

# The Parsons Advocate

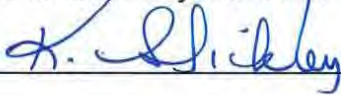
MOUNTAIN MEDIA LLC  
PO Box 429 Lewisburg, WV 24901  
304-647-5724

## 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 26<sup>th</sup>, 2025**.

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



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



Notary Public





Williams, Jerry &lt;jerry.williams@wv.gov&gt;

## Commercial Display Ad / Posted Sign

4 messages

Williams, Jerry &lt;jerry.williams@wv.gov&gt;

Thu, Apr 10, 2025 at 9:46 AM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;

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](http://dep.wv.gov) Email [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)


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**3 attachments**

 **2438V\_02-12-21C.pdf**  
1270K

 **2438V\_02-12-21D.pdf**  
1952K

 **2438V\_02-12-21F.pdf**  
113K

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**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]

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**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*

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**WV Department of Environmental Protection**  
601 57th Street SE, Charleston, WV 25304  
**Phone** 304-926-0499, ext. 41214  
**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)

[Quoted text hidden]

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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]



**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

304.925.0499

EXTENSION 41256







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 brings the total vaccinations of Phase 1A to 227.

For more data and information on the cases in Meigs County visit <https://www.meigs-health.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, 1,198 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 8.53 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 of 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 Mascaro, Zeke Miller and Mary Clare Jalonick  
Associated Press

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-



President Donald Trump speaks to the media before boarding Air Force One, at Andrews Air Force Base, Md., to travel to Texas.

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 Amerisource-Bergen, 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 fes-

tival 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 Tatterson have reviewed the ordinance many times and it states "no consequence," 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 Tatterson.

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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 — a good 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. Some of it was dreams."

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 come 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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Sharda 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>

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## Community Engagement

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**Lewis Reynolds** <lreynolds@fundamentaldata.com>  
To: "Jerry Williams (jerry.williams@wv.gov)" <jerry.williams@wv.gov>  
Cc: Casey Chapman <cchapman@fundamentaldata.com>

Sun, Apr 13, 2025 at 3:13 PM

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



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

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## Call Request

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Casey Chapman <cchapman@fundamentaldata.com>

Thu, Apr 24, 2025 at 10:18 AM

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

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 &lt;jerry.williams@wv.gov&gt;

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**Pamela Moe FOIA #2**

2 messages

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

Wed, May 7, 2025 at 1:32 PM

To: Nicole D Ernest &lt;nicole.d.ernest@wv.gov&gt;

Cc: Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;, Laura M Crowder &lt;laura.m.crowder@wv.gov&gt;

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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)

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**2 attachments****Attachment 1.pdf**

80K

**Attachment 2.pdf**

7976K

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**Ernest, Nicole D** <nicole.d.ernest@wv.gov>

Wed, May 7, 2025 at 1:46 PM

To: "Williams, Jerry" &lt;jerry.williams@wv.gov&gt;

Thank you so much, Jerry. I really appreciate the time and effort you put into this!

Nicole

[Quoted text hidden]



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 black ink that reads "Casey Chapman". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Casey Chapman



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

**Invitation: Re: Fundamental Data @ Fri May 9, 2025 9am - 10am (EDT) (Jerry Williams)**

1 message

**Charles S Driver** <charles.s.driver@wv.gov>

Thu, May 8, 2025 at 7:30 AM

Reply-To: Charles S Driver &lt;charles.s.driver@wv.gov&gt;

To: Jerry Williams &lt;jerry.williams@wv.gov&gt;, James Robertson &lt;james.robertson@wv.gov&gt;, Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;

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PIN: 438969601

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

Friday May 9, 2025 · 9am – 10am (Eastern Time - New York)

**Guests**

Charles S Driver - organizer

James Robertson

Joseph R Kessler

Jerry Williams

[View all guest info](#)**Reply** for jerry.williams@wv.gov

Yes

No

Maybe

More options

Invitation from [Google Calendar](#)

You are receiving this email because you are subscribed to calendar notifications. To stop receiving these emails, go to [Calendar settings](#), select this calendar, and change "Other notifications".



6/24/25, 2:36 PM

State of West Virginia Mail - Invitation: Re: Fundamental Data @ Fri May 9, 2025 9am - 10am (EDT) (Jerry Williams)

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP [Learn more](#)

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Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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**Fundamental Data CBI determination, Permit No. R13-3713**

1 message

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**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](mailto:charles.s.driver@wv.gov)



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**Fundamental Data, CBI Determination.pdf**  
110K



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west virginia department of environmental protection

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Office of Legal Services  
601 57<sup>th</sup> 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

## 9. Fundamental Data Correspondence



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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**Re: Pre-Application Meeting**

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**Kessler, Joseph R** <joseph.r.kessler@wv.gov>

Wed, Mar 12, 2025 at 12:48 PM

To: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;

Cc: "Spiker, Casey" &lt;cspiker@cecinc.com&gt;, Jerry Williams &lt;jerry.williams@wv.gov&gt;

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

www.cecinc.com



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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

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](mailto:Joseph.r.kessler@wv.gov)

On Tue, Mar 11, 2025 at 4:45 PM Blinn, Leah <[lblinn@cecinc.com](mailto: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 &lt;jerry.williams@wv.gov&gt;

## Pre-Application Meeting

Blinn, Leah &lt;lblinn@cecinc.com&gt;

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 &lt;jerry.williams@wv.gov&gt;

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**Confidential Business Information and Redacted Application Discussion**

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Williams, Jerry &lt;jerry.williams@wv.gov&gt;

Fri, Mar 14, 2025 at 11:39 AM

To: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto: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 | 5,236 Weekly | 85 Church Street             | Phillippi        | WV    | 26416 | P.O. Box 459                    | Phillippi        | WV         | 26416    | 304-457-2222 | 10/31/23 |
| Berkeley   | The Journal                              | Republican        | 5,236 Daily  | 5,240 Daily  | 207 W. King Street           | Martinsburg      | WV    | 25401 | 207 W. King Street              | Martinsburg      | WV         | 25401    |              | 10/11/23 |
| Boone      | Coal Valley News                         | Independent       | 694 Weekly   | 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 | 3,536 Weekly | 501 Main Street              | Sutton           | WV    | 26601 | PO Box 516                      | Sutton           | WV         | 26601    |              | 10/30/23 |
| Brooke     | Brooke County Review                     | Democratic        | 5,663 Weekly | 5,663 Weekly | 501 Main Street              | Sutton           | WV    | 26601 | PO Box 516                      | Sutton           | WV         | 26601    |              | 10/31/23 |
| Cabell     | The Herald Dispatch                      | Independent       | 1,265 Weekly | 1,265 Weekly | 55 Town Square               | Wellburg         | WV    | 26070 | 55 Town Square                  | Wellburg         | WV         | 26070    | 304-737-0946 | 10/27/23 |
| Calhoun    | Calhoun Chronicle                        | Democratic        | 1,482 Weekly | 1,482 Weekly | 353 Main Street              | Huntington       | WV    | 25705 | 5192 Braley Road                | Huntington       | WV         | 25705    | 304-348-5119 | 10/30/23 |
| Clay       | Clay County Free Press                   | Democratic        | 981 Weekly   | 981 Weekly   | 1967 Mayzel Rd               | Grantsville      | WV    | 26147 | PO Box 830                      | Grantsville      | WV         | 26147    | 304-354-6917 | 10/16/23 |
| Doddridge  | The Herald Record                        | Republican        | 1,620 Weekly | 1,620 Weekly | 177 Main Street              | Pocahontas       | WV    | 26164 | PO Box 429, 2nd Floor           | Lewisburg        | WV         | 24901    | 304-647-5724 | 10/16/23 |
| Doddridge  | The Doddridge Independent                | Independent       | 1,132 Weekly | 1,132 Weekly | 187 Main Street              | West Union       | WV    | 26456 | 177 Main Street                 | West Union       | WV         | 26456    | 304-873-1600 | 10/27/23 |
| Fayette    | Fayette Tribune                          | Independent       | 657 Weekly   | 657 Weekly   | 417 Main Street              | West Union       | WV    | 26456 | 187 Main Street                 | West Union       | WV         | 26456    | 304-844-8040 | 10/31/23 |
| Gilmer     | Glenville Democrat                       | Democratic        | 1,068 Weekly | 1,068 Weekly | 108 Court Street             | Oak Hill         | WV    | 25901 | PO Box 2338                     | Beckley          | WV         | 25802    | 304-255-4487 | 10/11/23 |
| Glenville  | Glenville Pathfinder                     | Republican        | 1,400 Weekly | 1,400 Weekly | 108 Court Street             | Glenville        | WV    | 26351 | PO Box 458                      | Glenville        | WV         | 26351    | 304-462-7309 | 10/11/23 |
| Grant      | Grant County Press                       | Republican        | 3,100 Weekly | 3,100 Weekly | 47 South Main Street         | Petersburg       | WV    | 26847 | PO Box 458                      | Glenville        | WV         | 26351    | 304-462-7309 | 10/11/23 |
| Greenbrier | Mountain Messenger                       | Democratic        | 2,325 Weekly | 2,325 Weekly | 860 N. Court Street          | Petersburg       | WV    | 26847 | PO Box 39, 47 S. Main Street    | Petersburg       | WV         | 26847    | 304-257-1844 | 10/11/23 |
| Greenbrier | The West Virginia Daily News             | Independent       | 1,550 Daily  | 1,550 Daily  | 188 Foster Street            | Lewisburg        | WV    | 24901 | 860 Court Street N.             | Lewisburg        | WV         | 24901    | 304-647-5724 | 10/16/23 |
| Hampshire  | Hampshire Review                         | Democratic        | 7,150 Weekly | 7,150 Weekly | 74 W. Main Street            | Lewisburg        | WV    | 24901 | 188 Foster Street               | Lewisburg        | WV         | 24901    | 304-645-1206 | 10/31/23 |
| Hancock    | Weirton Daily Times                      | Independent       | 1,424 Daily  | 1,424 Daily  | 114 Lee Avenue               | Romney           | WV    | 26757 | PO Box 1036                     | Lewisburg        | WV         | 24901    | 304-822-3871 | 10/30/23 |
| Hardy      | Moorefield Examiner                      | Democratic        | 3,200 Weekly | 3,200 Weekly | 132 South Main Street        | Weirton          | WV    | 26062 | PO Box 380                      | Steuernville     | WV         | 26757    | 740-283-4711 | 10/16/23 |
| Harrison   | Shinnston News & Harrison County Journal | Democratic        | 729 Weekly   | 729 Weekly   | 109 Bice Street              | Moorefield       | WV    | 26836 | PO Box 187                      | Moorefield       | WV         | 26836    | 304-530-6397 | 10/11/23 |
| Harrison   | The Exponent Telegram                    | Independent       | 20,913 Daily | 20,913 Daily | 324 Hewes Ave.               | Shinnston        | WV    | 26431 | PO Box 2000                     | Shinnston        | WV         | 26431    | 304-592-1030 | 10/16/23 |
| Jackson    | Jackson Herald                           | Republican        | 2,716 Weekly | 2,716 Weekly | 112 N Court Street           | Clarksburg       | WV    | 26301 | PO Box 2000                     | Clarksburg       | WV         | 26302    | 304-626-1468 | 10/24/23 |
| Jackson    | Jackson Star                             | Democratic        | 2,821 Weekly | 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   | 357 Weekly   | 217 S Duke Street, Suite 102 | Ripley           | WV    | 25271 | 112 W North Street              | Ripley           | WV         | 25271    | 304-626-1468 | 10/24/23 |
| Jefferson  | Spirit of Jefferson                      | Democratic        | 4,200 Weekly | 4,200 Weekly | 114 N. Charles Street        | Shepherdstown    | WV    | 25443 | PO Box 2088                     | Shepherdstown    | WV         | 25443    | 540-465-1667 | 10/11/23 |
| Kanawha    | Charleston Gazette-Mail                  | Independent       | 18,888 Daily | 18,888 Daily | 1001 Virginia Street East    | Charles Town     | WV    | 25414 | PO Box 966                      | Charles Town     | WV         | 25414    | 304-725-2046 | 10/30/23 |
| Lewis      | The Weston Democrat                      | Independent       | 1,960 Weekly | 1,960 Weekly | 139 Main Avenue              | Charles Town     | WV    | 25301 | 1001 Virginia Street East       | Charles Town     | WV         | 25301    | 304-348-5119 | 10/24/23 |
| Lincoln    | The Lincoln Journal                      | Republican        | 1,167 Weekly | 1,167 Weekly | 328 Walnut Street            | Weston           | WV    | 26426 | PO Box 2000                     | Clarksburg       | WV         | 26302    | 304-626-1468 | 10/30/23 |
| Lincoln    | Lincoln News Sentinel                    | Democratic        | 574 Weekly   | 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 | 1,141 Weekly | 229 Stratton Street, Rm 313  | Hamlin           | WV    | 25523 | 328 Walnut Street               | Hamlin           | WV         | 25523    | 304-348-5119 | 10/30/23 |
| Marion     | Times West Virginian                     | Independent       | 3,194 Weekly | 3,194 Weekly | 300 Quincy Street            | Logan            | WV    | 25701 | 229 Stratton Street, Rm 313     | Logan            | WV         | 25701    | 304-348-5119 | 10/30/23 |
| Mason      | River Cities Register                    | Republican        | 2,160 Weekly | 2,160 Weekly | 510 Quincy Street            | Fairmont         | WV    | 26554 | 300 Quincy Street               | Fairmont         | WV         | 26554    | 304-255-4487 | 10/11/23 |
| Mason      | River Cities Tribune                     | Democratic        | 3,066 Weekly | 3,066 Weekly | 510 Main Street              | Pl. Pleasant     | WV    | 25550 | 510 Main Street                 | Pl. Pleasant     | WV         | 25550    | 304-626-1468 | 10/24/23 |
| Marshall   | Moundsville Daily Echo                   | Republican        | 1,301 Daily  | 1,301 Daily  | 713 Lafayette Avenue         | Pl. Pleasant     | WV    | 25550 | 510 Main Street                 | Pl. Pleasant     | WV         | 25550    | 304-626-1468 | 10/24/23 |
| McDowell   | Bluefield Daily Telegraph                | Independent       | 3,138 Weekly | 3,138 Weekly | 928 Bluefield Avenue         | Moundsville      | WV    | 26041 | 713 Lafayette Avenue            | Moundsville      | WV         | 26041    | 304-845-2660 | 10/27/23 |
| Mercer     | Mineral News                             | Democratic        | 8,332 Weekly | 8,332 Weekly | 455 S Mineral Street         | Bluefield        | WV    | 24701 | PO Box 1599                     | Bluefield        | WV         | 24701    | 304-255-4487 | 10/11/23 |
| Mineral    | Mineral Tribune                          | Republican        | 2,964 Weekly | 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                          | Independent       | 4,185 Weekly | 4,185 Weekly | 73 East 3rd Avenue           | Keyser           | WV    | 26726 | 455 S Mineral Street            | Keyser           | WV         | 26726    | 304-626-1468 | 10/24/23 |
| Mingo      | Williamson Daily News                    | Independent       | 691 Weekly   | 691 Weekly   | 38 West Second Avenue        | Williamson       | WV    | 25661 | 73 East 3rd Avenue              | Williamson       | WV         | 25661    | 800-593-4054 | 10/1/23  |
| Monongalia | Dominion Post                            | Independent       | 9,122 Daily  | 9,122 Daily  | 1251 Earl L Core Rd          | Williamson       | WV    | 25661 | 38 West Second Avenue           | Williamson       | WV         | 25661    | 304-348-5119 | 10/30/23 |
| Monroe     | Monroe Watchman                          | Independent       | 2,620 Weekly | 2,620 Weekly | 16 N. Mercer Street          | Morgantown       | WV    | 26505 | 1251 Earl L Core Rd             | Morgantown       | WV         | 26505    | 304-291-9415 | 10/11/23 |
| Morgan     | Morgan Messenger                         | Republican        | 5,146 Weekly | 5,146 Weekly | 430 Main Street              | Union            | WV    | 24983 | P.O. Box 179                    | Union            | WV         | 24983    | 304-772-3016 | 10/19/23 |
| Nicholas   | Nicholas Chronicle                       | Democratic        | 4,617 Weekly | 4,617 Weekly | 718 Broad Street             | Berkeley Springs | WV    | 25411 | 16 N. Mercer Street, PO Box 567 | Berkeley Springs | WV         | 25411    | 304-258-1800 | 10/16/23 |
| Ohio       | The Intelligencer                        | Republican        | 4,501 Daily  | 4,501 Daily  | 1500 Main Street             | Summersville     | WV    | 26651 | 718 Broad Street                | Summersville     | WV         | 26651    | 304-872-2251 | 10/19/23 |
| Ohio       | Wheeling News Register                   | Democratic        | 2,471 Daily  | 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 | 2,831 Weekly | 77 N. Main Street            | Wheeling         | WV    | 26003 | 1500 Main Street                | Wheeling         | WV         | 26003    | 740-283-4711 | 10/27/23 |
| Pleasants  | Pleasants County Leader                  | Republican        | 2,165 Weekly | 2,165 Weekly | 206 George Street            | Franklin         | WV    | 26807 | PO Box 906                      | Franklin         | WV         | 26807    | 304-358-2304 | 10/11/23 |
| Pleasants  | Pocahontas Times                         | Democratic        | 3,739 Weekly | 3,739 Weekly | 206 George Street            | Saint Marys      | WV    | 26170 | PO Box 27                       | Saint Marys      | WV         | 26170    | 304-684-2424 | 10/27/23 |
| Preston    | Preston Journal                          | Independent       | 2,475 Weekly | 2,475 Weekly | 208 W Main Street            | Saint Marys      | WV    | 26170 | PO Box 27                       | Saint Marys      | WV         | 26170    | 304-684-2424 | 10/27/23 |
| Preston    | Preston News                             | Republican        | 2,596 Weekly | 2,596 Weekly | 208 W Main Street            | Marlinton        | WV    | 24954 | 206 8th Street                  | Marlinton        | WV         | 24954    | 304-799-4973 | 10/5/23  |
| Putnam     | The Hurricane Breeze                     | Democratic        | 1,083 Weekly | 1,083 Weekly | 978 Hurricane Creek Road     | Kingwood         | WV    | 26537 | PO Box 587                      | Kingwood         | WV         | 26537    | 304-626-1468 | 10/24/23 |
| Raleigh    | Register-Herald                          | Republican        | 4,586 Weekly | 4,586 Weekly | 801 N Kanawha Street         | Kingwood         | WV    | 26537 | PO Box 587                      | Kingwood         | WV         | 26537    | 304-626-1468 | 10/24/23 |
| Randolph   | The Inter-Mountain                       | Independent       | 3,000 Daily  | 3,000 Daily  | 520 Railroad Avenue          | Hurricane        | WV    | 25526 | PO Box 310                      | Hurricane        | WV         | 25526    | 304-562-9881 | 10/25/23 |
| Ritchie    | The Pemboro News                         | Democratic        | 3,565 Weekly | 3,565 Weekly | 103 N Spring Street          | Beckley          | WV    | 25801 | 801 N Kanawha Street            | Beckley          | WV         | 25801    | 304-255-4487 | 10/19/23 |
| Ritchie    | The Ritchie Gazette                      | Independent       | 2,100 Weekly | 2,100 Weekly | 200 East Main Street         | Elkins           | WV    | 26241 | 520 Railroad Avenue             | Elkins           | WV         | 26241    | 304-636-2121 | 10/23/23 |
| Roane      | Roane County Reporter                    | Democratic        | 2,488 Weekly | 2,488 Weekly | 210 East Main Street         | Harrisville      | WV    | 26362 | 103 N Spring Street             | Harrisville      | WV         | 26362    | 304-843-4947 | 10/27/23 |
| Roane      | The Times Record                         | Republican        | 1,505 Weekly | 1,505 Weekly | 210 East Main Street         | Harrisville      | WV    | 26362 | 200 East Main Street            | Harrisville      | WV         | 26362    | 304-871-0716 | 10/31/23 |
| Summers    | The Hinton News                          | Independent       | 825 Weekly   | 825 Weekly   | 21 Lowell Road               | Spencer          | WV    | 25276 | 210 East Main Street            | Spencer          | WV         | 25276    | 304-927-2360 | 10/23/23 |
| Taylor     | The Mountain Statesman                   | Independent       | 1,780 Weekly | 1,780 Weekly | 914 W Main Street            | Spencer          | WV    | 25276 | 210 East Main Street            | Spencer          | WV         | 25276    | 304-927-2360 | 10/23/23 |
| Tucker     | The Parsons Advocate                     | Democratic        | 2,528 Weekly | 2,528 Weekly | 219 Central Avenue           | Lewisburg        | WV    | 24901 | 188 Foster Street               | Lewisburg        | WV         | 24901    | 304-645-1206 | 10/31/23 |
| Tyler      | Tyler Star News                          | Republican        | 1,091 Weekly | 1,091 Weekly | 720 Wells Street             | Parsons          | WV    | 26287 | PO Box 345                      | Parsons          | WV         | 26287    | 304-478-3533 | 10/16/23 |
| Wayne      | The Wayne County News                    | Independent       | 1,023 Weekly | 1,023 Weekly | 19 Chauncy Street            | Sistersville     | WV    | 26175 | 720 Wells Street                | Sistersville     | WV         | 26175    | 304-652-4141 | 10/5/23  |
| Webster    | Webster Echo                             | Democratic        | 1,185 Weekly | 1,185 Weekly | 1411 Riverside Drive         | Buckhannon       | WV    | 26201 | PO Box 2000                     | Clarksburg       | WV         | 26302    | 304-626-1468 | 10/24/23 |
| Wetzel     | Wetzel Chronicle                         | Independent       | 1,537 Weekly | 1,537 Weekly | 219 Back Fork Street         | Wayne            | WV    | 25570 | 1411 Riverside Drive            | Wayne            | WV         | 25570    | 304-348-5119 | 10/30/23 |
| Wirt       | Wirt County Journal                      | Democratic        | 2,169 Weekly | 2,169 Weekly | 1100 3rd Street              | Webster Springs  | WV    | 26288 | 219 Back Fork Street            | Webster Springs  | WV         | 26288    | 304-348-5119 | 10/30/23 |
| Wood       | Parkersburg News & Sentinel              | Independent       | 7,239 Daily  | 7,239 Daily  | 519 Juliana Street           | New Martinsville | WV    | 26155 | 1100 3rd Street                 | Webster Springs  | WV         | 26288    | 304-455-3300 | 10/11/23 |
| Wyoming    |  |                   |              |              |                              | Elizabeth        | WV    | 26143 | PO Box 309                      | Elizabeth        | WV         | 26143    | 304-275-8981 | 10/27/23 |
|            |  |                   |              |              |                              | Parkersburg      | WV    | 26101 | 519 Juliana Street              | Parkersburg      | WV         | 26101    | 304-485-1891 | 10/25/23 |



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

## Ridgeline Facility

2 messages

Williams, Jerry &lt;jerry.williams@wv.gov&gt;

Wed, Mar 19, 2025 at 6:59 AM

To: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;

Cc: Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;, Stephanie R Mink &lt;stephanie.r.mink@wv.gov&gt;

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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)

Blinn, Leah &lt;lblinn@cecinc.com&gt;

Wed, Mar 19, 2025 at 8:53 AM

To: "Williams, Jerry" &lt;jerry.williams@wv.gov&gt;

Cc: Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;, Stephanie R Mink &lt;stephanie.r.mink@wv.gov&gt;, Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;

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** 412.979.2418[www.cecinc.com](http://www.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](http://dep.wv.gov) Email [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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## Ridgeline Facility

---

Blinn, Leah &lt;lblinn@cecinc.com&gt;

Wed, Mar 19, 2025 at 8:54 AM

To: "Williams, Jerry" &lt;jerry.williams@wv.gov&gt;

Cc: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;,

"Spiker, Casey" &lt;cspiker@cecinc.com&gt;

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 &amp; Environmental Consultants, Inc.

[700 Cherrington Parkway, Moon Township, PA 15108](#)**direct** 412.249.1607 **office** 412.429.2324 **mobile** 412.979.2418[www.cecinc.com](http://www.cecinc.com)

---

**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.



Thank you,

Jerry

--



**Jerry Williams, P.E.**

*Engineer, Division of Air Quality*

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**WV Department of Environmental Protection**

**601 57th Street SE, Charleston, WV 25304**

**Phone** 304-926-0499, ext. 41214

**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

---

## Ridgeline Facility

---

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

Wed, Mar 19, 2025 at 8:58 AM

To: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;

Cc: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

Leah,

That is correct.

Thank you,  
Jerry

[Quoted text hidden]

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

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**WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

**Phone** 304 926 0499, ext. 41214**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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

1 message

Mink, Stephanie R &lt;stephanie.r.mink@wv.gov&gt;

Wed, Mar 19, 2025 at 10:33 AM

To: Casey Chapman <cchapman@fundamentaldatalc.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

West Virginia Department of Environmental Protection

Division of Air Quality, Title V & NSR Permitting

601 57<sup>th</sup> Street SE

Charleston, WV 25304

Phone: 304-926-0499 x41281



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 &lt;jerry.williams@wv.gov&gt;

---

## Ridgeline Facility

---

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

Mon, Mar 24, 2025 at 1:26 PM

To: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;

Cc: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

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*

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**WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

**Phone** 304 926 0499, ext. 41214**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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**Ridgeline Facility**

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**Blinn, Leah** <lblinn@cecinc.com>

Mon, Mar 24, 2025 at 1:35 PM

To: "Williams, Jerry" &lt;jerry.williams@wv.gov&gt;

Cc: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

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" &lt;cspiker@cecinc.com&gt;

To: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;

Cc:

Bcc:

Date: Mon, 24 Mar 2025 17:30:14 +0000

Subject: FW: Your shipment was delivered 438994070536

**Casey N. Spiker** | *Project Manager*

Civil &amp; Environmental Consultants, Inc.

[700 Cherrington Parkway, Moon Township, PA 15108](#)**direct** 412.249.1802 **office** 412.429.2324 **mobile** 412.483.8588[www.cecinc.com](http://www.cecinc.com)**WE OWN IT.**Senior Leadership - Integrated Services  
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**From:** FedEx Tracking <[TrackingUpdates@fedex.com](mailto:TrackingUpdates@fedex.com)>**Sent:** Wednesday, March 19, 2025 9:54 AM**To:** Spiker, Casey <[cspiker@cecinc.com](mailto: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<br>700 CHERRINGTON PARKWAY<br>MOON TOWNSHIP, PA, US<br>15108 |
| To                    | WV D E P<br>601 57TH STREET SOUTHEAST<br>CHARLESTON, WV, US<br>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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The free FedEx® Mobile app allows you to measure package dimensions, create labels, use QR codes for printerless shipping, find rates, manage pickups, and more.

[DOWNLOAD THE APP](#)

✉ Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 8:53 AM CDT 03/19/2025.

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


for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.

ID 1026

---

 **FW: Your shipment was delivered 438994070535.eml**  
98K



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

---

## Ridgeline Facility

---

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

Mon, Mar 24, 2025 at 1:45 PM

To: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;

Cc: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

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*

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**WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

**Phone** 304-926-0499, ext. 41214**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



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

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## 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 &lt;jerry.williams@wv.gov&gt;

---

## Ridgeline Facility

---

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

Mon, Mar 24, 2025 at 1:55 PM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;

Cc: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

**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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

---

## Site Inspection

2 messages

---

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

Tue, Apr 1, 2025 at 9:36 AM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;

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*

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**WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

**Phone** 304-926-0499, ext. 41214**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)

---

**Casey Chapman** <cchapman@fundamentaldata.com>

Tue, Apr 1, 2025 at 11:51 AM

To: "Williams, Jerry" &lt;jerry.williams@wv.gov&gt;, Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;

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 &lt;jerry.williams@wv.gov&gt;

---

## Ridgeline

---

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

Thu, Apr 3, 2025 at 12:41 PM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;, "Blinn, Leah" &lt;lblinn@cecinc.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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## Ridgeline

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**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.

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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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## Ridgeline

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

Fri, Apr 4, 2025 at 10:02 AM

To: "Blinn, Leah" &lt;lblinn@cecinc.com&gt;

Cc: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

**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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



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

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## Ridgeline

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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 &lt;jerry.williams@wv.gov&gt;

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## Ridgeline

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**Spiker, Casey** <cspiker@cecinc.com>

Wed, Apr 9, 2025 at 8:40 AM

To: "Williams, Jerry" &lt;jerry.williams@wv.gov&gt;, "Blinn, Leah" &lt;lblinn@cecinc.com&gt;

Cc: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;

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](http://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 |
|----------|-------|---------|
|----------|-------|---------|

| 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

|              |                |
|--------------|----------------|
| <b>Total</b> | <b>\$38.18</b> |
|--------------|----------------|

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



## LEGAL

## 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°.

|                     |       |     |
|---------------------|-------|-----|
| NOx:                | 99.55 | tpy |
| CO:                 | 56.36 | tpy |
| VOC:                | 43.93 | tpy |
| SO <sub>2</sub> :   | 58.89 | tpy |
| PM:                 | 97.46 | tpy |
| PM <sub>10</sub> :  | 71.86 | tpy |
| PM <sub>2.5</sub> : | 73.54 | 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, Suite 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](mailto: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 Hiett Rd. Suite 1A  
Parcelville, VA 20132

## LEGAL

**FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026**  
**LEVY ESTIMATE - BUDGET DOCUMENT**

STATE OF WEST VIRGINIA

MUNICIPALITY OF PARSONS, WEST VIRGINIA

In accordance with Code § 11-8-14, 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 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        |
| Management Taxes - Current Expense            |           | 163,514        |
| Prior Year Taxes                              |           | 6,000          |
| 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                             |           | 12,000         |
| Animal Control Tax                            |           | 500            |
| Hotel Occupancy Tax                           |           | 9,000          |
| Fines, Fees & Court Costs                     |           | 2,000          |
| Parking Violations                            |           | 100            |
| Licenses                                      |           | 4,500          |
| Building Permit Fees                          |           | 240            |
| Miscellaneous Permits                         |           | 2,000          |
| Franchise Fees                                |           | 6,000          |
| IRP Fees (Interstate Registration Plan)       |           | 2,000          |
| Parks & Recreation                            |           | 12,500         |
| Rents, Royalties and Concessions              |           | 165,000        |
| 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 (LVLT)                          |           | 1,000          |
| <b>TOTAL ESTIMATED REVENUE (GENERAL FUND)</b> | <b>\$</b> | <b>895,055</b> |

## COAL SEVERANCE TAX FUND

|  |                 |
|--|-----------------|
| <b>REVENUE SOURCE</b>                  |                 |
| Assigned Fund Balance (Coal Fund Only) | \$ 100          |
| Coal Severance Tax                     | 7,500           |
| Interest Earned on Investment          | 100             |
| Reimbursements                         |                 |
| Refunds                                |                 |
| <b>TOTAL ESTIMATED REVENUE</b>         | <b>\$ 7,600</b> |
| <b>(COAL SEVERANCE FUND)</b>           |                 |

## ESTIMATED CURRENT EXPENDITURES

| Major Department Expenditures       | Fiscal Year 2000  | Fiscal Year 2001 |
|-------------------------------------|-------------------|------------------|
| 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            |                  |
| Regional Development Authority      | 2,900             |                  |
| City Hall                           | 224,350           | 7,810            |
| 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                 | 12,900            |                  |
| Parks & Recreation                  | 10,625            |                  |
| Visitors Bureau                     | 4,500             |                  |
| Fair Associations / Festivals       | 25,000            |                  |
| Community Center                    | 34,600            |                  |
| Youth Program                       | 1,800             |                  |
| Recreation Programs                 | 10,000            |                  |
| <b>TOTAL ESTIMATED EXPENDITURES</b> | <b>\$ 895,054</b> | <b>\$ 7,810</b>  |

## MUNICIPALITY OF PARSONS, WEST VIRGINIA

## Regular Current Expense Levy

| FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026                      |                                    |                          |                 |                   |
|---|------------------------------------|--------------------------|-----------------|-------------------|
|   |                                    | Certificate of Valuation |                 |                   |
| CLASS I   | Assessed Value<br>for Tax Purposes | Levy<br>Rate/100         | Taxes<br>levied |                   |
| Personal Property   | \$ 0                               | 10.47                    | \$ 0            | 0                 |
| Public Utility  | \$ 0                               | 0                        | \$ 0            | 0                 |
| <b>Total Class I</b>  | <b>\$ 0</b>                        |                          |                 |                   |
| <b>CLASS II</b>   |                                    |                          |                 |                   |
| Real Estate   | \$ 29,217,810                      | 29.94                    | \$ 61,182       | 61,182            |
| Personal Property   | 399,110                            |                          |                 | 836               |
| <b>Total Class II</b>   | <b>\$ 29,616,920</b>               |                          |                 | <b>62,018</b>     |
| <b>CLASS III</b>  |                                    |                          |                 |                   |
| Real Estate   | \$ 15,930,000                      | 41.88                    | \$ 66,715       | 66,715            |
| Personal Property   | 8,792,238                          |                          |                 | 36,822            |
| Public Utility  | 3,960,574                          |                          |                 | 16,587            |
| <b>Total Class III</b>  | <b>\$ 28,682,812</b>               |                          |                 | <b>120,124</b>    |
| <b>Total Value &amp; Projected Revenue</b>                    | <b>\$ 58,299,732</b>               |                          |                 | <b>188,124</b>    |
| Less Delinquencies, Exemptions & Uncollectible Taxes          | 7.00%                              |                          |                 | 12,750            |
| Less Tax Discounts (use Total Projected Revenue to calculate) | 2.00%                              |                          |                 | 3,388             |
| Less Allowance for Tax Increment Financing (if Applicable)    |                                    |                          |                 |                   |
| <b>Total Projected Property Tax Collection</b>                |                                    |                          |                 | <b>169,986</b>    |
| Less Assessee Valuation Fund                                  | 1.50%                              |                          |                 | 2,429             |
| (Subtracted from regular current expense taxes levied only)   |                                    |                          |                 |                   |
| <b>Net Amount to be Raised by Levy of Property Taxes</b>      |                                    |                          |                 | <b>\$ 163,514</b> |

STATE OF WEST VIRGINIA  
COUNTY OF Tucker  
MUNICIPALITY OF PARSONS

I, Richard L. Lemous, 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 F. Jones  
(Signature)  
C. J. Bowers  
(Official Title of Approving Officer)

## LEGAL

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

**Exceeded Maximum Contaminant Level (MCL) for Haloacetic Acids**  
**IAMRICK PSD, WY3384704**

*(Our water system recently violated a drinking water standard. Although this is not an emergency; you, as 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 1/1/2025 and 3/3/2025 show that our system exceeds the standard or maximum contaminant level (MCL) for Haloacetic Acids. The average level of Haloacetic Acids over the last four quarters was 62.090000000µg/L as #1 I EADMMI HPS Incertion. The standard for Haloacetic Acids is 60 µg/L.*

*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 Halocetic Acids in excess of the MCL over many years may have an

**What happened? What is being done?** (Describe corrective action)  
The quarterly average of HAAAs is still just over the MCL. First quarter total was 0.014 µg/L which is well under the MCL 0.060, but the quarterly average is 0.062 µg/L. Additional flushing has been performed to help maintain compliant levels.

For more information, please contact Jason S. Lipscomb at (304) 478-2898 or P.O. Box 228, Hendricks, WV 26271.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by passing this notice in a public place or distributing copies by hand or mail.*

This Notice is being sent to you by: **HAMRICK PSD**  
State Water System ID #: WV31304704  
Date Distributed: 5/18/25

## LEGAL

**Tucker County Commission Levy Estimate (Budget)  
2025 - 2026 Fiscal Year**

STATE OF WEST VIRGINIA

In accordance with Code § 11-8-10, 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:

| General Fund                                      |                     | Estimated Revenues |                  |
|---|---------------------|--------------------|------------------|
| Property Balance                                  | \$                  | 1,000,000          |                  |
| Property Taxes Current Year                       | \$                  | 3,428,797          |                  |
| Prior Year Taxes                                  |                     | 65,000             |                  |
| Tax Penalties, Interest & Publication Fees        |                     | 30,000             |                  |
| Die Tax   |                     | 900                |                  |
| Property Transfer Tax                             |                     | 125,000            |                  |
| Gas & Oil Severance Tax                           |                     | 20,000             |                  |
| Wage & Linger Tax                                 |                     | 15,000             |                  |
| Hotel Occupancy Tax                               |                     | 1,000,000          |                  |
| Payment in Lieu of Taxes                          |                     | 45,000             |                  |
| Federal Grants / Federal Payment in Lieu of Taxes |                     | 350,000            |                  |
| State Grants                                      |                     | 50,000             |                  |
| Sheriff's Service of Process                      |                     | 3,000              |                  |
| County Clerk's Earnings                           |                     | 20,000             |                  |
| Circuit Clerk's Earnings                          |                     | 6,500              |                  |
| Accident Reports                                  |                     | 400                |                  |
| Motor Vehicle License Fee                         |                     | 16,000             |                  |
| Rents & Concessions                               |                     | 300                |                  |
| Special Patrol / Security Systems                 |                     | 3,700              |                  |
| Franchise Agreement                               |                     | 30,000             |                  |
| Food (Banquet Registration Paid)                  |                     | 4,500              |                  |
| Regional Jail Operations Partial Reimbursement    |                     | 10,000             |                  |
| Interest Earned                                   |                     | 21,285             |                  |
| Miscellaneous Revenue                             |                     | 15,000             |                  |
| Sheriff's Commission                              |                     | 40,000             |                  |
| Gaming License                                    |                     | 3,000              |                  |
| Video Lottery                                     |                     | 700,000            |                  |
| Refunds (Reimbursements (External Sources)        |                     | 177,282            |                  |
| Transfers Assessor's Valuation Fund               |                     | 7,180,465          |                  |
| <b>Total Estimated General Fund Revenue</b>       | <b>\$</b>           | <b>7,180,465</b>   |                  |
| <b>Coal Severance Tax</b>                         | <b>\$</b>           | <b>53,667</b>      |                  |
| <b>Assigned Fund Balance</b>                      | <b>\$</b>           | <b>5,000</b>       |                  |
| <b>Coal Severance Tax</b>                         | <b>\$</b>           | <b>5,000</b>       |                  |
| <b>Total Coal Severance</b>                       | <b>General Fund</b> | <b>58,667</b>      | <b>Tax Fund</b>  |
| <b>ESTIMATED EXPENDITURES</b>                     |                     |                    |                  |
| <b>GENERAL GOVERNMENT</b>                         |                     |                    |                  |
| County Commission                                 | \$                  | 436,618            | \$ 38,667        |
| County Clerk                                      |                     | 520,762            | -                |
| Circuit Clerk                                     |                     | 216,220            | -                |
| County Treasurer                                  |                     | 411,328            | -                |
| Prosecuting Attorney                              |                     | 346,614            | -                |
| Assessor  |                     | 239,440            | -                |
| Assessor's Valuation Fund                         |                     | 177,462            | -                |
| Statewide Computer Network                        |                     | 18,000             | -                |
| Agriculture Agent                                 |                     | 128,000            | -                |
| Elections - County Clerk                          |                     | 105,617            | -                |
| Migratory Agent                                   |                     | 60,000             | -                |
| Circuit Court                                     |                     | 6,222              | -                |
| Chancellor  |                     | 867,550            | -                |
| Regional Development Authority                    |                     | 2,563              | -                |
| Economic Development                              |                     | 92,000             | -                |
| Rehabilitation of Property                        |                     | 60,000             | -                |
| Contingencies - Not to Exceed 10% of Budget       |                     | 75,000             | -                |
| <b>TOTAL GENERAL GOVERNMENT</b>                   | <b>Total</b>        | <b>3,895,727</b>   | <b>38,667</b>    |
| <b>PUBLIC SAFETY</b>                              |                     |                    |                  |
| Sheriff - Law Enforcement                         |                     | 720,067            | -                |
| Sheriff's Service of Process                      |                     | (85,151)           | -                |
| Regional Jail                                     |                     | 150,000            | -                |
| Emergency   |                     | 91,084             | -                |
| Communication Center                              |                     | 683,935            | -                |
| Fire Department                                   |                     | 140,000            | -                |
| Amulance Authority                                |                     | 250,000            | -                |
| Dog Warden / Humane Society                       |                     | 190,441            | -                |
| Community Based Corrections Program               |                     | 538,761            | -                |
| K-9   |                     | 11,228             | -                |
| <b>TOTAL PUBLIC SAFETY</b>                        | <b>Total</b>        | <b>2,880,252</b>   | <b>-</b>         |
| <b>HEALTH AND SANITATION</b>                      |                     |                    |                  |
| Local Health Department                           |                     | 35,000             | -                |
| <b>TOTAL HEALTH &amp; SANITATION</b>              | <b>Total</b>        | <b>35,000</b>      | <b>-</b>         |
| <b>CULTURE AND RECREATION</b>                     |                     |                    |                  |
| Parks & Recreation                                |                     | 120,000            | -                |
| 4-H Camp  |                     | 80,000             | -                |
| Historical Commisitee                             |                     | 20,000             | -                |
| Volunt's Bureau                                   |                     | 500,000            | -                |
| Library   |                     | 21,500             | -                |
| <b>TOTAL CULTURE &amp; RECREATION</b>             | <b>Total</b>        | <b>747,500</b>     | <b>-</b>         |
| <b>SOCIAL SERVICES</b>                            |                     |                    |                  |
| <b>TOTAL SOCIAL SERVICES</b>                      |                     |                    |                  |
| <b>CAPITAL PROJECTS</b>                           |                     |                    |                  |
| Assessor  |                     | 21,285             | -                |
| <b>TOTAL CAPITAL OUTLAY</b>                       |                     | <b>21,285</b>      | <b>-</b>         |
| <b>Total Expenditures</b>                         | <b>\$</b>           | <b>7,180,465</b>   | <b>\$ 38,667</b> |

## TUCKER COUNTY, WEST VIRGINIA

## REGULAR CURRENT EXPENSE LEVY

| FISCAL YEAR JULY 1, 2025 - JUNE 30, 2026                    |                |                          |            |           |
|---|----------------|--------------------------|------------|-----------|
|   |                | Certificate of Valuation | Levy       | Taxes     |
| Current Year  | Assessed Value | For Tax Purposes         | Rate \$100 | Levied    |
| Class I   |                |                          |            |           |
| Personal Property   | \$             | 0                        | 11.28      | \$        |
| Public Utility  |                |                          |            |           |
| Total Class I   | \$             | 0                        |            | \$        |
| Class II  |                |                          |            |           |
| Real Estate   | \$             | 448,089,110              | 22.56      | \$        |
| Personal Property   |                | 2,872,327                |            | 6.480     |
| Total Class II  | \$             | 450,961,437              |            | \$        |
| Class III   |                |                          |            |           |
| Real Estate   | \$             | 314,004,660              | 45.12      | \$        |
| Personal Property   |                | 130,947,857              |            | 590.837   |
| Public Utility  |                | 56,407,222               |            | 254.590   |
| Total Class III   | \$             | 501,359,739              |            | \$        |
| Class IV  |                |                          |            |           |
| Real Estate   | \$             | 69,648,760               | 45.12      | \$        |
| Personal Property   |                | 22,271,249               |            | 106.488   |
| Public Utility  |                | 8,219,421                |            | 47.756    |
| Total Class IV  | \$             | 100,839,421              |            | \$        |
| Total Value & Projected Revenue                             | \$             | 1,064,160,592            |            | \$        |
| Less Delinquencies, Exemptions & Uncollectible Taxes        |                |                          | 5.00%      | 186,950   |
| Less Tax Discounts  |                |                          | 2.00%      | 71,041    |
| Less Allowance for Tax Increment Financing (if Applicable)  |                |                          |            |           |
| Total Projected Property Tax Collection                     |                |                          |            | \$        |
| Less Anticipated Valuation (if)                             |                |                          | 1.50%      | 5,481,012 |
| (Subtracted from regular current expense taxes levied only) |                |                          |            |           |
| Net Amount to be Raised by Levy of Property Taxes           |                |                          |            | \$        |

STATE OF WEST VIRGINIA  
COUNTY OF TUCKER  
I, Sherry Simmons, 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 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 26<sup>th</sup>, 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 &lt;jerry.williams@wv.gov&gt;

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

---

Williams, Jerry &lt;jerry.williams@wv.gov&gt;

Wed, Apr 9, 2025 at 10:42 AM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;, "Blinn, Leah" &lt;lblinn@cecinc.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;

Cc: Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;

**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*

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**WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

**Phone** 304-926-0499, ext. 41214**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

---

**Commercial Display Ad / Posted Sign**

4 messages

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

Thu, Apr 10, 2025 at 9:46 AM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;

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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto: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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto: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:

[Quoted text hidden]



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

---

**Commercial Display Ad / Posted Sign**

5 messages

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

Thu, Apr 10, 2025 at 9:46 AM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;

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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)

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**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](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto: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:



[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



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](http://dep.wv.gov) Email [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)


Page 417 of 653

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**3 attachments**

 **2438V\_02-12-21C.pdf**  
1270K

 **2438V\_02-12-21D.pdf**  
1952K

 **2438V\_02-12-21F.pdf**  
113K



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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## Community Engagement

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**Lewis Reynolds** <lreynolds@fundamentaldata.com>  
To: "Jerry Williams (jerry.williams@wv.gov)" <jerry.williams@wv.gov>  
Cc: Casey Chapman <cchapman@fundamentaldata.com>

Sun, Apr 13, 2025 at 3:13 PM

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



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

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## 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 &lt;jerry.williams@wv.gov&gt;

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## Fundamental Data CBI

---

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

Fri, Apr 25, 2025 at 11:05 AM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Ireynolds@fundamentaldata.com, Iblinn@cecinc.com

Cc: Laura M Crowder &lt;laura.m.crowder@wv.gov&gt;, Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;, Jerry Williams &lt;jerry.williams@wv.gov&gt;, Jason E Wandling &lt;jason.e.wandling@wv.gov&gt;

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 &amp; NSR Permitting

601 57<sup>th</sup> Street SE

Charleston, WV 25304

Phone: 304-926-0499 x41281

**Ltr Wandling to Chapman April 25 2025 re CBI.pdf**

78K



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west virginia department of environmental protection

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Division of Air Quality  
601 57<sup>th</sup> 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](mailto: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.

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 &lt;jerry.williams@wv.gov&gt;

---

**Fundamental Data CBI**

3 messages

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**Mink, Stephanie R** <stephanie.r.mink@wv.gov> Fri, Apr 25, 2025 at 11:05 AM  
To: Casey Chapman <cchapman@fundamentaldata.com>, Reynolds@fundamentaldata.com, Iblinn@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 57<sup>th</sup> Street SE

Charleston, WV 25304

Phone: 304-926-0499 x41281



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**Ltr Wandling to Chapman April 25 2025 re CBI.pdf**  
78K

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**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>, "Iblinn@cecinc.com" <Iblinn@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

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**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]



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

---

**phone call [STB-WORKSITE.FID1215877]**

1 message

---

**David L. Yaussy** <DYaussy@spilmanlaw.com>

Wed, Apr 30, 2025 at 10:15 AM

To: "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;

Cc: "joseph.r.kessler@wv.gov" &lt;joseph.r.kessler@wv.gov&gt;

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 &amp; Battle, PLLC

O 304.340.3829

M 304.552.6658

DYaussy@spilmanlaw.com



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

## Meeting [STB-WORKSITE.FID1215877]

12 messages

David L. Yaussy &lt;DYaussy@spilmanlaw.com&gt;

Wed, Apr 30, 2025 at 11:17 AM

To: "Driver, Charles S" &lt;charles.s.driver@wv.gov&gt;

Cc: "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;, "joseph.r.kessler@wv.gov" &lt;joseph.r.kessler@wv.gov&gt;

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 &amp; Battle, PLLC

O 304.340.3829

M 304.552.6658

DYaussy@spilmanlaw.com

Driver, Charles S &lt;charles.s.driver@wv.gov&gt;

Wed, Apr 30, 2025 at 11:18 AM

To: "David L. Yaussy" &lt;DYaussy@spilmanlaw.com&gt;

Cc: "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;, "joseph.r.kessler@wv.gov" &lt;joseph.r.kessler@wv.gov&gt;

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 &lt;joseph.r.kessler@wv.gov&gt;

Wed, Apr 30, 2025 at 11:18 AM

To: "David L. Yaussy" &lt;DYaussy@spilmanlaw.com&gt;

Cc: "Driver, Charles S" &lt;charles.s.driver@wv.gov&gt;, "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;

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 &lt;DYaussy@spilmanlaw.com&gt;

Wed, Apr 30, 2025 at 11:24 AM

To: "Kessler, Joseph R" &lt;joseph.r.kessler@wv.gov&gt;

Cc: "Driver, Charles S" &lt;charles.s.driver@wv.gov&gt;, "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;

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 &amp; Battle, PLLC

O 304.340.3829

M 304.552.6658

DYaussy@spilmanlaw.com

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**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]

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**Driver, Charles S** <charles.s.driver@wv.gov>

Wed, Apr 30, 2025 at 11:41 AM

To: "David L. Yaussy" &lt;DYaussy@spilmanlaw.com&gt;

Cc: "Kessler, Joseph R" &lt;joseph.r.kessler@wv.gov&gt;, "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;, James Robertson &lt;james.robertson@wv.gov&gt;

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" &lt;charles.s.driver@wv.gov&gt;

Cc: "Kessler, Joseph R" &lt;joseph.r.kessler@wv.gov&gt;, "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;, James Robertson &lt;james.robertson@wv.gov&gt;

Thanks. Our only concern is that we do it at your earliest convenience.

**David L. Yaussy**

Spilman Thomas &amp; 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" &lt;charles.s.driver@wv.gov&gt;

Cc: "Kessler, Joseph R" &lt;joseph.r.kessler@wv.gov&gt;, "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;, James Robertson &lt;james.robertson@wv.gov&gt;, Lewis Reynolds &lt;lreynolds@fundamentaldata.com&gt;, Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Joshua L. Jarrell" &lt;JJarrell@spilmanlaw.com&gt;

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]

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**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" <JJJarrell@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" <JJJarrell@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" <JJJarrell@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 &lt;jerry.williams@wv.gov&gt;

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## David Yaussy's Zoom Meeting

1 message

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**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

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+13052241968,,88903084578#,,, \*134085# US

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+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/j/88903084578?pwd=IjUjmx0u5jFBJ0CVmKa1ByZl6Ha1Bf.1>







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]

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 **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 black ink that reads "Casey Chapman". The script is cursive and fluid, with the first letters of "Casey" and "Chapman" being capitalized and prominent.

Casey Chapman



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.

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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.

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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.

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*"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)."*

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*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).*

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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.

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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 black ink that reads "Casey Chapman". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Casey Chapman



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west virginia department of environmental protection

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Office of Legal Services  
601 57<sup>th</sup> 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 &lt;jerry.williams@wv.gov&gt;

---

**Fundamental Data CBI determination, Permit No. R13-3713**1 message

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**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](mailto:charles.s.driver@wv.gov)



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**Fundamental Data, CBI Determination.pdf**  
110K



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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**Please Call**

2 messages

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**Casey Chapman** <cchapman@fundamentaldata.com>  
To: "Jerry.Williams@wv.gov" <Jerry.Williams@wv.gov>

Tue, May 20, 2025 at 11:29 AM

Jerry,

Please give me a call when you have a chance.

Thank you,

Casey

---

**Williams, Jerry** <jerry.williams@wv.gov>  
To: Casey Chapman <cchapman@fundamentaldata.com>

Tue, May 20, 2025 at 3:55 PM

Casey,

I am in the field today and just saw this message. I will call you tomorrow morning around 9 am if that works for you.

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

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**WV Department of Environmental Protection**  
601 57th Street SE, Charleston, WV 25304  
**Phone** 304-414-1214  
**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)

[Quoted text hidden]



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

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## WVDEP Meeting

1 message

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**Casey Chapman** <cchapman@fundamentaldata.com>

Thu, May 29, 2025 at 5:43 PM

To: **Sydney Ruzala** <sruszala@fundamentaldata.com>

Cc: Lewis Reynolds <lreynolds@fundamentaldata.com>, "Blinn, Leah" <lblinn@cecinc.com>, "Spiker, Casey" <cspiker@cecinc.com>, "Williams, Jerry" <jerry.williams@wv.gov>

Sydney,

Please send out a virtual meeting invite to all parties on this email. Please title the meeting, WVDEP MEETING.

Respectfully,

Casey





Williams, Jerry &lt;jerry.williams@wv.gov&gt;

---

## WVDEP Meeting

1 message

**Sydney Ruzala** <sruszala@fundamentaldata.com>

Thu, May 29, 2025 at 5:51 PM

To: Casey Chapman <cchapman@fundamentaldata.com>, "cspiker@cecinc.com" <cspiker@cecinc.com>, "jerry.williams@wv.gov" <jerry.williams@wv.gov>, "lblinn@cecinc.com" <lblinn@cecinc.com>, Lewis Reynolds <lreynolds@fundamentaldata.com>

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5K



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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## Commercial Display Ad / Posted Sign

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Williams, Jerry &lt;jerry.williams@wv.gov&gt;

Fri, May 30, 2025 at 1:30 PM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;

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

--



**Jerry Williams, P.E.**

*Engineer, Division of Air Quality*

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**WV Department of Environmental Protection**

601 57th Street SE, Charleston, WV 25304

**Phone** 304-414-1214

**Web** [dep.wv.gov](http://dep.wv.gov) **Email** [jerry.williams@wv.gov](mailto:jerry.williams@wv.gov)

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**3 attachments**



**2438V\_02-12-21C.pdf**

1270K



**2438V\_02-12-21D.pdf**

1952K



**2438V\_02-12-21F.pdf**

113K



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

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## Informational Call Request

1 message

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**Casey Chapman** <cchapman@fundamentaldata.com>  
To: "Williams, Jerry" <jerry.williams@wv.gov>

Fri, Jun 6, 2025 at 10:00 AM

Mr. Williams,

Please give me a call at your earliest convenience.

Thank you,

Casey



## General Meeting

3 messages

Mon, Jun 16, 2025 at 11:25 AM

Cc: Casey Chapman <cchapman@fundamentaldata.com>, "cspiker@cecinc.com" <cspiker@cecinc.com>, "lblinn@cecinc.com" <lblinn@cecinc.com>, Lewis Reynolds <lreynolds@fundamentaldata.com>

# Microsoft Teams [Need help?](#)

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Mon, Jun 16, 2025 at 12:04 PM

Cc: "jerry.williams@wv.gov" <jerry.williams@wv.gov>, "cspiker@cecinc.com" <cspiker@cecinc.com>, "lblinn@cecinc.com" <lblinn@cecinc.com>, Lewis Reynolds <lreynolds@fundamentaldata.com>

New meeting invite being sent  
Sent from my mobile device.

> On Jun 16, 2025, at 11:25 AM, Sydney Ruszala <[sruszala@fundamentaldata.com](mailto:sruszala@fundamentaldata.com)> wrote:

✓  
✓  
✓

> Microsoft Teams Need help?<<https://aka.ms/JoinTeamsMeeting?omkt=en-US>>

> Join the meeting now<[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZDU5MDQyNGU0MC00NjE1LTg5M2ltZTI3MjQ2ZDZlY2Yz%40thread.v2/0?context=%7b%22id%22%3a%224d4af4b5-d9e1-47d8-89be-15eda1fc8c86%22%2c%22oid%22%3a%221b2e3fb2-a26b-4dee-b8f7-09bea6aec085%22%7d%7d%3e](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDU5MDQyNGU0MC00NjE1LTg5M2ltZTI3MjQ2ZDZlY2Yz%40thread.v2/0?context=%7b%22id%22%3a%224d4af4b5-d9e1-47d8-89be-15eda1fc8c86%22%2c%22oid%22%3a%221b2e3fb2-a26b-4dee-b8f7-09bea6aec085%22%7d%7d%3e)

> Meeting ID: 229 269 176 236 5

> Passcode: tr7Lr9dn

>

> For organizers: Meeting options<[https://teams.microsoft.com/meetingOptions/?organizerId=1b2e3fb2-a26b-4dee-b8f7-09bea6aec085&tenantId=4d4af4b5-d9e1-47d8-89be-15eda1fc8c86&threadId=19\\_meeting\\_ZDU5MDQyNGU0MC00NjE1LTg5M2ItZTI3MjQ2ZDIzY2Yz@thread.v2&messageId=0&language=en-US](https://teams.microsoft.com/meetingOptions/?organizerId=1b2e3fb2-a26b-4dee-b8f7-09bea6aec085&tenantId=4d4af4b5-d9e1-47d8-89be-15eda1fc8c86&threadId=19_meeting_ZDU5MDQyNGU0MC00NjE1LTg5M2ItZTI3MjQ2ZDIzY2Yz@thread.v2&messageId=0&language=en-US)>

 $\succ$

Mon, Jun 16, 2025 at 12:08 PM

**Sydney Ruzala** <sruszala@fundamentaldata.com>

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;

Cc: "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;, "cspiker@cecinc.com" &lt;cspiker@cecinc.com&gt;, "lblinn@cecinc.com" &lt;lblinn@cecinc.com&gt;, Lewis Reynolds &lt;lreynolds@fundamentaldata.com&gt;

<https://us05web.zoom.us/j/85091791902?pwd=Mf4obY4bArpHcPYg2F8sj1uZgngChi.1&from=addon>

Meeting ID: 850 9179 1902

Passcode: 5e208t

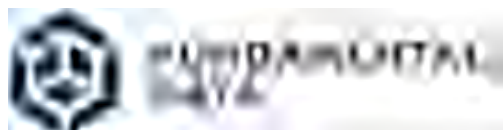


## Join our Cloud HD Video Meeting

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[us05web.zoom.us](https://us05web.zoom.us)

### Meeting



#### Sydney Ruzala

c: 571-442-3670

[sruszala@fundamentaldata.com](mailto:sruszala@fundamentaldata.com)[www.fundamentaldata.com](http://www.fundamentaldata.com)

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**From:** Casey Chapman <cchapman@fundamentaldata.com>**Sent:** Monday, June 16, 2025 12:04 PM**To:** Sydney Ruzala <sruszala@fundamentaldata.com>**Cc:** jerry.williams@wv.gov <jerry.williams@wv.gov>; cspiker@cecinc.com <cspiker@cecinc.com>; lblinn@cecinc.com <lblinn@cecinc.com>; Lewis Reynolds <lreynolds@fundamentaldata.com>**Subject:** Re: General Meeting

[Quoted text hidden]



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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## General Meeting

1 message

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**Sydney Ruzala** <sruszala@fundamentaldata.com>

Mon, Jun 16, 2025 at 12:07 PM

To: "jerry.williams@wv.gov" &lt;jerry.williams@wv.gov&gt;

Cc: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, "cspiker@cecinc.com" &lt;cspiker@cecinc.com&gt;, "lblinn@cecinc.com" &lt;lblinn@cecinc.com&gt;, Lewis Reynolds &lt;lreynolds@fundamentaldata.com&gt;, Lewis Reynolds &lt;lewis.reynolds@prismrenewables.com&gt;

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## Microsoft Teams [Need help?](#)

### [Join the meeting now](#)

Meeting ID: 229 269 176 236 5

Passcode: tr7Lr9dn

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For organizers: [Meeting options](#)

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Sydney Ruzala is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us05web.zoom.us/j/85091791902?pwd=Mf4obY4bArpHcPYg2F8sj1uZgngChi.1&from=addon>

Meeting ID: 850 9179 1902

Passcode: 5e208t

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 **invite.ics**  
5K



Williams, Jerry &lt;jerry.williams@wv.gov&gt;

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**WV Draft Permit R13-3713 for Fundamental Data LLC; Ridgeline Facility**1 message

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

Tue, Jun 17, 2025 at 3:17 PM

To: "Supplee, Gwendolyn" &lt;supplee.gwendolyn@epa.gov&gt;, "Whapham, Joseph" &lt;Whapham.Joseph@epa.gov&gt;, Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Iblinn@cecinc.com

Cc: "Crowder, Laura M" &lt;Laura.M.Crowder@wv.gov&gt;, "McCumbers, Carrie" &lt;Carrie.McCumbers@wv.gov&gt;, Joseph R Kessler &lt;joseph.r.kessler@wv.gov&gt;, Nicole D Ernest &lt;nicole.d.ernest@wv.gov&gt;, "Williams, Jerry" &lt;jerry.williams@wv.gov&gt;, "Johnson, Rebecca H" &lt;Rebecca.H.Johnson@wv.gov&gt;, Christopher P Scanlan &lt;Christopher.P.Scanlan@wv.gov&gt;, Joseph A Kreger &lt;Joseph.A.Kreger@wv.gov&gt;

Please find attached the Draft Permit R13-3713, Engineering Evaluation and Public Notice for Fundamental Data LLC's Ridgeline Facility located in Tucker County.

The public notice will be published in *The Parsons Advocate* on Wednesday, June 18, 2025. 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.

A virtual public meeting will also be held 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. Details on how to register for either of these meetings can be found in the attached Public Notice.

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

Should you have any questions or comments, please contact the permit writer, Jerry Williams, at 304-926-0499 ext. 41214 or [Jerry.Williams@wv.gov](mailto:Jerry.Williams@wv.gov).

--

**Stephanie Mink**

Environmental Resources Associate

West Virginia Department of Environmental Protection

Page 456 of 653



Division of Air Quality, Title V & NSR Permitting

601 57<sup>th</sup> Street SE

Charleston, WV 25304

Phone: 304-926-0499 x41281

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**3 attachments**

 **093-00034\_PERM\_13-3713 draft.pdf**  
372K

 **093-00034\_EVAL\_13-3713.pdf**  
3981K

 **R13-3713 DEP AQ Notice.pdf**  
27K



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

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## Commercial Display Ad / Posted Sign

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**Casey Chapman** <cchapman@fundamentaldata.com>

Tue, Jul 1, 2025 at 10:14 AM

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

Mr. Williams,

Please call me.

Thank you,

Casey

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>

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**Acid Rain**

1 message

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**Lewis Reynolds** <lreynolds@fundamentaldata.com>  
To: Jerry Williams <jerry.williams@wv.gov>  
Cc: Casey Chapman <cchapman@fundamentaldata.com>

Wed, Jul 16, 2025 at 11:52 PM

Hi Jerry,

I hope you are well. I saw video of the public meeting, and I must say that you and Joe did a fantastic job of explaining the rules and the process against some folks that were angry and emotional in many cases. The folks that come to these meeting often don't want to hear facts – they want their way. And they take that frustration out on you guys. It's a tough job and you guys do it well.

I also wanted to make sure we are clear on the acid rain process. It seems like it is going to make sense to make that application sooner rather than later. I think you mentioned that someone else handles that process at DEP? Would you mind making the introduction so that we can get educated enough to initiate that process?

Best,

Lewis

Lewis Reynolds

Fundamental Data, LLC

(704) 351-4759



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

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## Commercial Display AD

1 message

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**Casey Chapman** <cchapman@fundamentaldata.com>  
To: "Williams, Jerry" <jerry.williams@wv.gov>

Fri, Jul 18, 2025 at 3:51 PM

Mr. Williams,

Please see page 11 of this attachment of where the Commercial Display Ad was printed.

Respectfully,

Casey



**Parsons-Advocate-061825.pdf**  
23762K