:46 AM

To: Casey Chapman <cchapman@fundamentaldata.com>

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As you review, please reach out with any questions.

Thank you,
Jerry

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**Jerry Williams, P.E.***Engineer, Division of Air Quality*

WV Department of Environmental Protection

601 57th Street SE, Charleston, WV 25304


Phone 304-926-0499, ext. 41214


Web dep.wv.gov Email jerry.williams@wv.gov


3 attachments

6/24/25, 2:10 PM

State of West Virginia Mail - Commercial Display Ad / Posted Sign

 **2438V_02-12-21C.pdf**
1270K

 **2438V_02-12-21D.pdf**
1952K

 **2438V_02-12-21F.pdf**
113K

Casey Chapman <cchapman@fundamentaldata.com>
To: "Williams, Jerry" <jerry.williams@wv.gov>

Wed, Apr 23, 2025 at 9:43 AM

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Casey

[Quoted text hidden]

Williams, Jerry <jerry.williams@wv.gov>
To: Casey Chapman <cchapman@fundamentaldata.com>

Wed, Apr 23, 2025 at 9:49 AM

Casey,

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Thank you,
Jerry



Jerry Williams, P.E.
Engineer, Division of Air Quality

WV Department of Environmental Protection
601 57th Street SE, Charleston, WV 25304
Phone 304-926-0499, ext. 41214
Web dep.wv.gov **Email** jerry.williams@wv.gov

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Casey Chapman <cchapman@fundamentaldata.com>
To: Jerry Williams <jerry.williams@wv.gov>

Wed, Apr 23, 2025 at 9:54 AM

Yes.

Sent from my mobile device.

On Apr 23, 2025, at 9:49 AM, Williams, Jerry <jerry.williams@wv.gov> wrote:

[Quoted text hidden]

Williams, Jerry <jerry.williams@wv.gov>
To: Casey Chapman <cchapman@fundamentaldata.com>

Fri, May 30, 2025 at 1:30 PM

In addition to the description below, the commercial display ad shall include the proposed startup date. Please let me know if you have any questions.

Thank you.

----- Forwarded message -----

From: Williams, Jerry <jerry.williams@wv.gov>
Date: Thu, Apr 10, 2025 at 9:46 AM
Subject: Commercial Display Ad / Posted Sign
To: Casey Chapman <cchapman@fundamentaldata.com>

Casey,

As a follow-up to our call yesterday, I have attached files that include examples of the commercial display ad and posted sign that are required for synthetic minor permitting actions. **The telephone number on the examples I have included should not be used for this permitting action. Instead, please use 304-926-0499 ext. 41214.** The commercial display ad that I included as an example was for a modified facility. Therefore, the second and fourth paragraphs that reference emissions increases and decreases can be deleted. You would only need to use paragraph 3 which is the potential to discharge. Additionally, I recommend only listing the following pollutants: Volatile Organic Compounds, Nitrogen Oxides, Carbon Monoxide, Sulfur Dioxide, Particulate Matter less than 10 microns in diameter, Particulate Matter less than 2.5 microns in diameter, Lead, and Total Hazardous Air Pollutants. I would suggest providing me with a draft prior to publishing so that we can ensure that the sign and ad will meet the regulatory requirements.

The commercial display ad must meet the requirements of 45CSR13 section 8.4.a and the sign must meet the requirements of 8.5.a.

8.4.a

Within one week prior to the Secretary's placement of a Class I legal advertisement of intent to issue or within three (3) working days of the Secretary's placement of the advertisement, the applicant shall publish a commercial display advertisement in a newspaper of general circulation in the area where the source is or will be located. The commercial display advertisement shall be at least 3 inches by 5 inches and contain at a minimum, the name of the applicant, the type and location of the source, the type and amount of air pollutants that will be discharged, the nature of the permit being sought, the proposed start-up date for the source and a contact telephone number for more information.

8.5.a

Within one week prior to the Secretary's placement of a Class I legal advertisement of intent to issue or within three (3) working days of the Secretary's placement of the advertisement of submittal of a permit application, the applicant shall post a visible and accessible sign, at a minimum 2 feet square, at the entrance to the source or proposed site. The sign must be clearly marked indicating that an air quality permit has been applied for and include the West Virginia Division of Air Quality permitting section telephone number for additional information. The applicant must post the sign for the duration of the public notice period.

As you review, please reach out with any questions.

Thank you,
Jerry

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Jerry Williams, P.E.
Engineer, Division of Air Quality


WV Department of Environmental Protection


601 57th Street SE, Charleston, WV 25304


Phone 304-414-1214

Web dep.wv.gov Email jerry.williams@wv.gov

3 attachments

 **2438V_02-12-21C.pdf**
1270K

 **2438V_02-12-21D.pdf**
1952K

 **2438V_02-12-21F.pdf**
113K

5/7/25, 9:08 AM

State of West Virginia Mail - Call Request



Williams, Jerry <jerry.williams@wv.gov>

Call Request

Casey Chapman <cchapman@fundamentaldata.com>
To: "Williams, Jerry" <jerry.williams@wv.gov>

Thu, Apr 24, 2025 at 10:18 AM

Jerry,

Please call me when you are available. I just tried your office but got your voicemail.

Respectfully,

Casey



Williams, Jerry <jerry.williams@wv.gov>

Fundamental Data CBI

Mink, Stephanie R <stephanie.r.mink@wv.gov>

Fri, Apr 25, 2025 at 11:05 AM

To: Casey Chapman <cchapman@fundamentaldata.com>, lreynolds@fundamentaldata.com, lblinn@cecinc.com

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, Jason E Wandling <jason.e.wandling@wv.gov>

Attached is a letter from the General Counsel of the WVDEP concerning the claims of CBI in the following:

Confidential Business Information:

Fundamental Data LLC

Permit Number: R13-3717

Facility ID Number: 093-00034

Thank you
Stephanie

--

Stephanie Mink

Environmental Resources Associate

West Virginia Department of Environmental Protection

Division of Air Quality, Title V & NSR Permitting

601 57th Street SE

Charleston, WV 25304

Phone: 304-926-0499 x41281



Ltr Wandling to Chapman April 25 2025 re CBI.pdf

78K



Williams, Jerry <jerry.williams@wv.gov>

Fundamental Data CBI

Casey Chapman <cchapman@fundamentaldata.com>

Wed, May 7, 2025 at 1:37 PM

To: Jason E Wandling <jason.e.wandling@wv.gov>

Cc: Laura M Crowder <laura.m.crowder@wv.gov>, Joseph R Kessler <joseph.r.kessler@wv.gov>, Jerry Williams <jerry.williams@wv.gov>, "Mink, Stephanie R" <stephanie.r.mink@wv.gov>, Jason E Wandling <jason.e.wandling@wv.gov>, "HAROLD.D.WARD@WV.GOV" <HAROLD.D.WARD@wv.gov>, "lblinn@cecinc.com" <lblinn@cecinc.com>

Attached is our letter in response to the "letter from the General Counsel of the WVDEP concerning the claims of CBI".

Respectfully,

Casey Chapman

[Quoted text hidden]



DEP Letter_5-7-25.pdf
244K



**FUNDAMENTAL
DATA**

May 7, 2025

Jason Wandling
General Counsel
WV Department of Environmental Protection
601 57th Street, SE
Charleston, WV 25304

Re: Confidential Business Information
Permit Number: RB-3717
Facility ID Number: 093-00034

Dear Mr. Wandling,

We write in reply to your letter dated April 25, 2025, concerning the West Virginia Department of Environmental Protection's (WVDEP) purported rescission of its prior completeness determination for our permit application. We address the confidentiality claims contained in our application and to reaffirm the basis for the redaction of certain proprietary information, which is critical to the Ridgeline project and, by extension, to the broader success of innovative initiatives in the State of West Virginia.

We respond in the spirit of constructive dialogue and cooperation; however, we respectfully assert that the Department's decision appears inconsistent with applicable administrative procedures. We reserve all rights available to us in law and equity.

The Ridgeline project arises at a time of extraordinary technological transformation and global competition. The United States faces growing pressure from foreign adversaries, particularly in areas of artificial intelligence and advanced computing. The essential infrastructure to support this innovation, particularly reliable power generation, has lagged nationwide due to regulatory and permitting delays. Policymakers in West Virginia, including Governor Morrissey and the Legislature, should be commended for their foresight in enacting the Power Generation and Consumption Act of 2025 (the "Power Act"), which positions the State to capitalize on this fleeting opportunity. Our project directly supports West Virginia's stated goal and represents more than a power generation resource — it is a strategic investment in national and economic security.

In this environment, Rule 31 plays a critical role in protecting confidential business information (CBI) and trade secrets from disclosure to the public and to Fundamental's

competitors. The proper interpretation and application of Rule 31 will determine whether West Virginia can compete successfully for next-generation technology and energy infrastructure. The ability to maintain the confidentiality of proprietary business information is not only vital to our company's competitiveness but is also a key factor considered by other investors evaluating projects within the State. If the State cannot protect confidential business information in a manner consistent with its laws, the State will chill investment and drive away businesses the Power Act intends to attract.

We understand that public interest in the project has increased, and we are committed to engaging constructively with local stakeholders. Our confidentiality claims are not intended to obscure our operations from the public but are necessary to protect sensitive, proprietary data from our competitors, as the regulations correctly allow. The public should not assume that redacting information from the public version of our application is an attempt to hide relevant data; rather, such redactions are necessary to protect innovation from theft. Although not directly relevant to the Department's position here, we emphasize the following to provide some comfort to the public:

1. Ridgeline does not plan any consumption or use of water resources from or discharge of wastewater to local rivers, streams, or municipal systems.
2. If advanced, the project will result in the creation of substantial, high-paying, permanent jobs and generate unprecedented tax revenue for local jurisdictions.
3. The plant is sited in a lowland area surrounded by hills that should substantially limit and may even completely obscure visibility of the plant from public roadways or populated areas.
4. The facility expects to operate at noise levels below the threshold requiring hearing protection under OSHA regulations and is physically more than one mile from the nearest occupied structure and is buffered by topography and forest.

Turning to the core issue of confidentiality: while your letter does not explicitly reference a Freedom of Information Act (FOIA) request, §45-31 suggests that a determination under Rule 31 was initiated upon receipt of a public records request under §29B-1-1. We presume, therefore, that such a request has been made and request a copy of all such requests.

We remain confident that the redacted materials meet the statutory definition of "trade secrets" under §45-31-2.3, as

"trade secrets" may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or

other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors.

Note that "trade secrets" includes plans, patterns and processes, such as the identity, number and configuration of power sources that provide an advantage over competitors. With that in mind, the redacted materials in our application fall within two categories:

1. Information governed by binding confidentiality and non-disclosure agreements with third-party vendors, and
2. Proprietary data constituting trade secrets under applicable law.

Your letter states that your

"review has determined that the information claimed as CBI may not qualify for such designation as it falls under the definition of "Types and Amounts of Air Pollutants Discharged" as excluded under §45-31-6 and defined under §45-31-2.4 (and further defined under 45CSR31 b). There is also some concern that the claimed CBI may not meet the eligibility requirements under §45-31-4.l(b) and 4.l(c)."

The above reflects claims that the redacted information may constitute "types and amounts of air pollutants discharged," which cannot be claimed as confidential under §45-31-6 and the definitions provided in §45-31-2.4 and 45CSR31B. However, this interpretation is not supported by the text of §45-31-2.4, which reads as follows:

2.4.a.1. Emission data necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

2.4.a.2. Emission data necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and

2.4.a.3. A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

As we are a proposed new facility and have not yet emitted any pollutants, §45-31-2.4.a.1 is inapplicable. We have duly provided all the required information under §45-31-2.4.a.2 and §45-31-2.4.a.3. The redacted portions of our application pertain solely to specific equipment identification and our system configuration, which do not constitute emissions data. Even without the redacted material, the Department has sufficient information to set verifiable limits on the collective emissions from this equipment, which cumulatively constitute the source. A "stationary source" is defined in §45-13-2.24 as "any building, structure, facility, installation, or emission unit, or combination thereof" This definition supports our position that emissions data requirements need not extend to the disclosure of sub-emissions from individual components of a source but rather pertain to the source in its entirety. The rule contemplates disclosure of emissions from the "source," not necessarily from each subcomponent of a source, where total emissions can be effectively limited by reasonable permit conditions. The source is broadly defined under §45-13-2.24 as including combinations of emission units, further reinforcing this point. The public, therefore, has full access to all required emissions data as defined, without compromising sensitive technical information.

Furthermore, §45-31-2.4.a.2 refers to "emission data necessary to determine the identity, amount, frequency, concentration or other characteristics" of the emission source, meaning that the information necessary to development of emission limits cannot be CBI. The redacted information can be CBI because it is not necessary to the determination of emission limits. Verifiable limits can be developed without the redacted material, based on general knowledge of turbine operations, permissible fuel sources, hours of operation and other factors that can be specified in the permit. The proposed project is one where alternatives to CBI, such as use of "aggregation, categorization, surrogate parameters, emissions monitoring or sampling, or parametric monitoring", can result in "a practically enforceable method of determining emissions." §45-31B-4.1.

Finally, your letter references potential deficiencies under §45-31-4.1(b) and 4.1(c), which relate to the applicant's efforts to maintain confidentiality. We are uncertain what "concern" exists in this regard, as we have taken and continue to take robust measures to protect the confidentiality of our trade secrets. If WVDEP has reason to believe otherwise, we respectfully request the detailed and specific factual basis for such a concern so we may address it directly.

The Department has an unredacted version of the application before it and its review should continue without pause. The number of inquiries about the project received by the Department does not affect the nature of the information redacted. We respectfully submit that our redactions are correct, consistent with applicable law, and are absolutely crucial to our competitive position in our field.

We trust this response clarifies the basis for our confidentiality designations and supports a determination by Secretary Ward that the information in question qualifies for CBI protection under Rule 31. Should that not be the case, we request further and immediate clarification

of the Department's position without release of any redacted material to the general public. In the event of a disagreement between the Department and an applicant regarding CBI, the Department might suspend permitting, but there is no authority for the Department to release information.

Please contact me if you would like to further discuss this response or the project that we have proposed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Casey Chapman".

Casey Chapman