

# The Parsons Advocate

SERVING THE PEOPLE OF TUCKER COUNTY SINCE 1896

Volume 130 No. 25

Wednesday, June 18, 2025



Dobbin Slashings Preserve is the latest project of the Nature Conservancy. The project adds 1,493 acres of protected land between Dolly Sods and Canaan Valley National Wildlife Refuge. Photo courtesy Severn Smith/The Nature Conservancy.

## Nature Conservancy Announce Preservation of Dobbin Slashings

By: Lydia Crawley  
*The Parsons Advocate*

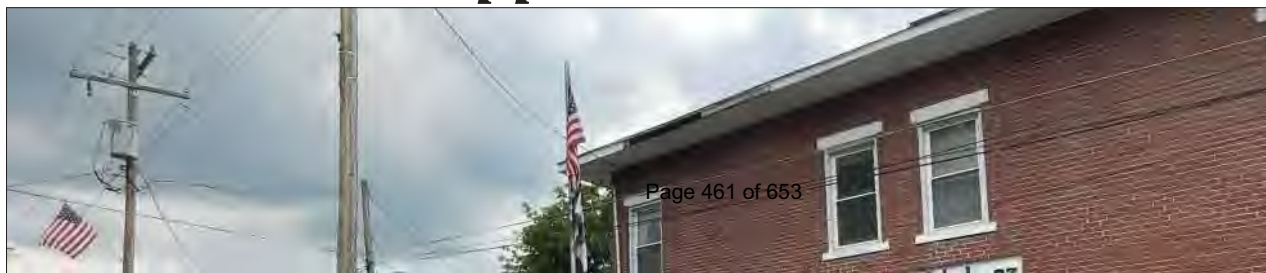
A 50 year dream for the Nature Conservancy came true Thursday, June 12th with the unveiling of the Dobbin Slashings Preserve. The unveiling was held at the Canaan Valley State Park Pavilion with speakers Execu-

tive Director of the Nature Conservancy Thomas Minney, Frank Durst of Walmart and Tom Kelsch of the Fish and Wildlife Foundation.

"We are here to celebrate that Dobbin Slashing is now in conservation ownership for perpetuity," Minney said.

See NATURE CONSERVANCY page 2

## Tucker United Approaches Thomas Council



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## CERT Information to Be H

By: Lydia Crawley  
*The Parsons Advocate*

Dr. Ed Rader and A Simmons will be host at the Davis Fire Hall initiative to form an Emergency Response County.

"CERT Teams play Simmons said. "There make a difference close in EMS or fire service help their neighbors w

Simmons said that i residents are sought f be provided. Training Incident (MCI), Search FEMA Classes and ra classes is to instruct in and operator radio.

"We especially wan no prior training to get exactly who we're ho viding all the training team."

Teams would be uti event of Mass Casual shooting, evacuation a shelter support, search tance.

The Teams will al paredness for their ar

## ROAD

Lanesville Road County, will be clo 2025.

TUCKER COUNTY County Route 45/

# News of Record

**The following criminal complaint has been filed in the Tucker Magistrate office:**

- **Emanuel Arthur Huffman**, of Harman, has been charged with one count of sexual assault in the second degree and one count of Burglary. According to the complaint on Friday, Nov. 15, 2024 at approximately 1:35 a.m. Trooper R.S. Musgrave was dispatched to Davis. Caller advised she wanted to report a sexual assault that happened the previous night. On this same date Musgrave, along with the Tucker County advocate for women's aid arrived at the residence. Musgrave began asking her questions regarding the incident. She advised that at approximately 10:30 to 10:45 p.m. she heard the front door of her home open. She stated she got out of bed and visually identified her assailant as Emanuel Huffman who entered her residence without permission or consent. At this time Huffman began coming at her while removing his pants. She attempted to run around him but he proceeded to grab her by the hair on the back of her head and pull her onto the couch in the living room. At this time, he began sexually assaulting her. She advised at this point he got her to her bedroom and proceeded to put her on the bed. In doing so she smacked her head on the headboard where she was stunned/dazed to the point she believed she received a concussion. She stated Huffman continued and placed a condom on he had retrieved from a shelf in her room. He then proceeded to sexually penetrate her. She stated this incident and its entirety lasted about 30 to 45 minutes. Musgrave asked if Huffman said anything prior to or during this time and the victim said he kept repeating that he was Jesus Christ and that he was going to save her soul. She stated that after the sexual act was done, Huffman proceeded to

leave the residence taking the condom with him. She stated that she told Huffman to stop and not hurt her multiple times. This statement was recorded via body cam.

**The following property transfers have been recorded in the Tucker County Clerk's office:**

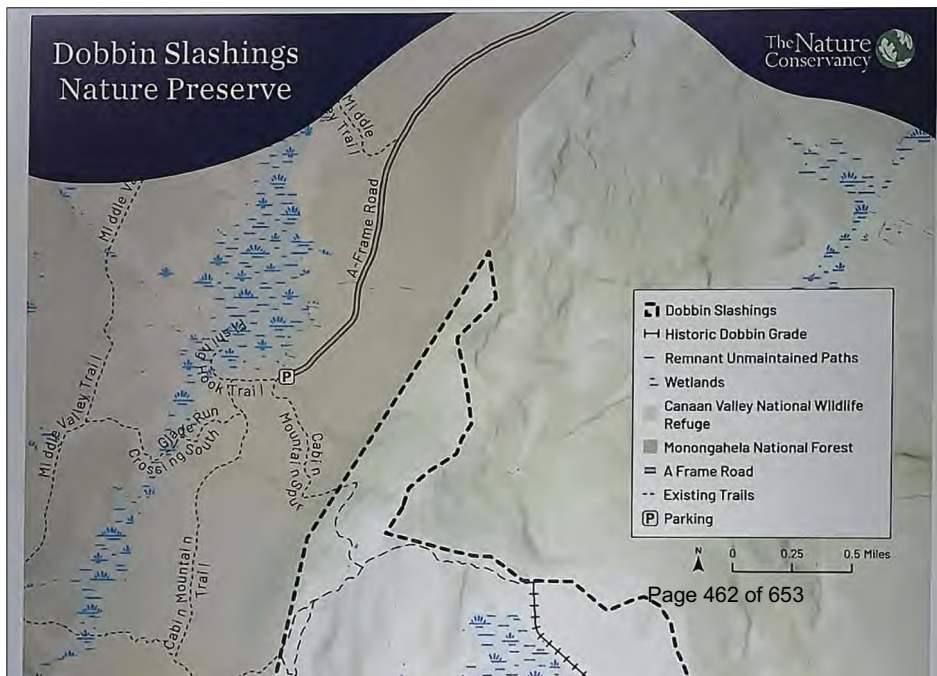
- **Sally L. Brenton**, Dry Fork district, 4,076 square feet to The Brenton family Trust; Sally L. Brenton, Trustee.
- **Jaqueline Teresa Roy Formerly Jaqueline Teresa Moore**, Black Fork District, Parcel near Parsons to Jaqueline Teresa Roy.
- **Brenda J. Arnold**, Black Fork District, Transfer on Death: lot 7 Rivere Bend Subdivision, 3.12 acres to Todd Arnold and Julie Parks.
- **James Michael Kralec Jr. and Jessica R. Kralec**, Davis Corporation, Lot A containing 0.09 acres to Lauren N. Thacker and Gary L. Thacker, Jr., \$249,000.
- **Sally L. Brenton**, Dry Fork District, Lot No. 2, Aspen Knolls Development, containing 0.803 acres to The Brenton Family Trust; Sally L. Brenton, trustee.
- **Peter F. Erickson and Jane A. Erickson**, Lot No. 3, Jenningson Farm, containing 4.524 acres to Brian Gregory and Jody Gregory, \$52,000.
- **Pinetoga Properties LLC, C. Morgan Haymond, Member and R. Holt Poling, Member**, Dry Fork District, 10,331 square feet, Laneville .238; 5,100 square feet .117; Lot 8 and 4,000 square feet .092; Lot 10 999; Lot 6 .999; .25, 10,082 square feet .232; 90 square feet .562, .50, 6,400 square feet .147; 69 square feet .431 acres.
- **Barbara J. Spencer**, Dry Fork district, Unit C-2 Week 39 Land of Canaan Vacation Resort to Land of Canaan Vacation Resort, Inc.
- **Gregory A. Watts and Rebecca A. Watts**, Dry Fork District, Black Bear Woods resort, Unit/Lot

36, Section B, .0

\$276,200.

- **Charles Hamp**, Dry Fork district, Ash Lodge, Bear to Michael W. M \$137,500.
- **Lauren Britt Le**, 37, Mountainside to Lauren Britt L
- **Jennifer A. Pro**, Fork District, Ur Woods Resort to and William Do
- **Diana J. Shoem**, square feet and Diana J. Shoem
- **Raymond Hu**, Corporation, Lo to Raymond Hul Reynolds.
- **Emily A. Kend**, No. 12 Cosner A to Blackwater T
- **Sandra L. Kend**, Lot 13, Cosner A Addition and 1.6 Trading Compan
- **Sandra Kendal**, Corporation, Lot square feet surfa Addition, Lot 11 O&G, Lot 9 Cos 88x120, Lot #62 Company LLC.
- **Sean Tierney a**, Corporation, L \$315,000.

## NATURE CONSERVANCY



and we've left that name intact because of the story we are able to say of going from destruction to redemption to resiliency."

The vision for the area is for people to travel from Bear Rocks Preserve through public lands in Dolly Sods to Dobbin Slashings and into the Canaan Valley National Wildlife Refuge. The acquisition of the land provides connecting trails and future trails to the other parks in the area.

"This a connector on

Walmart established a partnership to try to retain this country's amazing natural heritage. The program is called Acres for America," sch said.

Acres for America is the largest corporate contribution towards land conservation with Walmart pledging over \$100 million to Acres for America. The program has



# SPORTS

## Three TC Standouts Represent in All-Star



**Ava Shaffer**

**By: Adam Freeman**

This past week, in multiple WV “all-star” games, Tucker County High School was very well represented. With all the success we have been fortunate enough to experience here in Tucker County this last sports season this should come as no surprise. Softball standout, Ava Shaffer, was selected to play in the Regional Senior All-Star game that was held at Buffalo High School. The event originally began



**Raven Matthews**

as the North South All-Star game that we are all familiar with from basketball and football. It was changed in 2020 to a region based format. The tournament consisted of 16 players being selected from all four regions. Shaffer was representing TCHS and region 2, and her squad beat region 1 in the first matchup 4-0 and lost to region 3 in the second game 14-13. Ms. Shaffer was not the only one playing for the black and gold this week, as hard-



**Trevan Bonner**

wood standouts Raven Matthews and Trevan Bonner would both suit up for the annual North South All-Star game. Matthews girls' squad won the regional game of 80-76 while Bonner's boys' team won the South all-stars game 60-40. These young athletes will receive their participation awards and school accomplishments certificates.

## Summer League and Shoot Outs Rolling Along For Mt.Lion Basketball

**By: Adam Freeman**

Tucker County High Schools girls' and boys' basketball teams continue their summer activities in the Key

again participate in a Fairmont State shoot out on Saturday. Tucker would punch above their weight class taking on AA State Runner Up from



# The Parsons Advocate

P.O. Box 345  
Parsons, WV 26287  
304-478-3533

Fax: 304-478-1086  
email: mikie@parsonsadvocate.com  
www.parsonsadvocate.com

Notary Services  
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Monday thru Friday

DEADLINE

# Classified

## APARTMENT FOR RENT

Really nice, extremely large 2nd floor apartment in the Old Bank Building in Davis.  
Large windows, large rooms, gas furnace.  
Unfurnished.

Rent includes all utilities and high-speed internet.

**Historic Building: NO SMOKING--of ANYTHING!**  
*If you can't abide by this, please look somewhere else.*  
*This is a 130-year-old building and insurance precludes smoking on the premises.*

Minimum three-month lease.  
Be prepared to provide references and employment history.  
Available July 1, 2025

## Tucker Manor

Now Leasing!  
1 Bedroom Apartments  
55+ or Disabled

### Rent Based On Income

202 Sunnyside Lane  
Parsons, WV 26287  
tucker@tmamgroup.com  
(304) 478-2368



## NOTICE

**ALL STATE PAVING**  
Driveways, parking lots, basketball courts, resurfacing old asphalt, patchwork, seal coating – Machine laid and rolled – All Work guaranteed – Over 45 years experience – Licensed and insured- Competitive prices and discounts – Free Estimates –

## GOSPEL

The Union Church located at 16 Parsons (off) have a gospel June 28 beginning

## Employment

**OPERATIONS MAINTENANCE**  
THE TOWN OF PARSONS  
A FULL-TIME POSITION  
CANDIDATES SHOULD HAVE SUPERVISORY EXPERIENCE AND KNOWLEDGE OF CERTIFIED WATER OPERATIONS

Candidates should have supervisory experience and knowledge of certified Water Operations

Completing paper work, line replacement, and operating small equipment

Work hours are 7:00 a.m. to 4:00 p.m. Friday (on call for emergency) salary for this position is based on qualifications.

## Employment Opportunity

### HOLLY MEADOWS GOLF COURSE

HIRING PART-TIME 20-30 hours per week at Holly Meadows Golf Course.

**CONTACT:**  
**DEBORAH CHAPMAN 304-621-4930**

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**ONLINE AUCTION**  
LOTS BEGIN CLOSING @ 6P ON 6/16



# What's? Happening

## Vacation Bible School

Riverview Chapel in Porterwood will have Vacation Bible School nightly from 6 – 8:30 pm June 16-20. Pre-K - 6th grade, register on our Facebook page or show up.

## TC Retired School Employees meeting June 18

TC Retired School Employees meeting is Wednesday June 18 at TC Senior Center in Parsons. Senior Center lunch is available at 11:30, meeting to follow shortly after 12:00 noon.

## St. George Senior Outpost June 19 at 6:00 pm

St. George Senior Outpost is June 19 at 6:00 pm at the St. George Community Church. Bring a covered dish and enjoy good food and fellowship with other

seniors.

## Gospel Sing

Saturday, June 28 beginning 6 p.m. at Union Chapel Church, 162 Brushy Fork Road in Parsons (off Clover Run Road).

## J. A. Carr Reunion

July 6, Hendricks Park. Be there in time to set out your food -we'll eat promptly at noon. Visit with family and friends, eat great food and, new this year, play in a Cornhole Tournament to benefit the Bright's Chapel Cemetery fund. Keeping this family tradition going since 1969. Please call, text or email me if you have any questions. If there is a charge, you can send the bill to 1031 Shiloh Church Road, Palmyra, VA 22963. Ruthann Carr 434-906-2536.



## e-WV The West Virginia Encyclopedia

*Charleston WV – The following events happened on these dates in West Virginia history. To read more, go to e-WV: The West Virginia Encyclopedia at [www.wven-encyclopedia.org](http://www.wven-encyclopedia.org).*

**June 18, 1937:** Jay Rockefeller was born in New York City. He served as West Virginia's 29th governor from 1977 to 1985 and in the U.S. Senate from 1985 to 2015.

**June 18, 1944:** It's Wheeling Steel aired its last program. A half-hour musical variety radio program that drew upon talented Wheeling Steel employees and families, the show ran eight years and was broadcast nationally.

**June 19, 1905:** Senator Rush Dew Holt was born in Weston. At 29, Holt was the youngest person ever elected to the U.S. Senate, earning him the nickname "Boy Senator." Since the Constitution sets 30 as the minimum age for senators, Holt had to wait until his birthday in June 1935 to take his seat, nearly six months into the 74th Congress.

**June 19, 1909:** Oak Park, an amusement park in Preston County, opened. The park was an easy ride from Morgantown and helped fill up trains on weekends and



**June 21, 1959:** Musician Kathy Mattea was born in South Charleston but grew up in nearby Cross Lanes. She rose to country music stardom in the 1980s. Since 2021, she has hosted the Mountain Stage radio program.

more than 17,000 workers and ranked as the nation's third-largest steelmaker.

**June 22, 1926:** Earl Olgebay died in Cleveland. He was one of West Virginia's most successful industrialists and a generous benefactor.

By Teri Cayton

The Parsons Advocate

People today have no respect for each other or anything. The riots that are going on in California is testament to that. Why Can't people just live their lives in harmony? It is hurtful as a person to see society stoop so low as this kind of carnage. **Momma Said**, "A person's character is measured by the amount of people they lift up not by the number they put down."

Humans should take more sage advice from animals and just get along. You don't see zebra fighting with antelope or rabbits doing a knockout on a kangaroo. Why do we have to be so cruel to each other? It is not a question of right or wrong but it seems we as humans just do it for the fun of it. If that is so, just sign me up as identifying as a leopard.

To me this is the breakdown of a society, wars against each other, riots over anything that someone thinks is not to

## Tortellini Pasta

### INGREDIENTS

*For the Salad:*

- 20 oz refrigerated cheese tortellini
- 1 pint cherry tomatoes, halved
- 1 cucumber, peeled and chopped
- 1/2 red onion, thinly sliced
- 1 cup pitted kalamata olives, chopped
- 1 cup fresh mozzarella balls
- 1/2 cup chopped salami or pepperoni
- 1/2 cup grated Parmesan cheese
- 2 cups baby spinach or arugula
- 1/4 cup chopped fresh basil

*For the Dressing:*

- 1/2 cup extra virgin olive oil
- 1/4 cup red wine vinegar
- 1 tbsp Dijon mustard
- 1 tsp honey
- 1 clove garlic, minced
- 1/2 tsp dried oregano
- Salt and pepper to taste

### INSTRUCTIONS

- Cook the tortellini in a large pot of salted water according to package directions until al dente.

## HOMEOWNERSHIP

Carpenter said that she provides credit counseling and budgeting services. According to Carpenter, she assists individuals in improving their credit in order to work towards their individual goals. Carpenter said that most of their clients are first time home buyers.

“It doesn't necessarily be buying a house right now, it could be in the future,” Carpenter said. “It could be they want to buy a car and they just have to know how to get there. So I essentially give them the tips and tricks to get their credit to where it should be so we can get to their overall goal.”

Carpenter said the organization provides education such as Home Buyer Education. The course is eight hours and is good for first time home buyers, Carpenter said.

“It really takes you from start to finish of what it looks like to purchase a house, so when you get through this process you are not surprised by anything that is thrown at you,” Carpenter said.

The organization also offers Foreclosure Prevention, Carpenter said. Carpenter said she offers assistance to those who are facing foreclosure to help find options to avoid the process and adjust budgets in order to be able to afford house payments.

“I help people through the process, if they are going to face foreclosure, how do we stop that from happening or how do we adjust our budget to be able to afford our house payment,” Carpenter said.

Financial Education is also offered by the organization, Vance said. With this program, the organization goes into high schools in the area to provide financial education to the seniors. HomeOwnership was at Tucker County High School in May, Vance said, to present the program.

“We talk about Credit, moving out on your own, budgeting, buying a car, paying for school, we go over some student loan information,” Vance said. “All of the stuff to put the

information in their hands to be looking at when they own.”

The organization also offers US, Vance said. Part of the program is to help people pay their house payments. The program also assists those who are disabled, Carpenter said.

“It gives them a real sense of getting started,” Vance said. The program also helps with employment and their income.

HomeOwnership Center is located at Randolph Avenue next to the Randolph County Planning Authority office. For more information on the programs the Center provides, contact info@hocwv.org.

## TUCKER UNITED

concerns raised by the Group stemmed mainly from the law's stripping of local control in regards to projects such as Ridgeline and the taking of 70% of tax revenue generated by the Data Center projects by the State with only 30% returned to the Counties.

Thomas Mayor Jody Flanagan said that HB 2014 was going to be amended in the next session or in a special session, but gave no specifics what amendments are being proposed. Flanagan said that he intends to be in Charleston during the amendment session, along with any member of the Council that wishes to join him.”

“And just because we haven't been real vocal about this, and I think I can speak for everyone at this table, we have been working real hard on this and we have been working with the State on amending HB 2014,” Flanagan said.

Several community members provided comments to the Council. Local business owner John Bright was among those who addressed the Council. Bright said that he was concerned about the facil-



It was a packed house at the Thomas City Hall June 10th when members of Tucker United addressed the Council over the group's opposition to the proposed Ridgeline power plant and data center project.

among others. Bright also suggested a good use of the area would be the construction of an Allegheny Highlands National Park with a Black Skies Designation.

“Let's give people who are not from here a reason to say good things about West Virginia,” Bright said. “I am tired of hearing about us as backwards people and strive to in all my work erase that notion that is why I am here today because I am proud of where I come

shine and the mountains speak their wisdom.”

School Teacher and Business Owner Angie Downs spoke about her health battles and her concerns about the effect the project will have on the air and the potential impact to not only her health, but the health of others.

“I wonder how much we are willing to give up not only our safety, but also in terms of resources for our kids' education,”

law, no funding would be allocated to schools.

“Anyone who has spent time in our classrooms knows about the limited resources our schools here are having to deal with on a daily basis,” Downs said. “And yet, Charleston has made it clear how they feel about education in this county.”

The Thomas Council was hesitant to enact a Resolution opposing the project. Mayor Flanagan

could attend along with Tucker County Council.

Flanagan said that the Council was working “on the legislative side of things.” Flanagan said he feels that the Data Center projects are three to four years from being constructed. The Council's decision, according to Flanagan, is to gather the facts and have a regular weekly discussion with Charleston.

“We need to get the

# Clearway Receives Public Service Commission Approval of Catamount Wind Project

- 167 MW energy project will generate reliable electricity to power 74,000 homes
- Catamount Wind's \$30 million in new taxes will fund school districts, emergency services, and other local services in Grant and Tucker counties

Maysville, WV – The West Virginia Public Service Commission ("PSC") has granted Clearway Energy Group's ("Clearway") request to update the siting certificate previously granted for the construction of the Catamount Wind project in Grant and Tucker counties.

Catamount Wind represents a \$400 million investment in the region. The project will pay approximately \$900,000 in property taxes during its first year of operation and over \$30 million during the project's lifetime, helping fund school districts, emergency services, and other local services.

"West Virginia has long been home to Clearway and its team members, and we're honored to continue investing in the state and building on its legacy of domestic energy dominance," said John Woody, Senior Vice President of Development at Clearway. "We're proud of our long-standing partnerships in Grant County and look forward to building upon our relationships in Tucker County."

Catamount Wind will repurpose unused former mine lands to generate low-cost, reliable, local energy at a time when the region greatly needs additional energy generation. The project will contribute 167 MW of generating capacity to the regional power grid, generating enough energy to power 74,000 West Virginia homes each year. It

is in a remote area near existing power lines, coal infrastructure, power plants, and railroads south of Bayard, West Virginia, on Dobbin and Cherry Ridges.

Construction of the project is anticipated to create 175 local union labor construction jobs, thanks to a partnership with the WV Affiliated Construction Trades.

"Building trades are proud to be part of all of the above energy production in West Virginia," said Justin Williams, Director of the Affiliated Construction Trades of West Virginia. "Construction projects like this create great jobs for our construction professionals and our communities. This project is a win for West Virginia and a win for West Virginia workers."

Clearway will establish a community benefit fund for Catamount Wind, modeling its successful community programs at its Mount Storm, Pinnacle, and Black Rock wind plants in Grant and Mineral counties. The fund will inject \$1 million into local communities throughout the life of the project, supporting community health and recreation, education, first responders, and workforce development. Clearway's charitable giving program in West Virginia has contributed over \$710,000 in locally driven donations to date.

Elected officials in Grant and Tucker counties recognized Clearway's community contributions and expressed their appreciation for the PSC's decision.

"Clearway has been a tremendous partner for our region - investing in the people and future of our community," stated Kevin Hagerty, President of the Grant County Commission. "I am pleased

the Public Service Commission approved this project to move forward with its commitments in Grant and Tucker counties."

Catamount Wind represents a major transition into Tucker County's economic mission. President Woody said the project will benefit the citizens of Tucker County.

"Clearway has supported our communities where they need it most, and we look forward to first responders and other community members benefiting from the project's profits. I look forward to seeing the project move forward in Tucker County and the region."

Construction of the project is anticipated to be placed in the region.

Catamount Wind will contribute \$1.2 billion in new investment to the West Virginia economy by 2027.

Clearway Energy Group, a West Virginia-based company powered by clean energy, is a public affiliate Clearway Energy Group, which comprises approximately 1,000 MW of generating capacity in wind, solar, and other renewable energy sources, and over 2.8 GW of generating capacity in coal and gas. Clearway Energy Group is a public utility with offices in Princeton, and San Francisco. Clearway Energy Group is a public utility with offices in Princeton, and San Francisco.

## Treasurer Pack Encourages Hope Scholarship Participants to Apply for 2025-2026 School Year Before Application Deadline

*Families Must Apply by June 15 to Receive 100% Full-Year Award Amount of \$5,267.38*

CHARLESTON, W.Va. – State Treasurer Larry Pack, who serves as Chairman of the Hope Scholarship Board, today announced the application deadline for new students to receive full funding for the Hope Scholarship for the 2025-2026 academic year is this Sunday, June 15.

Applications are available online at [www.HopeScholarshipWV.com](http://www.HopeScholarshipWV.com)



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"We have seen the success of the program, and we believe it is the case as the program moves forward for the 2026-2027 school year. My Office's goal is to ensure the program is efficient and sustainable for the future that they need."

To qualify for the Hope Scholarship, students must be a West Virginia resident. Eligible to be a West Virginia resident.

THANK YOU FOR READING THE  
PARSONS ADVOCATE  
*Serving the people of Tucker  
County since 1896*

## LEGAL

I have before me the accounts of the Executor or Administrator of the estates of the following deceased persons:

Deceased	Personal Representative(s)
Patricia Ann Roy	Debra L. Davis
1st publication 6/11/25	PO Box 274
2nd publication 6/18/25	Thomas, WV 26292
Kenneth L. Moody	Shirley Moody
1st publication 6/11/25	268 Fork Mountain Rd
2nd publication 6/18/25	Parsons, WV 26287
Betty Louise Nestor	Janet Elsanabary
1st publication 6/11/25	PO Box 33
2nd publication 6/18/25	Hendricks, WV 26271

Claims against any estate must be filed within sixty days of the date of first publication. Any person seeking to impeach or establish a will must make a complaint to the Tucker County Commission, Tucker County Clerk, 211 First St., Suite 205, Parsons, WV. Any person objecting to the qualifications of the personal representative, or the venue or jurisdiction of the court must file a statement with the County Commission within sixty days after the date of first publication or thirty days of service of the notice, whichever is later.

ATTEST: SHERRY SIMMONS, TUCKER COUNTY CLERK

## LEGAL

### ADVERTISEMENT FOR BID

#### Town of Davis - Demolition & Asbestos Removal Project Tucker County, West Virginia

Scaled bids for the **Demolition and Asbestos Removal Project** in the Town of Davis will be received by the Town until **3:00 PM on Friday, July 11, 2025**, at the **Davis Town Hall, 505 William Avenue, Davis, WV 26260**, at which time they will be publicly opened and read aloud.

#### Project Overview:

This project involves the demolition of identified dilapidated structures and the certified removal and disposal of asbestos-containing materials (ACMs) from various properties within the Town of Davis, in full compliance with all applicable local, state, and federal environmental and safety regulations.

#### Mandatory Site Visit:

A **mandatory site visit** to the subject properties is required in order to receive a bid package. The site visit will take place on:

**Date:** Friday, June 27, 2025

**Time:** 10:00 AM

**Meeting Location:** Davis Town Hall, 505 William Avenue, Davis, WV 26260

Only contractors who attend the full site visit will be eligible to receive the bid documents and submit a proposal.

#### Bid Submission Requirements:

- All bids must be submitted in a sealed envelope clearly marked: **"Demolition and Asbestos Removal Bid - Town of Davis"**
- Envelope must include the contractor's name, address, and contact information.
- Bidders must be licensed and registered to perform work in the State of West Virginia.
- Bidders must provide:
  - Proof of general liability and workers' compensation insurance
  - Certification for asbestos handling and disposal
  - List of relevant project experience

#### Contact for Questions:

For more information, contact:

**Alan Tomson**

Town of Davis

Phone: 304-259-5302

Email: [davistownhallWV@gmail.com](mailto:davistownhallWV@gmail.com)

#### Reservations of Rights:

The Town of Davis reserves the right to reject any or all bids, to waive

## STOCK RIVERS



Photos courtesy Fred Davis.

DEAD  
3PM  
FRID

CLASSIFIEDS FOR AS LITTLE AS

FIVE DOLLARS

CALL 304-478-3533

# Empowering Futures: The Grant County Scholarships Presented to Petersburg High



The Grant County Bank recently donated \$1,000 to Petersburg High School Senior, Brianna Marie Mercer. Pictured from left to right: George Ford, President & CEO of The Grant County Bank; Brianna Marie Mercer, Scholarship Recipient; and Scotty Miley, Vice President of Retail Lending at The Grant County Bank.



The Grant County Bank recently donated \$1,000 to Petersburg High School Senior, Spencer John Rochette. Pictured from left to right: Spencer John Rochette, Scholarship Recipient, and Gale Vance, Vice President of Retail Lending at The Grant County Bank.

Petersburg, W.Va., [June 11, 2025] — The Grant County Bank is proud to announce that Spencer John Rochette and Brianna Marie Mercer, distinguished seniors at Petersburg High School, were awarded scholarships during the high school's Senior Awards Ceremony held on May 21, 2025. The scholarships were presented by Veronica VanMeter, Marketing Director of The Grant County Bank.

Spencer John Rochette, Petersburg High School graduate class of 2025, was awarded the prestigious \$1,000 George B. Moomau Scholarship for his exemplary academic performance and community involvement, making him a deserving recipient of this honor. The scholarship presentation was a highlight of the event, celebrating the achievements and potential of local students.

The George B. Moomau Scholarship, named in memory of the late George B. Moomau, a long-serving president of The Grant County Bank, and his

wife, Laura "Becky" Moomau, an esteemed teacher and tennis coach in The Grant County School system, is awarded annually to a senior at Petersburg High School. The scholarship aims to support students who are pursuing higher education, whether through college or a technical school.

New for this year, a second recipient was honored for a one-time scholarship of \$1,000 to a deserving graduating senior who is the son or daughter of a current bank employee. This award was presented to Brianna Marie Mercer, daughter of Scotty Miley.

"This scholarship reflects our deep commitment to education and our dedication to the families who make our community so strong," said VanMeter. "We are excited to begin this new tradition, and it's truly an honor to present this inaugural scholarship."

The Grant County Bank has a longstanding tradition of fostering educational opportunities and supporting the youth in Grant County. For more informa-

tion about other com-

County Bank, please

About The Grant C

The Grant Coun

Virginia state bank

operations on Augus

office in Petersburg,

Bank's mission of p

products to families

cultural community

the bank well over th

Subsequently, The

its marketplace thro

and now operates a

six West Virginia co

of continued service

"Committed to The

subsidiary of Highla

quartered in Petersb

**WVU to  
Order**

# OBITUARIES

## Betty Kist

On June 7, 2025 a "wonderful" mother, grandmother, mother-in-law and friend went to be with the Lord. Betty Kist, age 88, of Ashtabula, Ohio has passed. She was born June 26, 1936 in Tucker County, West Virginia. the daughter of Parker and Ethel (Keller) Poling.



Betty was a long time resident of Girard, Ohio, moving to Ashtabula in 1963, and since then Ashtabula has never been the same. She loved her community. She loved it so much she was involved in everything from clubs to organizations like Women's Club, Homesafe, the Arts Center, Women's Service League and Beta Sigma Phi Sorority, just to name a few. One of her biggest achievements was being elected to Ashtabula City Council as Ward 3 Councilwoman and then serving as vice-president. Another big part of her

life was her church, Bethany Lutheran. She couldn't wait to get dressed up on Sunday morning and get to church to praise her Lord. She was part of Bethany Church Council for many years, not only as a member, but serving as president or vice-president. She was loyal to her church.

She is survived by her four sons: John Kist Jr. of Giard, Ohio, Timothy (Lisa) Kist of Springville, Tennessee, Daniel (Suzanne) Kist of Ashtabula, Ohio, and James (Tara) Kist of Perry, Ohio. She is also survived by the

loves of her life, her four granddaughters: Emily, Abby, Sydney, and Briana.

Preceding her in death were her husband, John; parents; sister, Dorothy Simmons; and brother, Franklin Poling.

Funeral service was held at 1:00 p.m. Thursday, June 12, 2025, at Bethany Lutheran Church, 933 Michigan Avenue, Ashtabula, Ohio 44004. Visitation was 11:00 a.m. to 1:00 p.m. at the church. Entombment followed in Greenlawn Memory Gardens, Kingsville, Ohio.

Funeral arrangements were handled by Potti Funeral Home and Cremation Service, 1329 Lake Avenue, Ashtabula, Ohio 44004. [www.pottifuneralhome.com](http://www.pottifuneralhome.com)

In lieu of flowers, memorial contributions may be made to Bethany Lutheran Church.

*"She walked in pure loveliness."*

## James F Bowley

James F Bowley II (Jim, Jimmy), passed from this life Sunday, June 8th in the WV caring hospice center with his family by his side, after a courageous battle with cancer.

He was born on Sept 28th, 1958, in Bellevue, NE

He is survived by his father, James F Bowley I; Three daughters: Sheree (Brian) Quattro of Thomas, Aasta (Micah) Melton of Winchester, VA, and Mariah (Derek) Hinkle of Parsons; Two grandchildren: Jaxson Quattro and Aria Hinkle; and three brothers: Scott (Sarah), Robin (Kim), and Todd (Missy).

He was preceded in death by his mother Mary M. Roberts Winton Bowley, as well as many aunts, uncles and cousins.



He was a journey carpenter and gl that built many h and businesses ar the region.

Jim was known his fun personality infectious smile. enjoyed the outd was an avid fisher and hunter. He enj hiking the Otter C wilderness and in later years could found walking at Race Park with dearly beloved

## Pamela Gail Vicker

Pamela Gail Vickers Fisher Lackland passed away peacefully at home on the morning of June 6, 2025, embraced by love and free from pain. She had recently celebrated her 83rd birthday with family and friends, a moment of joy amidst her courageous battle over the past two years. Until illness made itself known, she believed she was healthy. Ultimately, cancer took her from us, but not before she fought with the strength and determination that defined her life.



Planner, bringing energy and exp into a profession perfectly matched dynamic spirit.

In 1993, Pam I met, and life to new, exciting tur moved from Dalla Washington, D.C. in 1996 Pam and I married on the sl of Diamond, Pe

## Proactive Brain Health Behaviors Are Essential as the Number of Americans Living with Alzheimer's Climbs

*Five Recommendations for Alzheimer's & Brain Awareness Month in June*

CHARLESTON, WV – As the number of Americans living with Alzheimer's has climbed to more than 7 million

rate these 10 Healthy Habits – such as challenging the mind and eating healthier foods – to help protect brain health. It's never too early to take charge of your brain health

# How Flag Day got its start

Flag Day is commemorated each year in the United States on June 14. Though Flag Day is not an official federal holiday, the day remains significant nonetheless, as it traces its origins all the way back to 1777.

The Second Continental Congress formally adopted the flag of the United States on June 14, 1777. That resolution noted certain characteristics of the new flag, including the alternating red and white stripes that remain part of the flag that is celebrated each June 14.

Flag Day is one of various notable events and holidays commemorated in June, a list that includes Father's Day, Juneteenth and the summer solstice. That can make it easy for Flag Day to get lost in the proverbial shuffle, but the Farmer's Almanac notes it is customary for the sitting president of the United States to encourage Americans to display the flag outside of their homes and businesses each June 14. The flag is flown from all public buildings on Flag Day, which the Farmer's Almanac reports is another rich tradition that dates back 1877 and the centennial of the flag's adoption.

President Woodrow Wilson issued a presidential proclamation on June 14, 1916, that designated the day as Flag Day going forward. Thirty-three years after President Wilson's proclamation, the U.S. Congress officially established June 14 as National Flag Day.

One notable tidbit Americans can consider this Flag Day is the connection between the flag and



seamstress Betsy Ross. Many American schoolchildren were taught that Ms. Ross designed and sewed the first American flag, but historians have since discredited that legend. The Farmer's Almanac notes that many historians now believe George Washington already had a design for a flag with 13 red and

white alternating stripes in a circle when he was in a circle when he was in a circle. And while historians have since discredited that legend, it's hard to confirm

## RUBENSTEIN

the residents at the Center. The difference, according to Hawkins, comes from the knowledge that when they decide to leave, they know they are adding five or more years to their sentence.

"They're not bad kids," Hawkins said. "It's just a different, more desperate kid that's leaving because when he gets caught he's signed up for years more."

Hawkins said that the Town was in the time of year that most escapes occur. The juveniles use the ease of warmer weather to escape, Hawkins said.

"This is the time they go because it's easier," Hawkins said.

Hawkins said that during her time as an employee of the Center, she thought it was irresponsible for the Center to not notify the Town of escapes. She also said that when escapees were recovered, it was usually a town-person who would see the juvenile and call in, rather than Center staff who facilitated recoveries.

to discuss the matter with the best interest of the

The Kenneth "Hawkins" Center is a State minimum security facility for juvenile males, located in the town of Hawkins. It has a capacity of 100 inmates, ranging from 15 to 20.

The program combines cognitive behavioral therapy and leadership training with a restorative justice approach to address the behavior management of the juveniles. The core aspects of the program are communication, responsibility, and high expectations.

Those juveniles who have been adjudicated for a crime at the age of 18, never been in trouble before, and does not have a criminal record at the Center are

**THANK YOU FOR READING  
THE PARSONS ADVOCATE**  
*serving the people of  
ucker county since 1896*

# 100 Years Ago This Month: Historical events June 1925

The month of June has been home to many historical events over the years. Here's a look at some that helped to shape the world in June 1925.

- Twenty-one-year-old New York Yankee Lou Gehrig is inserted as a pinch hitter for Pee-Wee Wanninger in a game versus the Washington Senators on June 1. Gehrig's appearance begins what would become a streak of 2,130 consecutive games played.

- An Independence Tribunal orders the closure of Turkey's Progressive Republican Party on June 3. The order is issued on the grounds that the party had supported the protection of Islamic religious customs that had spurred the Sheikh Said rebellion.

- The Rentenmark becomes obsolete in Germany on June 5. The currency had initially been issued in 1923 to combat hyperinflation in the Weimar Republic. The Reichsmark replaced the Rentenmark.

- Walter P. Chrysler incorporates the Chrysler Corporation on June 6 after acquiring the assets of the defunct Maxwell Motor Company.



- Norway sends out two planes to search for Roald Amundsen and his crew on June 6. The explorers had been on the North Pole seaplane expedition but were missing for two weeks before the planes were sent. Amundsen and his crew would land safely in Norway on June 16.

- On June 7, the Beaumont-Hamel Newfoundland Memorial is unveiled on the grounds where the Battle of the Somme had taken place in France in July 1916.

- Seventeen people are killed as a result of a coal mine explosion in Sturgis, Kentucky, on June 8.

- Eddie Gaedel is born in Chicago on June 8. Despite his career lasting just a single plate appearance, the 3-foot-7 Gaedel is remembered as the shortest player in Major League Baseball History.

- Various churches merge to form the United Church of Canada on June 10. The merger takes place during a meeting of church leaders and representatives at the Mutual Street Arena in Toronto, and the Church of Canada immediately becomes the largest Protestant denomination in the country.

- On June 11, the Republic of China agrees to assist the Empire of Japan and Japanese soldiers with the removal of Korean immigrants from China's northeastern provinces, where Korean independence agitators had established a foothold.

- The Southern Branch of the University of California, now known as the University of California, Los Angeles, awards its first Bachelor of Arts degrees on June 12. Ninety-eight of the 128 degrees are awarded to women.

- Charles Francis Jenkins publicly demonstrates the synchronized transmission of pictures and sound in Washington, D.C. on June 13.

- Hawaiian surfer Duke Kahanamoku, a gold medal-winning swimmer at the 1912 Olympic Games, saves eight people off the coast of Newport Beach, California, on June 14. Kahanamoku's heroics were prompted by the capsizing of the fishing yacht Thelma.

- The Philadelphia Athletics score 13 runs in the eighth inning of a game versus the Cleveland Indians on June 15. The thirteen-run outburst erases a 14-2 deficit and the comeback 12 runs down remains a record today. The Athletics share the record with the 1911 Detroit Tigers and the 2001 Anaheim Angels.

- Thirty-eight nations sign the Geneva Protocol on June 17. The protocol establishes a general prohibition on the usage of chemical and biological weapons in international armed conflicts.

- Italian Prime Minister Benito Mussolini launches "La battaglia del grano" ("The Battle for Grain") on June 18. The campaign aimed to decrease Italy's reliance on imported

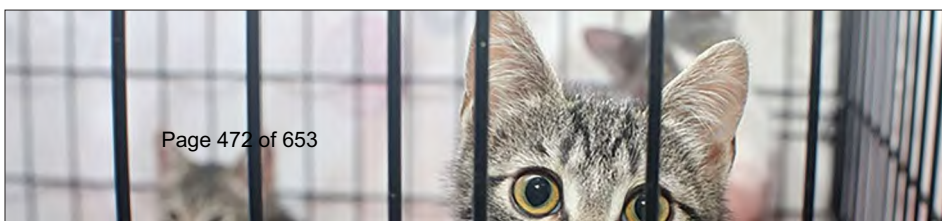
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## Did you know?

According to the American Society for the Prevention of Cruelty to Animals, approximately 3.2 million cats enter animal shelters across the United States each year. A sizable number of cats also enter shelters each year in Canada.



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

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**Signage On Site**

1 message

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

Fri, Jul 18, 2025 at 4:04 PM

Mr. Williams,

Please see the photos attached. The date that the photos were taken are June 18<sup>th</sup>, 2025 and June 27<sup>th</sup>, 2025. I believe the sign to still be at its original location as of today. If you have any issues opening these files please let me know immediately.

Respectfully,

Casey

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**2 attachments****Site Signage\_June 18\_2025.heic**  
121K**Site Signage\_June 27\_2025.heic**  
121K







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, Jul 21, 2025 at 4:12 PM

To: Casey Chapman &lt;cchapman@fundamentaldata.com&gt;, Lewis Reynolds &lt;lreynolds@fundamentaldata.com&gt;, "Spiker, Casey" &lt;cspiker@cecinc.com&gt;, "Blinn, Leah" &lt;lblinn@cecinc.com&gt;, "Williams, Jerry" &lt;jerry.williams@wv.gov&gt;

Sydney Ruzala is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/84837744820?pwd=A8Llp2iDDPIMXql8iBWNmtY1Htg9C.1&from=addon>

Meeting ID: 848 3774 4820

Passcode: 429325

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One tap mobile

+13092053325,,84837744820#,,,,\*429325# US

+13126266799,,84837744820#,,,,\*429325# US (Chicago)

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Dial by your location

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 669 444 9171 US
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 720 707 2699 US (Denver)
- +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

Meeting ID: 848 3774 4820

Passcode: 429325

Find your local number: <https://us06web.zoom.us/u/keJuuaKSh8>

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 **invite.ics**  
4K



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

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**Fundamental Data R13-3713 Permit Review Extension**

1 message

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

Mon, Jul 21, 2025 at 4:00 PM

To: "cchapman@fundamentaldata.com" &lt;cchapman@fundamentaldata.com&gt;

Cc: Joseph R Kessler &lt;Joseph.R.Kessler@wv.gov&gt;, Jerry Williams &lt;jerry.williams@wv.gov&gt;, Harold D Ward &lt;harold.d.ward@wv.gov&gt;

Mr. Chapman:

As discussed with you by the reviewing engineer, pursuant to §45-13-5.7(a), the Division of Air Quality (DAQ) is providing formal notification that the statutory review timeline on the above referenced permitting action has been extended by up to 30 calendar days (from July 20, 2025). This decision does not represent an extension of the open comment period which ended at 5:00 PM on July 18, 2025, nor does it necessarily imply that the full additional 30 days will be required for a final determination on this permitting action. In accordance with the intent of the rule, this extension is to allow for a thorough review and consideration of the large number of public comments received during the project.

Sincerely,

Laura Crowder

**Laura M. Crowder**

Director

WV Division of Air Quality

601 57th Street, SE

Charleston, WV 25304

Phone: 304-414-1253

Email: [Laura.M.Crowder@wv.gov](mailto:Laura.M.Crowder@wv.gov)**Fundamental Data Extension Letter 2025-07-21.pdf**

94K



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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

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

July 21, 2025

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

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

Mr. Chapman:

As discussed with you by the reviewing engineer, pursuant to §45-13-5.7(a), the Division of Air Quality (DAQ) is providing formal notification that the statutory review timeline on the above referenced permitting action has been extended by up to 30 calendar days (from July 20, 2025). This decision does not represent an extension of the open comment period which ended at 5:00 PM on July 18, 2025, nor does it necessarily imply that the full additional 30 days will be required for a final determination on this permitting action. In accordance with the intent of the rule, this extension is to allow for a thorough review and consideration of the large number of public comments received during the project.

Sincerely,

Laura M. Crowder

Digitally signed by: Laura M. Crowder  
DN: CN = Laura M. Crowder email = Laura.M.  
Crowder@wv.gov C = US O = WV DEP OU =  
DAQ  
Date: 2025.07.21 15:24:38 -04'00'

Laura M. Crowder  
Director, Division of Air Quality



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

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## Call Request

1 message

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

Tue, Aug 5, 2025 at 9:53 AM

Mr. Williams,

If you have any availability today, please give me a call.

Thank you,

Casey

## 10. Extension Request Response Letter



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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

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

July 8, 2025

**Re:** Comment Period Extension Request  
Fundamental Data LLC  
Permit Number: R13-3713  
Facility ID Number: 093-00034

To Requester:

The Division of Air Quality (DAQ) has received your request to extend the deadline for public comments on the above referenced permitting action. The open comment period for this action began on June 18, 2025 and is scheduled to end on July 18, 2025, 5:00 PM. As of this writing, the DAQ has received over 700 comments on the proposed Fundamental Data facility and hosted a local in-person Public Meeting on June 30, 2025 concerning the permitting action. This public meeting included DAQ staff engaging directly with the public for approximately five hours providing information and answering questions. The draft documents (Draft Permit, Engineering Evaluation) have been available since June 18, 2025 and the permit application has been available since March 18, 2025. In addition, the proposed facility has been the subject of multiple local, state-wide, and even national media reports. Considering the above, there is no evidence to support the idea that the public: (1) has not been aware of the permitting action, (2) has not had sufficient time to provide comments on the proposed facility, (3) has not had time to provide comments on the DAQ documents provided at the beginning of the formal public comment period, or (4) will not have a reasonable amount of time to provide comments on the basis of information obtained at the public meeting.

Additionally, the DAQ is under a statutory obligation to make a final determination on a permit application within a set time limit as prescribed under 45CSR13 (90 days subtracting any time the application was incomplete or on-hold waiting for additional information). The DAQ makes all reasonable efforts to meet this statutory obligation for all permitting actions. In this case, the statutory time limit expires on July 21, 2025. It is also important to note that the DAQ is also required under state code (§22-5-1) to provide “for the timely processing of permit applications.” And while 45CSR13 provides for an extension of the 90 day statutory time limit by up to 30 days, it will certainly be necessary to use additional days for the review and response to the high number of comments received.

Comment Period Extension Request Denial  
Re: Fundamental Data LLC  
July 8, 2025  
Page 2 of 2

Based on the above, to facilitate the timely processing of the permit application and to make every reasonable effort to meet our statutory obligations, the DAQ has determined that the open comment period will end on July 18, 2025, 5:00 PM and will not be extended.

Sincerely,

**Laura M. Crowder**

Digitally signed by: Laura M. Crowder  
DN: CN = Laura M. Crowder email = Laura.M.  
Crowder@wv.gov C = US O = WV DEP OU =  
DAQ  
Date: 2025.07.08 15:10:16 -04'00'

Laura M. Crowder  
Director, Division of Air Quality

## 11. Final Permit

*West Virginia Department of Environmental Protection*

*Harold D. Ward  
Cabinet Secretary*

# Construction Permit



**R13-3713**

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

*Issued to:*

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

*Laura M. Crowder*

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

Digitally signed by: Laura M. Crowder  
DN: CN = Laura M. Crowder email = Laura.M.  
Crowder@wv.gov C = US O = WV DEP OU = DAQ  
Date: 2025.08.15 09:26:18 -04'00'

*Issued: August 15, 2025*

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

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

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*The source is not subject to 45CSR30.*

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## 1.0. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
CT	CT	Combustion Turbines	2025	Natural Gas 5,649.6 MMBtu/hr (aggregate)  Diesel 4,503.4 MMBtu/hr (aggregate)	NO <sub>x</sub> – SCR <sup>1</sup> CO -CO Catalyst
TK1	TK1-E	Diesel Storage Tank	2025	10,000,000 gal (nominal <sup>2</sup> )	None
TK2	TK2-E	Diesel Storage Tank	2025	10,000,000 gal (nominal <sup>2</sup> )	None
TK3	TK3-E	Diesel Storage Tank	2025	10,000,000 gal (nominal <sup>2</sup> )	None
UNLOAD	UNLOAD-E	Diesel Truck Unloading	2025	15,000,000 gal/yr	None

<sup>1</sup> Selective Catalytic Reduction

<sup>2</sup> Nominal capacity is “working volume” which considers design liquid levels

## 2.0. General Conditions

### 2.1. Definitions

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

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>CBI</b>	Confidential Business Information	<b>NSPS</b>	New Source Performance Standards
<b>CEM</b>	Continuous Emission Monitor	<b>PM</b>	Particulate Matter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5 µm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>CO</b>	Carbon Monoxide	<b>Ppb</b>	Pounds per Batch
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>Pph</b>	Pounds per Hour
<b>DAQ</b>	Division of Air Quality	<b>Ppm</b>	Parts per Million
<b>DEP</b>	Department of Environmental Protection	<b>Ppmv or ppmv</b>	Parts per Million by Volume
<b>dscm</b>	Dry Standard Cubic Meter	<b>PSD</b>	Prevention of Significant Deterioration
<b>FOIA</b>	Freedom of Information Act	<b>Psi</b>	Pounds per Square Inch
<b>HAP</b>	Hazardous Air Pollutant	<b>SIC</b>	Standard Industrial Classification
<b>HON</b>	Hazardous Organic NESHAP	<b>SIP</b>	State Implementation Plan
<b>HP</b>	Horsepower	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>lbs/hr</b>	Pounds per Hour	<b>TAP</b>	Toxic Air Pollutant
<b>LDAR</b>	Leak Detection and Repair	<b>TPY</b>	Tons per Year
<b>M</b>	Thousand	<b>TRS</b>	Total Reduced Sulfur
<b>MACT</b>	Maximum Achievable Control Technology	<b>TSP</b>	Total Suspended Particulate
<b>MDHI</b>	Maximum Design Heat Input	<b>USEPA</b>	United States Environmental Protection Agency
<b>MM</b>	Million	<b>UTM</b>	Universal Transverse Mercator
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>VEE</b>	Visual Emissions Evaluation
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour	<b>VOC</b>	Volatile Organic Compounds
<b>NA</b>	Not Applicable	<b>VOL</b>	Volatile Organic Liquids
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		

### **2.3. Authority**

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

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

### **2.4. Term and Renewal**

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

### **2.5. Duty to Comply**

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

### **2.6. Duty to Provide Information**

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

## **2.7. Duty to Supplement and Correct Information**

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

## **2.8. Administrative Update**

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4.]

## **2.9. Permit Modification**

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

## **2.10 Major Permit Modification**

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

## **2.11. Inspection and Entry**

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

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

## **2.12. *[Reserved]***

## **2.13. Need to Halt or Reduce Activity Not a Defense**

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

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

**2.14. Suspension of Activities**

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

**2.15. Property Rights**

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

**2.16. Severability**

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

**2.17. Transferability**

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

**2.18. Notification Requirements**

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

**2.19. Credible Evidence**

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

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

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

#### 3.2. Monitoring Requirements

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

### 3.3. Testing Requirements

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

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

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

### **3.4. Recordkeeping Requirements**

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

### **3.5. Reporting Requirements**

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

**DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57<sup>th</sup> Street  
Charleston, WV 25304-2345

**US EPA:**

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

**DAQ Compliance and Enforcement<sup>1</sup>:**

[DEPAirQualityReports@wv.gov](mailto:DEPAirQualityReports@wv.gov)

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

**3.5.4. Operating Fee**

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

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

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

## 4.0. Source-Specific Requirements

### 4.1. Limitations and Standards

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

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

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

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

*a. Natural Gas*

Pollutant	Maximum Hourly Emissions (lb/hr) <sup>2</sup>
Nitrogen Oxides	30.80
Carbon Monoxide	6.30
Volatile Organic Compounds	14.30
Particulate Matter-10/2.5 <sup>1</sup>	23.30
Sulfur Dioxide	19.21
Formaldehyde	1.26
Total Hazardous Air Pollutants	3.04

<sup>1</sup> Includes both filterable and condensable particulate matter.

<sup>2</sup> CT shall have zero duct burner firing emissions. All emissions are attributed to CT only.

*b. Diesel*

Pollutant	Maximum Hourly Emissions (lb/hr) <sup>2</sup>
Nitrogen Oxides	74.50
Carbon Monoxide	5.40
Volatile Organic Compounds	30.90
Particulate Matter-10/2.5 <sup>1</sup>	22.10
Sulfur Dioxide	6.82
Formaldehyde	1.26
Total Hazardous Air Pollutants	5.64

<sup>1</sup> Includes both filterable and condensable particulate matter.

<sup>2</sup> CT shall have zero duct burner firing emissions. All emissions are attributed to CT only.

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

*a. Natural Gas*

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

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

*b. Diesel*

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

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

- 4.1.5. a. The maximum aggregate total annual emissions<sup>1</sup> from the combustion turbines/HRSG shall not exceed the following emission limits when firing either fuel (natural gas or diesel exclusively) or any combination of natural gas or diesel:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/year)<sup>3</sup></b>
Nitrogen Oxides	99.35
Carbon Monoxide	56.36
Volatile Organic Compounds	43.84
Particulate Matter-10/2.5 <sup>2</sup>	71.44
Sulfur Dioxide	58.89
Formaldehyde	3.86
Total Hazardous Air Pollutants	9.33

<sup>1</sup> Includes annual startup and shutdown emissions in permit condition 4.1.4.

<sup>2</sup> Includes both filterable and condensable particulate matter.

<sup>3</sup> CT has no duct burner firing emissions. All emissions are attributed to CT only.

*b. Natural Gas Operations Exclusively*

If natural gas is fired exclusively during a consecutive twelve-month rolling total, the maximum number of hours the aggregate combustion turbines/HRSG may operate is 61,320 hours per year. A twelve-month rolling total shall mean the sum of operating hours at any given time during the previous twelve consecutive calendar months.

*c. Diesel Operations Exclusively*

If diesel is fired exclusively during a consecutive twelve-month rolling total, the maximum number of hours the aggregate combustion turbines/HRSG may operate is 25,000 hours per year. A twelve-month rolling total shall mean the sum of operating hours at any given time during the previous twelve consecutive calendar months.

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

Pollutant	Control Technology
Nitrogen Oxides	SCR
Carbon Monoxide	CO Catalyst

- 4.1.7. During startup and shutdown operations, the permittee shall minimize emissions by:
- Operating and maintaining the combustion turbines/HRSG and associated air pollution control devices in accordance with good combustion and air pollution control practices, safe operating practices, and protection of the facility. Good combustion and air pollution control practices shall mean proper operation and maintenance of combustion control systems and air pollution control equipment in accordance with manufacturer specifications. Additionally, it shall mean such practices that promote sufficient residence time of fuel in the combustion zone, thorough mixing of air and fuel, and proper combustion temperatures.
  - Implementing operations and maintenance practices comprised of maintaining a high level of steady state operation time and minimizing (as much as practicable) the frequency of startup and shutdown events.
- 4.1.8. **Fuel Operating Parameters.** The combustion turbines/HRSG at the facility are capable of firing either natural gas or diesel fuel. The following fuel operating parameters apply to the permittee to address the various fuel firing scenarios:

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

- 4.1.9. **Annual Operational Limitation.**
- The operating hours of each combustion turbine/HRSG, the throughput of each type of fuel (natural gas/diesel), and operation type (steady state or startup/shutdown) will be continuously monitored and recorded. The permittee will keep records of the fuel consumption (natural gas/diesel), and operating hours (natural gas/diesel) for each combustion turbine/HRSG. The 12-month rolling sum of emissions will be calculated monthly in accordance with permit condition 4.4.1.
  - Natural gas and diesel fuel meters shall be installed on each combustion turbine/HRSG.
  - Operational hour meters shall be installed on each combustion turbine/HRSG.
- 4.1.10. In order to minimize NO<sub>x</sub> emissions, within 180 days of startup, the permittee shall determine the optimal injection rate of aqueous ammonia into each SCR for each fuel (natural gas/diesel). The permittee shall then operate the SCR at the determined optimal injection rate.
- 4.1.11. Emissions of NO<sub>x</sub> from each of the combustion turbines/HRSG shall not exceed one of the following when firing natural gas:
- 25 ppm at 15% O<sub>2</sub>; or
  - 1.2 lb/MW-hr gross energy output.

**[40 CFR §60.4320]**

4.1.12. Emissions of NO<sub>x</sub> from each of the combustion turbines/HRSG shall not exceed one of the following when firing diesel fuel:

- a. 74 ppm at 15% O<sub>2</sub>; or
- b. 3.6 lb/MW-hr gross energy output.

**[40 CFR §60.4320]**

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

- a. The permittee shall not cause to be discharged into the atmosphere from the subject stationary combustion turbine any gases which contain SO<sub>2</sub> in excess of 110 nanograms per Joule (ng/J) (0.90 pounds per megawatt-hour (lb/MWh) gross output; or
- b. The permittee must not burn in the subject stationary combustion turbine any fuel which contains total potential sulfur emissions in excess of 26 ng SO<sub>2</sub>/J (0.060 lb SO<sub>2</sub>/MMBtu) heat input.

**[40 CFR §60.4330(a)]**

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

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

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

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

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

**[45CSR§13-5.10]**

- 4.1.17. The permittee shall comply with all applicable provisions of 45 CSR 17 to minimize fugitive particulate matter emissions on the plant roads.
- 4.1.18. The permittee shall comply with the alternative applicable provisions of 45 CSR 40 Section 6.6.
- a. The permittee shall conduct initial performance testing as required by 40 CFR 60 Subpart KKKK, as prescribed in permit condition 4.3.2.
  - b. The permittee shall continuously monitor the parameters of the SCR systems to verify proper operation as required in permit conditions 4.2.4 and 4.4.3.
  - c. The permittee shall continuously monitor and record the amount of each type of fuel to determine the heat input of each combustion turbine. The total monthly heat input will be determined using the monitored fuel data.
  - d. The permittee will calculate the total monthly NO<sub>x</sub> emissions for each month during the ozone season. The total NO<sub>x</sub> mass emissions will be calculated for the ozone season each year. Ozone season is defined as May 1 through September 30 in the same calendar year.
- 4.1.19. The permittee shall comply with all applicable provisions of 45 CSR 33 (Acid Rain Provisions and Permits), 40 CFR 60 Subpart TTTTa (Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units), 40 CFR 72 (Permits Regulation – Acid Rain Program), and 40 CFR 97 Subpart DDDDD (Federal NO<sub>x</sub> Budget Trading Program, CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs, CSAPR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs, and Texas SO<sub>2</sub> Trading Program).

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

- 4.1.20. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.  
**[45CSR§13-5.10]**
- 4.1.21. The permittee shall install, maintain, and operate all above-ground piping, valves, pumps, etc. that service lines in the transport of potential sources of regulated air pollutants to minimize any fugitive escape of regulated air pollutants (leak). Any above-ground piping, valves, pumps, etc. that shows signs of excess wear that have a reasonable potential for fugitive emissions of regulated air pollutants shall be repaired or replaced.  
**[45CSR§13-5.10]**

## 4.2. Monitoring Requirements

- 4.2.1. To determine compliance with permit conditions 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, and 4.1.9, the permittee shall monitor the operation type (steady state or startup/shutdown), number of startup/shutdown events, and hours of operation in each operating mode (natural gas/diesel) on a daily basis.
- 4.2.2. To demonstrate compliance with permit condition 4.1.8, the permittee shall monitor aggregate fuel consumption (natural gas/diesel) on an hourly basis.
- 4.2.3. To demonstrate compliance with permit conditions 4.1.10 and 4.1.14, the permittee shall monitor the operating times for the SCR on at least an hourly basis. The permittee shall monitor the ammonia injection rate established in permit condition 4.1.10.
- 4.2.4. The permittee will install SCR systems on each turbine to control NO<sub>x</sub> emissions. The parameters of the SCR systems must be continuously monitored to verify proper operation. The permittee shall monitor each catalyst bed inlet temperature and pressure differential across each catalyst bed to indicate proper operation. [40CFR§60.4340(b)(iii)]
- 4.2.5. The permittee will install a CO catalyst on each turbine to control CO emissions. The CO catalyst shall be continuously monitored to verify proper operation. The permittee shall operate the CO catalyst in accordance with manufacturer specifications. [45CSR§13-5.10]
- 4.2.6. To demonstrate compliance with permit condition 4.1.15, the permittee shall monitor diesel fuel unloading throughput on a daily basis.
- 4.2.7. To demonstrate compliance with permit condition 4.1.17, the permittee shall conduct a visible inspection of the paved roads once each operating day to ensure no fugitive particulate matter emissions from diesel truck and employee traffic are generated. If necessary, roads will be swept and/or watered to minimize fugitive particulate matter.
- 4.2.8. To demonstrate compliance with permit conditions 4.1.11 – 4.1.13, the permittee shall monitor the gross energy output (lb/MW-hr) of each combustion turbine on a continuous basis.
- 4.2.9. The permittee shall, at the time of initial startup, maintain on-site and have readily available to be made available to the Director or his/her representative upon request, a copy of all current vendor guarantees relevant to the air emissions associated with the facility. This includes information relating to the performance of both emission units and air pollution control devices.
- 4.2.10. The permittee shall meet all applicable requirements, including those not specified above, as given under 45 CSR 4, 45 CSR 13, 45 CSR 16, 45 CSR 17, 45 CSR 22, 45 CSR 40, and 40 CFR 60, Subpart KKKK. Any final revisions made to the above rules will, where applicable, supersede those specifically cited in this permit.
- 4.2.11. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
  - a. The date, place as defined in this permit, and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.

#### **4.3. Testing Requirements**

- 4.3.1. See Facility-Wide Testing Requirements Section 3.3.
- 4.3.2. The permittee shall perform an initial performance test for NO<sub>x</sub> emissions as required under §60.8 and §60.4400, and to demonstrate compliance with permit condition 4.1.3 (compliance demonstration is on a per combustion turbine basis). The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel.
- 4.3.3. The permittee shall perform an initial performance test for SO<sub>2</sub> emissions as required under §60.8 and §60.4415, and to demonstrate compliance with permit condition 4.1.3 (compliance demonstration is on a per combustion turbine basis). The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel.
- 4.3.4. The permittee shall perform an initial performance test for CO emissions to demonstrate compliance with permit condition 4.1.3 (compliance demonstration is on a per combustion turbine basis). The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load. Separate performance testing is required for natural gas and diesel fuel. A representative number of combustion turbines will be tested as approved in the stack test protocol as required in permit condition 3.3.1.c.

The permittee shall utilize Method 10 – Determination of Carbon Monoxide Emissions from Stationary Sources (Instrumental Analyzer Procedure), Method 320 - Vapor Phase Organic and Inorganic Emissions by Extractive FTIR or approved alternative procedure outlined in permit condition 3.3.1 to comply with this permit condition.

**[45CSR§13-5.10]**

- 4.3.5. The permittee shall perform an initial performance test for formaldehyde emissions to demonstrate compliance with permit condition 4.1.3 (compliance demonstration is on a per combustion turbine basis) during the combustion of natural gas. The initial performance test will be conducted within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. The performance test must be done at any load condition within plus or minus 25 percent of 100 percent of peak load.

The permittee shall utilize Method 320 - Vapor Phase Organic and Inorganic Emissions by Extractive FTIR or approved alternative procedure outlined in permit condition 3.3.1 to comply with this permit condition.

**[45CSR§13-5.10]**

#### **4.4. Recordkeeping Requirements**

- 4.4.1. To determine compliance with permit conditions 4.1.5, 4.1.8, and 4.1.9, the permittee shall keep records of the operating hours of each combustion turbine/HRSG, the throughput of each type of fuel (natural gas/diesel), and operation type (steady state or startup/shutdown) on a daily basis. The permittee shall multiply the hourly steady state operation emissions in permit condition 4.1.3 by the number of hours of steady state operations and adding the appropriate startup and shutdown emission from permit condition 4.1.4. The permittee shall calculate the emissions monthly and on a twelve-month rolling total. A twelve-month rolling total shall mean the sum of emissions at any given time during the previous twelve consecutive calendar months.
- 4.4.2. To determine compliance with permit condition 4.1.2, the permittee shall keep a verifiable record of the total MDHI of the combustion turbines.
- 4.4.3. To determine compliance with permit condition 4.2.4, the permittee shall keep records of the SCR continuous monitoring data, and 4-hour rolling unit operating hour averages of the monitored parameters. The permittee will develop an SCR monitoring plan that will outline the procedures used to document proper operation of the SCR systems in accordance with §60.4355. The SCR monitoring plan must include the following:
  - a. Include the indicators to be monitored and show there is a significant relationship to emissions and proper operation of the NO<sub>x</sub> emission controls;
  - b. Select ranges (or designated conditions) of the indicators, or describe the process by which such range (or designated condition) will be established;
  - c. Explain the process used to make certain that the data that is obtained is representative of the emissions or parameters being monitored (such as detector location, installation specification if applicable);
  - d. Describe quality assurance and control practices that are adequate to ensure the continuing validity of the data;
  - e. Describe the frequency of monitoring and the data collection procedures which are used; and
  - f. Submit justification for the proposed elements of the monitoring. If a proposed performance specification differs from manufacturer recommendation, the differences must be explained.  
**[40CFR§60.4355]**
- 4.4.4. To determine compliance with §60.4365(a), the permittee shall keep records of the fuel characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the fuel, specifying the following parameters:
  - a. The maximum total sulfur content of oil is 0.05 weight percent (500 ppmw) or less.
  - b. The total sulfur content for natural gas is 20 grains of sulfur or less per 100 standard cubic feet.
  - c. Potential sulfur emissions are less than 0.060 pounds SO<sub>2</sub>/million Btu heat input.
- 4.4.5. To determine compliance with permit condition 4.2.7, the permittee shall keep records of the daily road particulate matter fugitive inspections and any corrective actions taken.

- 4.4.6. To determine compliance with permit conditions 4.1.15 and 4.2.6, the permittee shall keep records of the diesel unloading on a daily basis. Compliance with the throughput limit shall be determined on a 12 month rolling total basis.
- 4.4.7. To demonstrate compliance with permit condition 4.1.21, the permittee shall keep records of the fugitive emissions components repairs and replacements.
- 4.4.8. To demonstrate compliance with permit condition 4.1.10, the permittee shall keep records of the optimal ammonia injection rate to each SCR when combusting either fuel (natural gas/diesel).
- 4.4.9. To demonstrate compliance with permit conditions 4.1.11 – 4.1.13 and 4.2.8, the permittee shall keep records of the gross energy output (lb/MW-hr) for each combustion turbine on a continuous basis.

#### **4.5. Reporting Requirements**

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

## CERTIFICATION OF DATA ACCURACY

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

Signature<sup>1</sup>

(please use blue ink)

\_\_\_\_\_  
Responsible Official or Authorized Representative

\_\_\_\_\_  
Date

Name & Title

(please print or type)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

---

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

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

## 12. Final Determination



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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

## Final Determination

Application No.:	R13-3713
Facility ID No.	093-00034
Name of Applicant:	Fundamental Data LLC
Name of Facility:	Ridgeline Facility
Location of Facility:	Thomas, Tucker County
Latitude/Longitude:	39.15364 / -79.46641
Application Type:	Construction
Complete Date:	April 9, 2025 (On hold 4/25 - 5/7)
Public Notice Date:	June 18, 2025
Public Meeting Dates:	June 30, 2025, July 17, 2025
Engineer:	Jerry Williams

### BACKGROUND INFORMATION

On June 18, 2025, the West Virginia Department of Environmental Protection - Division of Air Quality (DAQ) provided notice of an open comment period for Permit Number R13-3713 for the construction and operation of a combustion turbine facility proposed to be located off of US-48 near Thomas in Tucker County, WV. At that time, the Draft Permit and Engineering Evaluation/Fact Sheet (EE/FS) were made available for the public for review. The permit application had previously been made available for public review and remained so during the public comment period. The permit application was received on March 18, 2025, and the permit applicant

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published a Class I legal advertisement notice of application on March 26, 2025 in *The Parsons Advocate*.

As required by 45 CSR 13, the DAQ's legal advertisement was published in *The Parsons Advocate* on June 18, 2025, which began a 30-day public comment period that ended at 5:00 P.M. on July 18, 2025. In that legal advertisement, the DAQ also notified the public of two public meetings that would be held regarding this permitting action. An in-person meeting to provide information and answer questions was held on June 30, 2025 at the Canaan Valley Resort State Park and a virtual meeting to accept comments only was held on July 17, 2025. During the public comment period there were requests to extend the public comment period. These requests were considered and it was determined the public comment period would not be extended. This decision was based on the extensive information provided at the June 30, 2025 public meeting, the public knowledge of the proposed facility due to multiple local, state-wide, and national media reports, in addition to other local meetings where the potential facility was discussed. There is no evidence to support the contention the public has not been aware of the permitting action, has not had sufficient time to provide comments on the proposed facility, has not had time to provide comments on the DAQ documents provided at the beginning of the formal public comment period, or did not have a reasonable amount of time to provide comments on the basis of the information provided at the public meeting. Therefore, to facilitate the timely processing of the permit application and to make every reasonable effort to meet DAQ statutory obligations, it was determined the public comment period would not be extended. This was relayed to the requesters via email, DAQ's Application Enhancer (AE), and the DAQ website.

During the 30-day comment period, the DAQ accepted comments on the preliminary determination to issue permit R13-3713 to Fundamental Data, LLC. Pursuant to §45-13-8.8, a "Response to Public Comments" document has been prepared which provides a response to all formal written comments submitted to the DAQ and oral comments/questions provided at the public meetings. All relevant documents will be placed on the DAQ AE website and will be available directly under "Popular Searches" at the following location:

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

## **SUMMARY OF COMMENTS RECEIVED**

From the date of Fundamental Data LLC's notice of application (March 26, 2025) until the conclusion of the public comment period (July 18, 2025), the DAQ received 1,605 written comments and 18 oral comments at the July 17, 2025 public meeting from various individuals and organizations concerning the proposed facility. This number is inclusive of multiple or duplicate comments made by the same individuals or organizations given as both submitted written comments and oral comments at the public meeting.

Most public comments were against the issuance of the permit. The few generally supportive comments referenced the potential positive economic impacts of the proposed facility while many of the non-technical comments that were explicitly non-supportive expressed concern over the potential environmental or other detrimental impacts of the facility without providing a technical or regulatory basis for a reconsideration of the DAQ's preliminary determination.

Specific technical and regulatory questions/comments were also submitted. Additional comments were given and questions were asked during the two public meetings.

On July 21, 2025, pursuant to §45-13-5.7(a), the DAQ provided formal notification to Fundamental Data, LLC that the statutory review timeline was extended by up to 30 calendar days (from July 20, 2025). In accordance with the intent of this rule, this extension was to allow for a thorough review and consideration of the large number of public comments received during the project.

The Response to Comment document was organized into 2 sections, a general response section and a specific response section. The General Response to Comments include all comments received by the DAQ prior to the June 30, 2025 public meeting. Due to the fact that the bulk of the comments were generated by an online program and/or were repetitive in nature, the majority of the responses are addressed in the General Response to Comments section and are organized in topic groups. The General Response to Comments section defines issues over which the DAQ has authority and by contrast, identifies those issues that are beyond the purview of the DAQ. The general response also describes the statutory basis for the issuance/denial of a permit, DAQ Compliance/Enforcement Procedures, details of the current status of the ambient air quality in Tucker County and how that is determined. The Specific Response to Comments section lists each relevant comment that was not addressed in the General Response to Comments section and that falls within the purview of the DAQ, and provides a response (if a response is required).

After conducting a thorough review of the comments, it was determined that no information was presented that showed the draft permit (or the permitting process) was inconsistent with a reasonable reading of the intent of 45 CSR 13 or §22-5-1, et. seq. However, to address specific concerns and to strengthen the efficacy of the permit, several additions/revisions to the draft permit were made (see below for a detailed list of these changes). It is noted that changes to a draft permit during the public notice period are common and a normal part of the permitting process.

## CHANGES TO DRAFT PERMIT

As a result of comments received by the public during the public notice period and verbal comments provided by telephone by the United States Environmental Protection Agency (USEPA), changes to the draft permit were made to address appropriate concerns where applicable. The substantive changes are given in tabular form below.

Additions/Revisions to Draft Permit R13-3713:

Permit Requirement	Substantive Revision/ Addition Description
4.1.3	Addition of hourly formaldehyde limits to the maximum hourly emission tables when combusting natural gas and/or diesel. See response to comment regarding formaldehyde emissions in the Response to Comments - Specific Response to Comment section.
4.1.5	Addition of annual formaldehyde emission limits to the maximum

	annual emission limit table. This is directly related to the change in permit condition 4.1.3. Reorganize permit condition to include draft permit condition 4.1.5 as 'a' with the addition of two additional subsections ('b' and 'c'). 'b' and 'c' will include the maximum number of hours of operation that the aggregate combustion turbine/HRSG may operate if combusting natural gas or diesel exclusively during a consecutive twelve-month rolling period. No additional monitoring or recordkeeping is necessary, as the appropriate monitoring and recordkeeping already exists.
4.1.10	Addition of language that the optimal injection rate of aqueous ammonia into each SCR is conducted for each fuel (natural gas/diesel). This was the intent of the permit condition, but the addition of this language strengthens the permit condition.
4.2.2	Revision of permit condition that the aggregate fuel consumption (natural gas/diesel) must be monitored hourly instead of daily. This provides a direct correlation to permit condition 4.1.8.
4.2.3	Addition of language to monitor the ammonia injection rate established in permit condition 4.1.10.
4.2.8	Addition of a permit condition to monitor the gross energy output (lb/MW-hr) of each combustion turbine on a continuous basis. This permit condition enhances the compliance for existing permit conditions 4.1.11 - 4.1.13.
4.2.8 - 4.2.10	Existing permit conditions 4.2.8 - 4.2.10 were renumbered 4.2.9 - 4.2.11.
4.3.4	Revision to permit condition to recognize that Method 320 - Vapor Phase Organic and Inorganic Emissions by Extractive FTIR can also be utilized as a performance test method for CO emissions.
4.3.5	Addition of an initial performance test for formaldehyde emissions from the combustion turbines when combusting natural gas. See response to comment regarding formaldehyde emissions in the Response to Comments document.
4.4.8	Addition of a permit condition to require recordkeeping of the optimal ammonia injection rate to each SCR when combusting either fuel (natural gas/diesel).
4.4.9	Addition of a permit condition to require recordkeeping of the gross energy output (lb/MW-hr) for each combustion turbine on a continuous basis.

## **EE/FS ERRATA**

It is noted that the Draft EE/FS made available on June 18, 2025 at the time the public notice was published contained an error and it is recognized here. The table on page 9 of the EE/FS incorrectly listed that all HAPS utilized AP-42 as part of the emission calculations as the calculation methodology. This section should have stated that the permit application utilized manufacturer data for the formaldehyde emissions and AP-42 for all other HAPs when firing natural gas. When diesel fuel is fired, AP-42 was utilized for all HAPs.

Due to the concern surrounding the formaldehyde emissions and the differences experienced between using the manufacturer data and the potential Title V major source status when using AP-42, a permit condition has been added to the permit which will require Fundamental to conduct an initial performance test to ensure compliance with the hourly formaldehyde value when combusting natural gas.

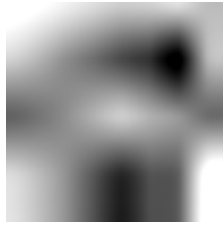
## **FINAL DETERMINATION**

It is the determination of the writer, after consideration of all comments received, the available information continues to indicate that Fundamental Data LLC's proposed facility, in accordance with the plans and specifications filed in Permit Application R13-3713 (and any revisions thereto), as enforced under final Permit Number R13-3713, will meet all applicable state and federal air quality rules and regulations.

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Jerry Williams, P.E.  
Engineer

## 13. Response to Comments



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

# Response to Public Comments

## **Fundamental Data LLC Ridgeline Facility**

### **Permit Application R13-3713 Facility ID No. 093-00034**

**Date: August 14, 2025**

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## BACKGROUND INFORMATION

On March 18, 2025, Fundamental Data LLC (Fundamental) submitted a 45 CSR 13 construction permit application to the West Virginia Department of Environmental Protection - Division of Air Quality (DAQ) identified as R13-3713. At that time, the permit application was made available on DAQ's website for review. On March 26, 2025, pursuant to §45-13-8.3, Fundamental provided notice to the public of this permit application for a turbine power facility located near Thomas, WV. From the date of Fundamental's notice of application until the release of the Engineering Evaluation (EE/FS) and draft permit, the DAQ received 597 comments from various individuals and organizations concerning the proposed facility. This number is inclusive of multiple or duplicate comments made by the same individuals or organizations given as both submitted written comments and orally at the public meeting. Of the 597 comments, the DAQ received 305 public meeting requests. All notice of application comments received were provided with an email response acknowledging receipt.

On June 18, 2025, pursuant to §45-13-8, the DAQ provided notice to the public of an open comment period for Permit Number R13-3713 in reference to Fundamental's proposed construction of a turbine power facility located approximately 1.5 miles off of US-48 near Thomas, Tucker County, WV, at latitude 39.15364 and longitude -79.46641. At that time, the EE/FS and draft permit were made available on DAQ's website for public review.

As required by WV Legislative Rule 45 CSR 13, the DAQ's legal advertisement was published in *The Parsons Advocate* on June 18, 2025, which began a 30-day public comment period that ended at 5:00 P.M. on July 18, 2025. The legal advertisement also notified the public that the DAQ was going to conduct an in person public meeting on June 30, 2025 at Canaan Valley Resort State Park to provide information and answer questions on air quality issues relevant to this permit application. Additionally, the legal advertisement notified the public that the DAQ was going to hold a virtual public meeting to accept oral comments relevant to this permit application on July 17, 2025. Instructions on how to register for both meetings were provided in the public notice. The public advertisement was a Class I Legal Advertisements that ran in *The Parsons Advocate*, a newspaper of general circulation in Tucker County. On June 30, 2025, the DAQ held a public meeting for permit application R13-3713 to provide information and to answer questions. The public meeting included DAQ staff engaging directly with the public for approximately five hours. The presentation provided at the public meeting can be accessed on the WVDEP AppEnhancer (AE) website.

The DAQ also held a virtual public meeting on July 17, 2025 to accept oral comments regarding this permitting action. A full recording of the public meeting can also be accessed on the WVDEP AE website and at the following web link:

A video of the virtual public meeting to accept oral comments can be found at the following web link:

<https://drive.google.com/file/d/1PYO-Dd7NPbHQa3fgihBBcH5Xt5t1dOgC/view>

The DAQ also received requests to extend the 30-day open comment period. These requests were considered and the DAQ determined the public comment period would not be extended. This decision was based on the extensive information provided at the June 30, 2025 public meeting, the public knowledge of the proposed facility due to multiple local, state-wide, and national media reports, in addition to other local meetings where the potential facility was discussed. There is no evidence to support the contention the public was not aware of the permitting action, has not had sufficient time to provide comments on the proposed facility, to provide comments on the DAQ documents provided at the beginning of the formal public comment period, or did not have a reasonable amount of time to provide comments on the basis of the information provided at the public meeting. Therefore, to facilitate the timely processing of the permit application and to make every reasonable effort to meet DAQ statutory obligations, the public comment period was not extended. This was relayed to the requesters via email, DEP AE website, DAQ website, and to those in attendance at the July 17, 2025 virtual public meeting.

## **OVERVIEW OF COMMENTS RECEIVED**

From the date of Fundamental's notice of application (March 26, 2025) until the conclusion of the public comment period which was July 18, 2025, the DAQ received 1,605 written comments and 18 oral comments provided at the July 17, 2025 virtual meeting from various individuals and organizations concerning the proposed facility. This number is inclusive of multiple or duplicate comments made by the same individuals or organizations given as both submitted written comments and orally at the public meeting. A list of persons who submitted written comments is included as Appendix A to this document. The actual comments received are available on the DAQ's website. A list of attendees at the June 30, 2025 public meeting is included as Appendix B, and a list of attendees at the July 17, 2025 virtual meeting is included as Appendix C.

Organizations that submitted comments in response to this permitting action include Tucker United, WV Surface Owners' Rights Organization, WV Highlands Conservancy, Allegheny-Blue Ridge Alliance, Friends of the Cheat, WV Rivers Coalition, Appalachian Mountain Advocates, The Downstream Project, Greenbrier River Watershed Association, National Parks Conservation Association, Potomac Valley Audubon Society, Project Middleway, WV Environmental Council, WV Land Trust, WV Chapter of the Sierra Club, Friends of the 500 Canaan Valley National Wildlife Refuge, Pocahontas CVB, West Virginia Manufacturer's Association, and Friends of Blackwater. As over 1,600 written comments were received, this list may not be inclusive of all organizations, however, all comments are available on the DAQ's website.

Most public comments were against the issuance of the permit. The few generally supportive comments referenced the potential positive economic impacts of the proposed facility while many of the non-technical comments that were explicitly non-supportive expressed concern over the potential environmental or other detrimental impacts of the facility without providing a technical or regulatory basis for a reconsideration of the DAQ's preliminary determination. Specific technical and regulatory questions/comments were also submitted. Additional comments were given and questions asked during the two public meetings. Pursuant to §45-13-8.8, all submitted comments received during the public comment period have been reviewed and are

appropriately addressed in this document. It is also noted that additional comments were received at the conclusion of the public comment period.

## ORGANIZATION OF COMMENT RESPONSE

The DAQ's response to the submitted comments includes both a general and specific response section. The General Response to Comments include all comments received by the DAQ prior to the June 30, 2025 public meeting. Due to the fact that the bulk of the comments were generated by an online program and/or were repetitive in nature, the majority of the responses are addressed in the General Response to Comments section and are organized in topic groups. The General Response to Comments section defines issues over which the DAQ has authority and by contrast, identifies those issues that are beyond the purview of the DAQ. The general response also describes the statutory basis for the issuance/denial of a permit, DAQ Compliance/Enforcement Procedures, details of the current status of the ambient air quality in Tucker County and how that is determined. The Specific Response to Comment section provides each relevant comment that was not addressed in the General Response to Comment section, was received after the June 30, 2025 public meeting, falls within the purview of the DAQ and was not addressed in a similar response.

Due to the size and number of comments, this document ***does not*** reproduce all comments here. This document groups the topics by subject matter and provides a response to each grouping. For a complete understanding of all submitted comments, please see the original documents available on the DAQ's website. Both the written comments and, as noted above, documents provided at the public meeting are available on the DEP AE website. The DAQ responses, however, are directed to the entire comments and not just to what is summarized in this document. Comments that are not directly identified and responded to were determined to be covered by a similar comment, not relevant to the Fundamental application, or not an air quality-related issue.

## GENERAL RESPONSE TO COMMENTS

### Statutory Authority of the DAQ

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

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

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

economic viability of proposed product, strategic energy issues, non-air quality environmental impacts, noise pollution, light pollution, tourism, road traffic, nuisance issues, water issues, etc. Beyond the DAQ's position that the code does not grant us the authority to take into consideration such issues, it is also self-evident that these issues are beyond the expertise of the DAQ and that most are regulated by other bodies with the mandates and expertise to do so.

### **Statutory Basis for Permit Denial**

Pursuant to §22-5-4 ("Powers and duties of director; and legal services; rules"), the DAQ is authorized:

To promulgate legislative rules . . . providing for . . . [p]rocedures and requirements for permit applications, transfers and modifications and the review thereof;

This authorization is effected under WV Legislative Rule 45 CSR 13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation." Pursuant to §45-13-5.7, the DAQ shall issue a permit unless:

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

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

The air quality issues evaluated relating to Fundamental's proposed construction are outlined in the DAQ's EE/FS made public on June 18, 2025. The issues covered under that document represent the extent of the substantive air quality issues over which the DAQ has authority to evaluate under 45 CSR 13 and the APCA as relating to Fundamental's Permit Application R13-3713.

### **DAQ Compliance/Enforcement (C/E) Procedures**

It is important to note that the DAQ permitting process is but one part of a system that works to meet the intent of the APCA in WV. The DAQ maintains a C/E Section, an Air Monitoring Section, a Planning Section, *etc.* to accomplish this. Most pertinent to the permitting process, the C/E Section regularly inspects permitted sources to determine the compliance status of the facility including compliance with all testing, monitoring, recordkeeping, and reporting requirements. These inspections are scheduled by the C/E section taking into consideration such issues as the size and compliance history of the source, resource management and inspector workloads, and program applicability.

When inspecting a facility, the inspectors will, in addition to visually inspecting the facility, generally review all required certified recordkeeping to determine compliance with required monitoring. When violations are discovered, the C/E Section has the authority to issue a Notice of Violation (NOV) and a Cease and Desist Order (C&D) to compel facilities to stop operating the equipment/process responsible for the violation. Finally, a negotiated Consent Order may be entered into between the DAQ and the violator that establishes a finding of facts, a path back into compliance for the violator, and often includes a monetary penalty as determined on a case-by-case basis.

Additionally, the C/E Section investigates citizen complaints directed against a facility, reviews monitoring reports submitted to the DAQ (again with the authority to issue violations based on the submitted reports), reviews performance test protocols submitted to the DAQ, and will often observe performance tests at the facility site. All records and documents submitted to the DAQ for compliance purposes must be certified as accurate (and subject to criminal penalties if knowingly inaccurate) by a properly designated “responsible official”. All of these documents (including C/E documents such as NOVs, C&Ds, and COs) when in final form, and minus any confidential information, are available to the public via a FOIA request (for older documents) or (for new facilities) are available on the DEP AE website.

### **Ambient Air Quality of Tucker County**

The quality of the air of a defined local area, in this case for Tucker County, is determined by its status with respect to the National Ambient Air Quality Standards (NAAQS). The Clean Air Act (CAA), which was last amended in 1990, requires the Environmental Protection Agency (EPA) to set NAAQS for pollutants considered harmful to public health and the environment. The CAA establishes two types of national air quality standards. Primary standards establish limits to protect public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Secondary standards establish limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation and buildings. The EPA Office of Air Quality Planning and Standards (OAQPS) has set NAAQS for six principal pollutants, which are called criteria pollutants: Carbon Monoxide (CO), Lead (Pb), Oxides of Nitrogen (NO<sub>x</sub>), Ozone, Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and Sulfur Dioxide (SO<sub>2</sub>). The standards are listed at:

<https://www.epa.gov/criteria-air-pollutants/naaqs-table>

Counties that are known to be violating these standards, for specific pollutants, designated by the EPA as in “non-attainment” with the NAAQS. Counties that are not known to be violating these standards are, for specific pollutants, designated by the EPA as in “attainment/unclassifiable” with respect to the NAAQS. It is important to note while some counties have no on-site air monitoring, EPA will still designate these areas as in “attainment/unclassifiable” based on a variety of submitted data. These areas are still properly called “attainment areas.” Fundamental’s turbine power facility is proposed to be located in Tucker County, WV, which has not been designated as “non-attainment” or as “unclassifiable” and is, therefore, designated as an attainment area.

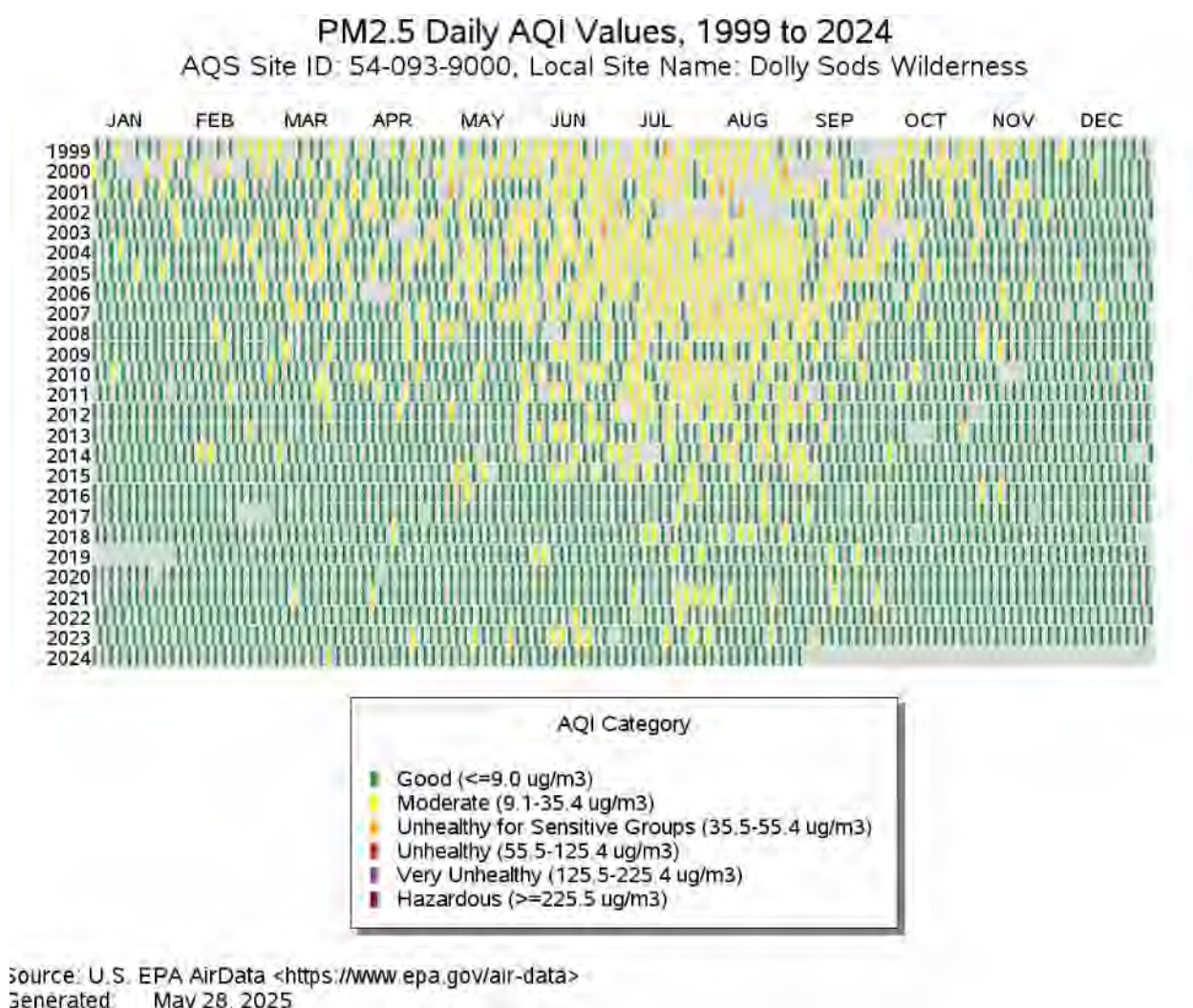
Numerous factors are involved in selecting air monitoring site locations. The ambient air monitoring the DAQ conducts is designed to help assess compliance with federal NAAQS, thereby, protecting air quality throughout the state. Currently, the DAQ operates 14 ambient air monitoring stations located throughout the state, under an air monitoring network plan approved by the EPA. The EPA reviews the monitoring plan to ensure the agency meets the obligations of the air monitoring program. The air monitoring sites are typically located to assess air quality levels based on population exposure, and industry emissions to determine compliance with the NAAQS and background levels. Monitoring equipment and analysis methods must meet Federal Reference Method (FRM) or Federal Equivalent Method (FEM) standards, as well as undergo extensive quality assurance measures, to generate legally defensible data. For sites with both PM<sub>2.5</sub> FRM and FEM monitors EPA may use both data sets for NAAQS determination. It should be noted that regardless of air monitoring site placement, air quality statutes, rules and regulations are implemented across the state.

The federal NAAQS are established for pollutants considered harmful to public health and the environment. The CAA identifies two types of NAAQS. Primary standards provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. Therefore, meeting NAAQS for ambient air quality means that these health and welfare thresholds are being met.

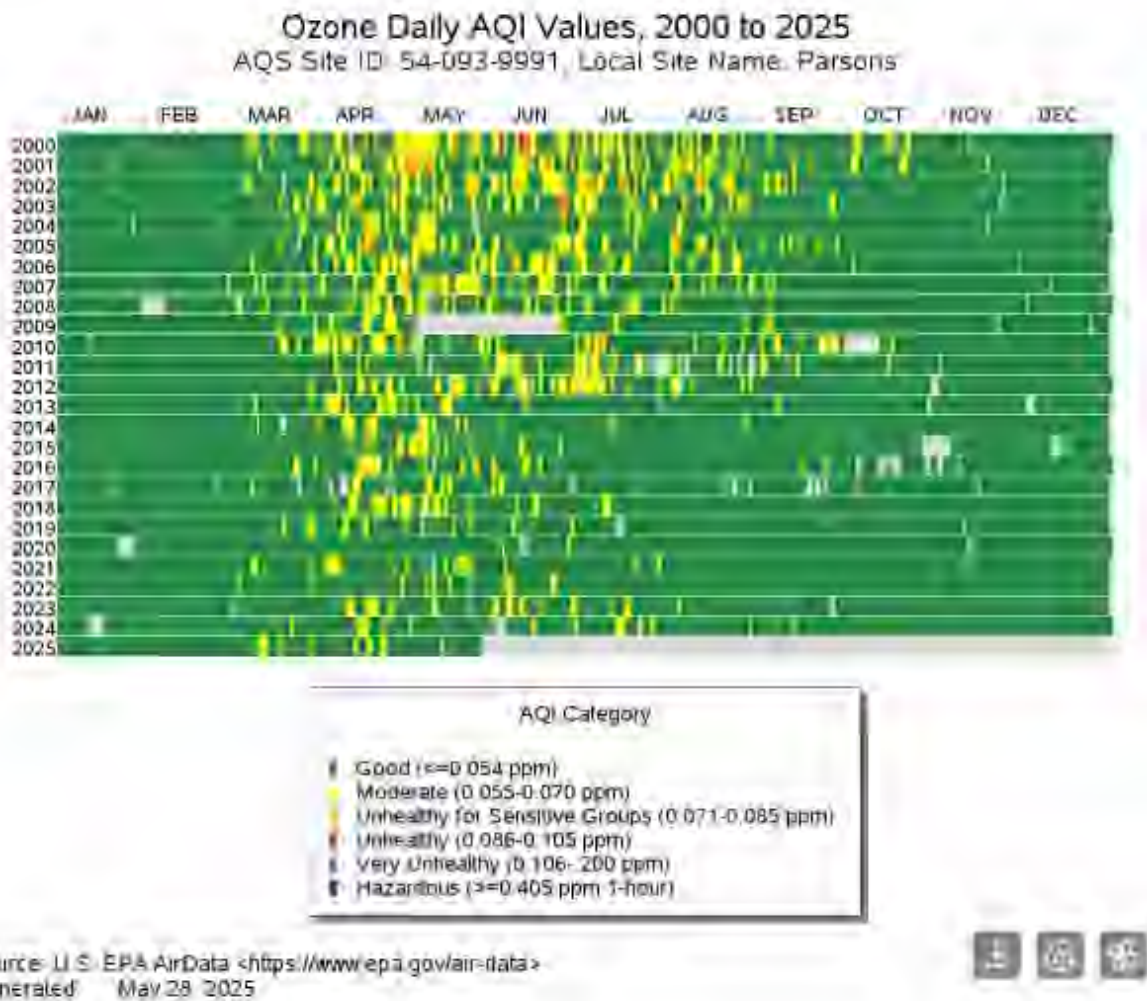
Locating a monitor in more rural areas is a challenge due to logistics in lack of power supply, lack of property to place a monitor, and lack of adequate resources to operate and maintain the equipment.

There are two air monitoring sites located in Tucker County. There is a PM<sub>2.5</sub> air monitoring site located in Dolly Sods and an ozone air monitoring site located in Parsons.

The Dolly Sods Wilderness Interagency Monitoring of Protective Visual Environments (IMPROVE) site is approximately 5 miles from Thomas and has data available for PM<sub>2.5</sub> from 1999 to August 2024. The PM<sub>2.5</sub> values are well within the NAAQS limits. This site continues to monitor for speciation particle data and the results can be found here: <https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors>.



The Parsons Clean Air Status and Trends Network (CASTNET) site is approximately 10 miles from Thomas and is a national monitoring network established to assess trends in pollutant concentrations, atmospheric deposition, and ecological effects due to changes in air pollutant emissions. This site has monitored for ozone since 1990. Ozone data from this site can be seen on [www.AirNow.gov](http://www.AirNow.gov) during WV's ozone air monitoring season (March 1 - October 31). The CASTNET webpage contains a dashboard of information on ozone, nitrogen deposition, and sulfur deposition. This data can be found at [https://awsedap.epa.gov/public/single/?appid=83e9b212-b453-4bf6-9358-fccf04d2fd93&sheet=805175f4-9ebc-48fc-9f37-349095bc25f6&opt=cursel%2ctxmenu&select=SITE\\_ID,PAR107](https://awsedap.epa.gov/public/single/?appid=83e9b212-b453-4bf6-9358-fccf04d2fd93&sheet=805175f4-9ebc-48fc-9f37-349095bc25f6&opt=cursel%2ctxmenu&select=SITE_ID,PAR107).



The DAQ's statewide air program requires that facilities obtain permits with emission limits on air pollutants that meet state and federal emissions standards. Permitted emission limits are established so that no single facility is allowed to cause or contribute to a violation of NAAQS. This approach also establishes a framework in which aggregate emissions from multiple facilities do not exceed NAAQS. Even in the unfortunate circumstance of a violation of an emission limit at a facility, a NAAQS violation typically does not occur. The DAQ's permits incorporate ongoing parametric monitoring of process conditions to determine if the permitted emissions limits are being met. Compliance determinations with emission limits are made by reviewing records of facilities to determine if production limits are within the permitted range; review of records of control equipment operation; and opacity observations during inspection of the facility. Control equipment is also reviewed during inspections to determine if it is operational and in good operating condition.

### **Confidential Business Information (CBI)**

Fundamental's permit application included information that was claimed to be CBI submitted under 45 CSR 31. Therefore, both a CBI and redacted version of the application were submitted. Fundamental provided all CBI under the requirements of 45 CSR 31, which is the DAQ regulation that establishes the requirements for claiming information submitted to the DAQ as confidential and the procedures for determinations of confidentiality in accordance with the provisions of W. Va. Code §22-5-10.

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

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

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

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

defined under 45CSR§31-2.4, the DAQ’s legislative rule entitled “Confidential Information,” and thus what information may not be claimed confidential in accordance with 45CSR§31-6.

The aforementioned public comments received during the Notice of Application comment period triggered a review of the CBI claims by the DEP’s Office of the General Counsel (OGC). A letter dated April 25, 2025, from the OGC was issued to Fundamental that stated that the information claimed as CBI *may* not qualify for such designation as it falls under the definition of “Types and Amounts of Pollutants Discharged” as excluded under §45-31-6 as defined under §45-31-2.4 (and further defined under 45 CSR 31B). This letter was made available to the public on the DEP AE website at that time. There was also concern that the claimed CBI *may* not meet the eligibility requirements under §45-31-4.1(b) and 4.1(c). The letter requested further justification that the information claimed as CBI is not defined as “Types and Amounts of Pollutants Discharged” and also does not conflict with the eligibility requirements of §45-31-4.1(b) and 4.1(c). The letter requested a written response within 15 days.

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

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

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

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

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

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

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

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

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

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

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

Table 1.0: Combustion Turbines (Aggregate Heat Input Limitations (§45-31B-2.1).

4.1.2, 4.2.1, 4.4.2: Combustion Turbines (Aggregate Heat Input Limitations (§45-31B-2.1). Monitoring of operation type, startup/shutdown events, and hours of operation on a daily basis is required.

4.1.3, 4.2.1: Aggregate and categorized (fuel type) hourly combustion turbines emission limitations (§45-31B-2.1, 2.2, 2.4, 2.5). Monitoring of operation type, startup/shutdown events, and hours of operation on a daily basis is required.

4.1.5, 4.2.1, 4.4.1: Aggregate and categorized (fuel type) annual combustion turbines emission limitations (§45-31B-2.1, 2.2, 2.4, 2.5). Monitoring of operation type, startup/shutdown events, and hours of operation on a daily basis is required.

4.1.8, 4.2.2, 4.4.1: Aggregate and categorized (fuel type) operating parameters (§45-31B-2.1, 2.2, 2.4, 2.5). Monitoring of maximum natural gas hourly fuel consumption, diesel fuel hourly consumption, and diesel fuel sulfur content on a daily basis is required.

4.1.9, 4.2.1, 4.4.1: Emissions monitoring of the combustion turbines to validate emissions data (§45-31B-2.1, 2.2, 2.4).

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

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

### **Facility Purpose**

Commenters inquired as to the purpose of the facility. Fundamental submitted the air permit application for a turbine power facility. The air quality issues evaluated relating to Fundamental's proposed construction are outlined in the DAQ's EE/FS made public on June 18, 2025. The issues covered under that document represent the extent of the substantive air quality issues over which the DAQ has authority to evaluate under 45 CSR 13 and the APCA as relating to Fundamental's Permit Application R13-3713. The DAQ does not have authority to regulate how the power is utilized. Depending on how power is ultimately utilized, Fundamental shall comply with all applicable provisions of 45 CSR 33 (Acid Rain Provisions and Permits), 40 CFR 60 Subpart TTTTa (Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units), 40 CFR 72 (Permits Regulation – Acid Rain Program), and 40 CFR 97 Subpart DDDDD (Federal NO<sub>x</sub> Budget Trading Program, CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs, CSAPR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs, and Texas SO<sub>2</sub> Trading Program). These potentially applicable regulations are included in permit condition 4.1.19.

### **Data Centers**

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

Furthermore, the actual server farms, which are the large amount of computing devices at the core of any data center, produce no air emissions and would not be designated as stationary sources of air emissions and therefore, would not need an air permit. However, most data centers currently in the United States are powered from public utilities and need large banks of diesel generators available to provide emergency power in case of an outage of the power grid. In these situations, the diesel generators need to be permitted even though they only operate rarely during loss of grid power. This is because they need to be tested regularly. However, for any data center proposed to receive power from a facility like the one Fundamental has proposed, it is possible

that these large banks of diesel generators may not be needed as the power would not be received from a public utility. To restate, Permit R13-3713 does not include any data center operations at the power facility.

### **House Bill 2014 (HB 2014)**

Commenters stated their concern of HB 2014 and its impact on their area due to this facility. It is important to note that HB 2014 does not impact the 45 CSR 13 permitting process. HB 2014 known as the “Power Generation and Consumption Act of 2025” established the Certified Microgrid Program under the Division of Economic Development to encourage the continued development, construction, operation, maintenance, and expansion in West Virginia of high impact industrial plants and facilities, in certain circumstances where the availability of electricity generated from renewable sources is demonstrated to be necessary. HB 2014 also allows for the certification of high impact data centers, prohibits certain tax arrangements, and provides special valuation for these properties. HB 2014 also states the standards for certifying microgrid districts while highlighting the significance of data centers for economic growth and national security. HB 2014 also creates the Electric Grid Stabilization and Security Fund to establish regulations for certified microgrid districts and high impact data centers.

As stated above, Permit R13-3713 does not include a data center and was not definitive on the ultimate end user of the power that will be generated from the proposed site. Additionally, HB 2014 does not impact the 45 CSR 13 air permitting process.

### **PurpleAir Sensors**

Commenters stated they are utilizing PurpleAir Sensors to track the Canadian fire winds and determined that the fire winds were trapped in their valley for several days and made a speculative comparison to the potential emissions from the proposed Fundamental facility.

As indicated in the section above regarding the Ambient Air Quality of Tucker County, in-depth data from air monitoring sites provide valuable information regarding the air quality of the area. The DAQ’s Air Monitoring Section is dedicated to monitoring the air in West Virginia and includes field monitoring operations and data processing units. The Air Monitoring Section operates ambient air quality sampling sites throughout West Virginia. The sampling sites are located to assess air quality levels based on population exposure, and industry emissions to determine compliance with the NAAQS, background levels, and other special purposes. Nearly all air quality monitoring equipment is located at permanent sites, in buildings or shelters designed for monitoring purposes. Using an air monitor that has not been through the proper site location and operational processes would provide inaccurate data due to no quality control and chain of custody issues, which would result in legal issues with the resultant data.

The monitoring network is reviewed annually and revised as necessary to accommodate changing federal requirements. The data collected is used by the DAQ to implement programs to attain NAAQS for criteria pollutants. Air quality data collected by the air monitoring section is validated before being submitted to the EPA Air Quality Subsystem (AQS) national database. After EPA also reviews the data, it is posted to the public site and is available for public use. Calendar-year data is certified each year by May 1st of the following year. Additionally, during

ozone season (March 1 - October 31), data is submitted several times a day to EPA's AIRNOW Ozone Mapping Project where it is available on the Internet.

Air quality data collected at outdoor monitors across the United States, including in West Virginia, can be downloaded from <https://www.epa.gov/outdoor-air-quality-data>

### **Particulate Matter less than 2.5 Microns in Diameter (PM<sub>2.5</sub>)**

Commenters stated concern about PM<sub>2.5</sub> emission values. As stated above in regard to the Ambient Air Quality of Tucker County, the Dolly Sods Wilderness IMPROVE site is located approximately 5 miles from Thomas and has data available for PM<sub>2.5</sub> from 1999 to August 2024. The PM<sub>2.5</sub> values are well within the NAAQS limits. Please see the information under that topic for more detailed information.

### **Facility Emissions**

Commenters inquired about the emissions associated with the facility and how the values were estimated. The sources of air emissions, facility-wide emission totals, and rationale for emission estimates can be found in the R13-3713 EE/FS in the ESTIMATE OF EMISSIONS BY REVIEWING ENGINEER section. As noted in the Specific Response to Comments section, there was an error in the EE/FS calculation methodology table. The permit application utilized manufacturer data for formaldehyde emissions when combusting natural gas instead of AP-42 as stated.

### **Greenhouse Gas (GHG) Emissions**

Commenters expressed concern regarding GHG emissions and their impact on the nearby area. Pursuant to §45-13.2.24.b, 45 CSR 13 specifically excludes GHGs from the emission thresholds that are used to define a “stationary source”. As noted above, the proposed Fundamental facility has been determined to meet the definition of a minor stationary source based on the PTE of the criteria pollutants. Without a state or federal statutory basis or any relevant state or federal air quality standards, the DAQ does not require minor stationary sources to quantify emissions GHGs or propose or implement a GHG control strategy.

It is also important to note that on June 23, 2014, in *Utility Air Regulatory Group v. EPA*, the Supreme Court of the United States (SCOTUS) ruled that GHGs alone could no longer define a source as a “major stationary source” for the purposes of triggering Prevention of Significant Deterioration (PSD) review. This ruling effectively removed the requirement for the applicant to quantify the PTE of GHGs in minor source permit applications. The only exception to this is a voluntary request to limit the emissions of GHGs to levels that would maintain the facility at minor source levels for GHGs under 45 CSR 14 if another pollutant had already triggered major source status.

### **Ammonia (NH<sub>3</sub>) Emissions**

Commenters expressed concern regarding ammonia emissions at the facility. As part of the air pollution control device for the combustion turbines, selective catalytic reduction and an oxidation catalyst will be utilized. This requires the introduction of an aqueous ammonia (19 %) solution upstream of the catalysts. In regards to ammonia, it is important to note the following:

- Ammonia has no NAAQS that has been established for the compound;
- Ammonia is not defined as a Hazardous Air Pollutant (HAP);
- There are no emission thresholds of ammonia that would define a facility as a major source under either New Source Review (NSR) or Title V regulations; and
- Ammonia is not defined as a regulated pollutant under WV Legislative Rule 45 CSR 13 (§45-13-2.20).

Based on the above, the DAQ does not require potential ammonia emissions to be quantified and included in the facility's PTE and does not require ammonia emissions mitigation requirements. However, the DAQ will, using the authority under WV Legislative Rule 45 CSR 4 - "To Prevent and Control the Discharge of Air Pollutants Into the Open Air Which Causes or Contributes to and Objectionable Odor or Odors", respond to complaints involving objectionable odors from ammonia if confirmed while the facility is operating, and may require mitigation at that time to reduce the odor potential of the ammonia source. An objectionable odor must be determined by the DAQ in the course of an inspection or investigation of an actual odor, and is possible to prove quantitatively, pursuant to 45 CSR 4, that an objectionable odor will be present before a facility is in operation. In addition, concerns (acute irritation, explosion risk, etc.) over the effects of ammonia handling and storage within the plant boundary are beyond the authority of the DAQ to regulate (see Statutory Authority of the DAQ above).

The permit does require Fundamental within 180 days of startup to determine the optimal injection rate of aqueous ammonia into each SCR for each fuel type and then operate the SCR at the determined optimal injection rate. Monitoring and recordkeeping requirements associated with the injection rate are required.

### **Turbine Operating Hours**

Commenters expressed concern surrounding the operating hours of the combustion turbines. Fundamental has requested annual operating limits to avoid designation as a PSD and/or Title V facility. There was a question that the hourly operational values included with the permit application exceeded 8,760 hours per year. The hourly values that were referenced would pertain to all turbines at the facility and not just a singular unit. Therefore, the values presented in the permit application would exceed 8,760 hours per year, as they are an aggregate limit. These values were provided for illustrative purposes to represent the potential emissions from the facility while combusting natural gas and/or diesel exclusively under operational limitations to remain below PSD and Title V permitting thresholds. The hourly values are represented for each fuel source and indicate the worst case operating hours when combusting either fuel on a continuous twelve month basis and does not take into account that the facility intends to utilize diesel as a backup fuel source.

The permit requires that the operating hours of each combustion turbine/HRSG, the throughput of each type of fuel, and operation type (steady state or startup/shutdown) be continuously monitored and recorded. Additionally, Fundamental will be required to keep records of the total number of hours each combustion turbine/HRSG uses natural gas as a fuel and the total number of hours each combustion turbine/HRSG uses diesel as a fuel. The 12-month rolling sum of emissions will be calculated monthly. Natural gas and diesel fuel meters shall be installed on

each combustion turbine/HSRG. Operational hour meters shall be installed on each combustion turbine/HSRG.

Fundamental has proposed to be permitted as a synthetic minor facility. Fundamental may operate using any combination of natural gas and diesel such that they restrict the total hours of operation as needed to remain under the permitted minor source thresholds. Fundamental will keep records of the total hours of operation for each turbine, including the total number of hours each turbine uses natural gas as a fuel and the total number of hours each turbine uses diesel as a fuel. Fundamental will keep rolling 12-month emission calculations to ensure their emissions remain below any major source thresholds.

If combusting natural gas exclusively during a consecutive twelve-month rolling total, the maximum number of hours the aggregate combustion turbines/HRSG may operate is 61,320 hours per year. A twelve-month rolling total shall mean the sum of operating hours at any given time during the previous twelve consecutive calendar months.

If combusting diesel exclusively during a consecutive twelve-month rolling total, the maximum number of hours the aggregate combustion turbines/HRSG may operate is 25,000 hours per year. A twelve-month rolling total shall mean the sum of operating hours at any given time during the previous twelve consecutive calendar months. However, permit condition 4.1.15 does establish a maximum aggregate annual diesel throughput of the storage tanks (TK1, TK2, TK3) to 15,000,000 gallons per year.

### **Carbon Monoxide (CO) Catalyst System**

Commenters expressed concern about the CO catalyst system utilized on the combustion turbines and their operation. The turbines are equipped with a CO catalyst system to reduce CO emissions. An oxidation catalyst functions by facilitating chemical reactions. The oxidation process occurs as exhaust gases flow through the catalyst which converts CO and hydrocarbons into CO<sub>2</sub> and H<sub>2</sub>O. In addition to the aforementioned emissions reductions, oxidation catalysts improve fuel efficiency which results in a reduction of particulates.

### **Above Ground Storage Tanks**

Commenters expressed concern about the above ground diesel storage tanks, including emissions and safety issues. This permit does allow 3 above ground diesel storage tanks with a nominal capacity (working volume) of 10 million gallons each. The aggregate maximum annual throughput for all 3 tanks will be 15 million gallons, which represents an estimated tank turnover rate of 0.5 each per year per tank. The potential emissions for the 3 – 10-million-gallon diesel storage tanks include the losses from working, standing, rim seal, and deck fittings. It has been assumed that the tank rim vents will be open and utilize weighted mechanical actuation, with gasketed rim vents. The hourly emissions have been averaged over 8,760 hours per year. Due to the very low vapor pressure of diesel fuel (0.005 psia), the emissions associated with the diesel fuel tanks are low. The applicant conservatively estimated that all diesel fuel tank emissions are being counted as HAPs. EPA TANKS 5.1 allows users to enter specific information about a storage tank (dimensions, construction, paint condition, etc.), the liquid contents (chemical components and liquid temperature), and the meteorological conditions and location of the tank (nearest city, ambient temperature, etc.) to generate an air emissions report. Report features include estimates of monthly, annual, or partial year emissions for each chemical or mixture of

chemicals stored in the tank. The closest meteorological location available in EPA TANKS 5.1 that was used was Elkins. As stated above, due to the very low vapor pressure of diesel fuel, the emissions associated with the diesel fuel tanks are low. The resultant emissions of VOCs and HAPs are estimated to be 0.10 tons per year (actual value 0.08513 tons per year).

Due to the vast concern from commenters regarding the utilization of the meteorological data from Elkins, and even though the vapor pressure of these tanks are very low, the DAQ took additional steps to satisfy these concerns. EPA TANKS 5.1 does allow for the customization of weather data. DAQ entered the atmospheric pressure, average minimum and maximum monthly temperatures, and average monthly wind speeds for Thomas into the emission estimation software model to recalculate the emissions. Upon doing this, the resultant emissions of VOCs and HAPs were estimated to have an actual value of 0.08366 tons per year. Therefore, utilizing the meteorological data from Thomas in place of Elkins resulted in a decrease of 0.00147 tons per year of VOC and HAP emissions. Additionally, DAQ also estimated the diesel storage tank emissions using Bryan Research & Engineering, LLC ProMax 5.0 (ProMax). ProMax is a versatile process simulation software package that is used to simulate and optimize various processes in the oil and gas, refining, chemical, and sustainable energy sectors. Based upon storage tank data, diesel throughput values, and Thomas, WV weather data, the predicted total VOC emissions for the 3 diesel storage tanks was 0.01233 tons per year, which is less than the values predicted by EPA TANKS 5.1 using either Elkins or Thomas meteorological data. Therefore, the storage tank emission estimates used by Fundamental in permit application R13-3713 were deemed appropriate.

There were questions from commenters on the “shelf-life” of diesel fuel. This information is not part of the permit application process and has no effect on the emissions associated with the facility, nor permit conditions 4.1.15 and 4.1.16 which regulates the maximum annual throughput. Any diesel fuel that would be required to be combusted in the turbines as part of the “shelf-life” issue would be regulated as part of the emission limitations in permit conditions 4.1.3 - 4.1.5 and the annual operational limitations in permit condition 4.1.9.

Commenters also inquired as to the “burn rate” of the diesel fuel. It is assumed that by “burn rate”, the commenters are referring to the fuel consumption associated with the combustion turbines. Permit condition 4.1.8 establishes a maximum hourly diesel fuel consumption rate of 32,872 gallons per hour. However, the maximum annual throughput of diesel fuel to the storage tanks shall not exceed 15 million gallons per year, as shown in permit condition 4.1.15.

There were also comments regarding diesel fuel leaks. The DAQ does not have statutory authority for diesel fuel leaks. Storage tank design and containment does not fall under the authority of the DAQ. The Aboveground Storage Tank Act can be found under WV Code Chapter 22 Article 30 or at the following weblink:

<https://dep.wv.gov/WWE/ee/tanks/abovegroundstoragetanks/Pages/default.aspx>

### **Meteorological Conditions Used in Estimating Emissions**

Commenters state that meteorological conditions from Elkins were used in estimating the emissions from the facility. As stated above under the Above Ground Storage Tank section,

Fundamental did estimate their emissions for the above ground diesel storage tanks utilizing EPA TANKS 5.1. A detailed description on how that was performed can be found there. Furthermore, that section also includes a detailed discussion on additional emissions investigations performed by the DAQ utilizing Thomas, WV weather data in EPA TANKS 5.1 and ProMax.

Fundamental **did not** use meteorological data from Elkins for their combustion turbines as the commenters have stated. The correct location data for the site was utilized for the combustion turbines.

### **Diesel Unloading**

Commenters questioned the diesel unloading at the facility. There will also be potential emissions associated with the truck loading of the 3 – 10-million-gallon diesel storage tanks. The estimated aggregate annual total throughput to the diesel tanks is 15 million gallons per year. AP-42, *Compilation of Air Pollutant Emissions Factors from Stationary Sources*, has been published since 1972 as the primary compilation of EPA's emissions factor information. It contains emissions factors and process information for more than 200 air pollution source categories. A source category is a specific industry sector or group of similar emitting sources. The emissions factors have been developed and compiled from source test data, material balance studies, and engineering estimates. Chapter 5.2 for Transportation and Marketing of Petroleum Liquids is a standard that is commonly utilized to estimate the potential evaporation loss associated with tank truck unloading.

The formula that is utilized to calculate the loading loss emission factor utilizes the type of loading performed, otherwise known as the saturation factor, the true vapor pressure of the liquid loaded (psia), the molecular weight (lb-lb/mol) and the temperature (°R). Due to the very low vapor pressure, the emissions associated with the diesel fuel tanks will only contain very small amounts of HAPs. Utilizing this widely accepted method for estimating truck loading emissions, results in annual VOC and Total HAP emissions of 0.17 tons per year, respectively. The emission calculations were based on no emission control devices being utilized on the diesel storage tanks, due to the very low vapor pressure associated with these tanks. However, permit condition 4.1.16 requires Fundamental to have an impermeable barrier over the entire surface of the liquids and secured in a closed sealed position except during additions and inspections.

Commenters stated there were possible discrepancies between maximum annual diesel throughput and maximum annual diesel usage. Fundamental intends to operate the combustion turbines solely utilizing natural gas as fuel. However, there are instances when the combustion turbines may be required to utilize diesel as a backup fuel source, such as during a natural gas pipeline failure. Specifically, page 46 of the permit application, which is part of the emission unit data sheet for the storage tanks, Item 13A on this page represents the maximum annual throughput for all diesel storage tanks that Fundamental has proposed as a backup fuel source, which is 15 million gallons per year. Fundamental will be limited to 15 million gallons per year on a twelve month rolling basis. As stated in the permit application, Fundamental has proposed that this facility be designated as a synthetic minor source, therefore, the regulated pollutant emissions shall be less than 100 tons per year. Pages 57 and 58 of the permit application are provided for illustrative purposes to represent the potential emissions from the facility while combusting natural gas and/or diesel under operational limitations to remain below PSD and

Title V permitting thresholds. The hourly operational values are presented for each fuel source and indicate the worst case operating hours when combusting either fuel on a continuous twelve month basis and does not take into account that the facility intends to utilize diesel as a backup fuel source. The values found on pages 46 and 58 of the permit application are provided for two different purposes and are not contradictory as the question suggests.

### **Hazardous Air Pollutants (HAPs)**

Commenters questioned the HAP emissions at the facility and how they were estimated. This facility is a minor source of HAPs. HAP emissions are attributed to the combustion turbines (9.33 tons per year), diesel storage tanks (0.10 tons per year), and diesel truck unloading emissions (0.17 tons per year). In order to be classified as a minor source of HAPs, an individual HAP must be less than 10 tons per year and aggregate HAPs must be less than 25 tons per year. The highest emission of an individual HAP at the facility has been identified as formaldehyde when combusting natural gas with an estimated emission rate of 3.86 tons per year and manganese when combusting diesel fuel with an estimated emission rate of 4.45 tons per year. As shown, both the largest individual HAP and aggregate HAP emission rate are below major source thresholds. It should be noted that being a major source of HAPs would only result in a facility being a major Title V source, and has no effect on a facility's PSD status. The permit application utilized manufacturer data for the formaldehyde emissions associated with the combustion turbines when firing natural gas and AP-42 was used when firing diesel. The table on page 9 of the Draft EE/FS does contain an error and incorrectly listed that all HAPS utilized AP-42 as part of the emission calculations. This error has been recognized in the Final Determination document in the EE/FS Errata section. Due to the concern surrounding the formaldehyde emissions and the differences experienced between using the manufacturer data and the potential Title V major source status when using AP-42, a permit condition has been added to the permit which will require Fundamental to conduct an initial performance test to ensure compliance with the hourly formaldehyde value when combusting natural gas.

An explanation of the non-criteria regulated pollutants can be found in the EE/FS under ANALYSIS OF NON-CRITERIA REGULATED POLLUTANTS and the REGULATORY APPLICABILITY sections.

### **Equipment Leaks - Fugitive Emissions**

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

### **Pollutant Harm - Health Conditions**

Commenters expressed concern about the potential negative health effects from the proposed facility, including regulated and hazardous air pollutants.

It is the public policy of this state, and the purpose of Article 5 (Air Pollution Control Act) of the West Virginia Code, to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state and facilitate the enjoyment of the natural attractions of this state.

The proposed facility meets all applicable rules and regulations as outlined in the EE/FS REGULATORY DISCUSSION section. These rules and regulations contain emission standards established by the DAQ and the EPA that EPA has determined to be protective of human health, including for sensitive populations. Pursuant to §45-13-5.7, the DAQ shall issue a permit unless a determination is made that the proposed construction, modification, registration or relocation will violate applicable emission standards, will interfere with attainment or maintenance of an applicable ambient air quality standard, cause or contribute to a violation of an applicable air quality increment, or be inconsistent with the intent and purpose of this rule or W. Va. Code §22-5-1 et seq., in which case an order denying such construction, modification, relocation and operation shall be issued. Therefore, all air permit applications must be reviewed to determine if all applicable standards are met. As stated previously, Tucker County is in attainment with the NAAQS. An in-depth discussion can be found in the General Response to Comments - Ambient Air Quality of Tucker County section.

### **Pollutant Effect on Animals (Bats, Salamanders, Endangered Species)**

Commenters expressed concern regarding the effects of this facility on specific species of animal life present in the area. The CAA requires the EPA to establish NAAQS for criteria pollutants considered to be harmful to public health and the environment. Criteria pollutants are those pollutants that are common and found all over the United States. The EPA uses these criteria pollutants as indicators of air quality. The agency establishes two distinct kinds of standards for acceptable concentrations of specific pollutants in the ambient (outdoor) air. Primary standards establish limits to protect public health, including the health of sensitive populations, such as children, the elderly and those with asthma. Secondary standards set limits to protect public welfare, including protection against decreased visibility and damage to animals, crops, vegetation and buildings. Such standards have been established for six principal pollutants:

- ground-level ozone (O<sub>3</sub>)
- particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>)
- sulfur dioxide (SO<sub>2</sub>)
- carbon monoxide (CO)
- nitrogen dioxide (NO<sub>2</sub>)
- lead (Pb)

Furthermore, West Virginia Code §22-5-1, et. seq. - which states, under §22-5-1 (“Declaration of policy and purpose”), that:

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

Pursuant to §45-13-5.7, the DAQ shall issue a permit unless:

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

The facility meets all applicable regulatory requirements and emission standards. These standards are explained in detail in the EE/FS REGULATORY DISCUSSION section of that document.

### **Close Proximity to School and Residential Areas**

Commenters addressed the proximity of the proposed facility to a school and residential areas. It is the responsibility of the DAQ to apply the rules and regulations of the State of West Virginia and EPA as they apply to air quality. There are no specific set back distances included in the air quality regulations applicable to this facility. Additionally, the DAQ does not have any control over zoning issues. The public participation process, as a matter of law, cannot make permitting decisions contingent upon the popularity or lack thereof of a proposed project. Rather, it is a means of providing information to the public, of receiving information relevant to the permitting decision from the public, and of reviewing the work performed by the DAQ. If the DAQ determines that a proposed facility will comply with the APCA and all applicable state and federal regulations, the DAQ must issue that facility a permit.

When the public is concerned about siting, zoning, or other issues such as the decision to bring a business to their area, they should contact their local officials, such as the mayor, city council, county commission, etc. The DAQ has no control or influence over these matters.

### **Minor Source Determination**

Commenters expressed concern regarding the minor/major source determination for this facility. 45 CSR 14 establishes and adopts a preconstruction permit program for the construction of major stationary sources and major modifications in areas of attainment with the NAAQS. Tucker County is currently classified as in attainment/unclassifiable with the NAAQS and, therefore, a proposed new major stationary source in Tucker County would be subject to the provisions of 45 CSR 14. It is within 45 CSR 14 (or under 45 CSR 19 for a source in a non-attainment area) that a

“major stationary source” is defined. When a source does not meet this definition, the source is then considered a “minor stationary source” and permitted as applicable under 45 CSR 13.

The proposed Fundamental turbine power facility is defined as a source listed under §45-14-2.43.a. The permit application indicates that this electric generation facility will be powered by combustion turbines equipped with heat recovery steam generators (HRSGs). This description indicates that this facility would be considered a natural gas combined cycle (NGCC) power plant. NGCC plants with a total heat input of more than 250 mmBtu per hour are identified as one of the 28 listed sources ("fossil fuel-fired steam electric plants" source category) that would be subject to the 100 tons per year (TPY) major source PSD threshold. The proposed facility, however, does not, according to the information submitted in the permit application and as determined by the DAQ to be reasonable, have a PTE of any regulated pollutant in excess of 100 TPY. Therefore, the proposed facility is not defined as a major stationary source and is instead subject to the provisions of 45 CSR 13. As regulated under permit condition 4.1.1, the facility shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of this permit and identified in permit application R13-3713. In accordance with the information filed under Permit Application R13-3713, the equipment shall be installed, maintained and operated so as to minimize any fugitive escape of pollutants and the equipment/processes shall use the specified air pollution control devices. As of the issuance of this permit, a combustion powered fire pump as inquired about in several public comments is not covered. If Fundamental plans to install a combustion powered fire pump, the appropriate permitting action would be required.

As with any other minor source, in no case would a facility be knowingly allowed to operate out of compliance with permitted emission limits at levels that would make the facility a de facto major source when permitted as a minor source. If the C/E Section would determine that the facility was in violation of permitted emission limits, most likely a path back to compliance would be required under the enforceability of a Consent Order. If the source could not ultimately operate within the limits of the permit and remain a minor source, the source would have to modify the permitted limits and operate at a reduced capacity to remain a minor source or undergo major source permitting prior to operating at any capacity that would result in emissions at major source levels.

### **Major Source/Class I Area/Notification of FLM/Environmental Impact Assessment**

Commenters stated that this facility should not be a synthetic minor facility and instead be a “synthetic major”. The commenters rationale behind this is that the volume of fuel storage appears inconsistent with minor source limits, permit redactions hinder the public’s review, and the size of the facility would become one of the largest data center campuses globally. The DAQ is unaware of the term “synthetic major” and its intended meaning in regard to this comment.

- The storage tank emissions were calculated based upon an annual throughput of 15,000,000 gallons per year. The diesel fuel will be used as a backup fuel source and the vapor pressure of the diesel fuel being stored is very low and has minimal VOC emissions.
- The CBI topic was discussed in detail under that section of this document.

- The permit application review for R13-3713 is specific to the emission units contained herein. The DAQ review does not take hypothetical situations into account. If it is determined that permit modifications or administrative updates are required after permit issuance, the procedures for obtaining those are outlined in permit conditions 2.8 and 2.9.

It has been determined that this facility as applied for and reasonably enforced in the permit is not a major source of emissions and this is presented in detail in the EE/FS REGULATORY DISCUSSION section.

Fundamental is proposing to be permitted as a synthetic minor facility. A synthetic minor facility is one that implements physical and operational limitations so that the source is a synthetic minor below major PSD thresholds. Fundamental may operate the combustion turbines using any combination of natural gas and diesel such that they restrict the total hours of operation as needed to remain under the permitted minor source thresholds. Fundamental will keep records of the total hours of operation for each turbine, including the total number of hours each turbine uses natural gas as a fuel and the total number of hours each turbine uses diesel as a fuel.

Federal construction permitting programs regulate new and modified sources of attainment pollutants under PSD and new and modified sources of non-attainment pollutants under Non-Attainment New Source Review (NANSR). The provisions of this section are captured in the EE/FS REGULATORY DISCUSSION section under 45 CSR 14 (PSD) and 45 CSR 19 (NANSR). Both of these rules are part of West Virginia's State Implementation Plan (SIP).

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

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

As stated above, the permit establishes physical and operational limitations so that the source is a synthetic minor and remains below major PSD thresholds and not subject to PSD application review. These limitations result in enhanced monitoring and recordkeeping as discussed in more detail in the MRRT OF OPERATIONS section of the EE/FS.

Commenters also state that if Fundamental is a major source, it would require CAA obligations and by claiming synthetic minor status, Fundamental is avoiding these safeguards. Fundamental is a minor source as previously discussed. Fundamental has applied for the correct CAA permit application at this time based upon the emission units and associated emissions that were part of their permit application. If it is determined through compliance testing, future modifications, or

other mechanisms that Fundamental becomes a “major source” for PSD, Fundamental will be required to submit the appropriate PSD permit application.

### **Air Quality Dispersion Modeling**

Commenters requested air dispersion modeling for this facility. Federal construction permitting programs regulate new and modified sources of attainment pollutants under PSD and new and modified sources of non-attainment pollutants under Non-Attainment New Source Review (NANSR). The provisions of this section are captured in the West Virginia state rules known as 45 CSR 14 (PSD) and 45 CSR 19 (NANSR). Both of these rules are part of West Virginia’s State Implementation Plan (SIP).

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

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

The permit establishes physical and operational limitations so that the source is a synthetic minor and remains below major PSD thresholds. These limitations result in enhanced monitoring and recordkeeping.

The DAQ made the determination that air quality dispersion modeling is not required of this source because the facility is not subject to 45 CSR 14 (PSD) as discussed above. Section 7 of 45 CSR 13 states that sources required to obtain a permit under 45 CSR 13 may be required to conduct modeling to determine whether the proposed source will interfere with attainment of an applicable ambient air quality standard, cause or contribute to a violation of an applicable air quality increment, or be inconsistent with the intent and purpose of 45 CSR 13 or WV Code 22. The DAQ, as per EPA regulations, has established the metric of 100 tons per year of a regulated pollutant of a minor source to require air dispersion modeling. Therefore, air dispersion modeling for this facility was not required. Consistent with precedent that the DAQ does not require modeling for new minor sources, the DAQ also did not require dispersion modeling under Section 7 of 45 CSR 13. As stated previously, dispersion modeling is resource intensive and, therefore, the DAQ uses the federally established major source thresholds for determining when modeling is required. It is important to note that as discussed in other areas of this document, the major source threshold for the proposed Fundamental project is 100 tons per year, far below most facilities that have a 250 tons per year threshold. Therefore, the threshold for modeling most new facilities is far higher than for this project. These thresholds can be considered conservative screening points where it is generally considered unlikely that emission rates below will cause or contribute to any NAAQS violations, therefore obviating the need to require modeling.

### ***Wall Street Journal (WSJ) Article***

Commenters reference information contained in a *WSJ* article regarding this facility. The permit application review for R13-3713 is specific to the emission units contained within the permit application. The DAQ review does not take hypothetical situations into account. If it is determined that permit modifications or administrative updates are required after permit issuance, the procedures for obtaining those are outlined in permit conditions 2.8 and 2.9.

### **Fuel Burning Units (45 CSR 2, 45 CSR 10 Applicability)**

Commenters expressed concern about the applicability of 45 CSR 2 and 45 CSR 10 for fuel burning units at the facility. As stated in the EE/FS under the REGULATORY APPLICABILITY section, the combustion turbines are equipped with HRSG units which generate steam by using the heat present in the turbine exhaust gas. The HRSG units are designed such that the turbine exhaust will pass through and no additional firing emissions occur as a result of the HRSG units. This process has been designed so that duct burners are not required as part of the HRSGs. Therefore, these units would not be considered fuel burning units and are not subject to this rule. The combustion turbines do not meet the definition of a fuel burning unit because they do not produce power through indirect heat transfer. Additionally, permit condition 4.1.3 specifies the combustion turbines shall have no duct-burner firing emissions.

### **Regulatory Requirements**

Comments were received regarding the regulatory requirements of the facility and how compliance would be determined. An in-depth discussion of all potential regulatory requirements that were reviewed as part of the R13-3713 permit application review process is included in the EE/FS under the REGULATORY APPLICABILITY section.

Commenters stated that the EPA under the Trump administration has drafted a plan that would eliminate all caps on greenhouse gas emissions from coal and gas-fired power plants and asked how long will it take to go into effect and will it apply to this proposed power plant. This permit addresses the regulations that are in effect at the time of permit issuance and as stated above, an in-depth discussion of these are included in the EE/FS under the REGULATORY APPLICABILITY section.

### **Tucker County Landfill**

Commenters expressed concern about the possibility of using landfill gas at the facility. This permit application review centers around the turbine power facility for which Fundamental submitted an air permit application. The DAQ has no knowledge of previous interactions between the Renewable Natural Gas Company LLC and the Tucker County Solid Waste Authority. Additionally, this activity has no effect on the Fundamental air permit application.

### **Potential Odors**

Commenters expressed concern about odors that may exist at the facility. Using the authority under WV Legislative Rule 45 CSR 4 - "To Prevent and Control the Discharge of Air Pollutants Into the Open Air Which Causes or Contributes to and Objectionable Odor or Odors", the DAQ will respond to complaints involving objectionable odors if confirmed while the facility is operating, and may require mitigation at that time to reduce the odor potential of the source. As stated previously, an objectionable odor must be determined by the DAQ in the course of an

inspection or investigation of an actual odor, and is possible to prove quantitatively, pursuant to 45 CSR 4, that an objectionable odor will be present before a facility is in operation.

### **Safety Data Sheets (SDS)**

Commenters expressed concern about the lack of SDS included with the permit application. The permit application states the applicant must provide SDS for all materials processed, used, or produced. The turbine power facility is not classified as a chemical process. The only materials potentially processed or used as part of this permit application would be natural gas and diesel to provide power for the combustion turbines. These are common fuels that are commonly utilized at all facilities that contain combustion devices.

### **Installation and Startup Schedule**

Commenters expressed concern that the installation and startup schedule was not acceptable. The permit application states the applicant must provide a schedule of the planned installation and start-up of each of the proposed units. As with any issued 45 CSR 13 Construction Permit, the applicant may begin installation and start-up upon permit issuance. The explanation given by the applicant states that installation will occur as soon as possible, yet the schedule is dependent upon equipment availability. Fundamental anticipates the facility may begin operation in 2027 or 2028. This explanation is adequate.

### **Plot Plan**

Commenters expressed that the installation and plot plan was not acceptable. The permit application states the applicant must provide a plot plan showing the location of the property on which the stationary source(s) is located. The plot plan must show enough detail to show the locations of the process equipment, stacks or vents, storage tanks, plant roads and haul roads (paved or unpaved). The plant entrances from the nearest state road should also be shown. Reference coordinates and the site elevation must be provided. Fundamental's plot plan includes the location of the access road, property boundaries, fence, process activity area, parking area, control building, location of turbines and diesel storage tanks. Additionally, the approximate center of the facility coordinates and elevation were also provided.

### **Process Flow Diagram**

Commenters expressed concern that the process flow diagram (PFD) was not acceptable. The permit application states the applicant must provide a PFD showing each proposed emission unit, emission point and control device. Fundamental's PFD includes the ultra low sulfur diesel (ULSD) fuel entering the diesel storage tanks which then are routed to the combustion turbines, as well as the emissions leaving the diesel storage tanks (TK-1E, TK-2E, TK-3E). The PFD also includes the natural gas stream entering the combustion turbines and the emissions leaving the combustion turbines as well as the electricity stream. Additionally, the PFD includes the fugitive emissions associated with the haul roads.

### **Process Description**

Commenters expressed concern that the process description was not acceptable. The permit application states the applicant must provide a process description. Fundamental included a process description which included how the facility would be powered, controlled, and fueled. The process description included the proposed operational restrictions to remain a minor source

for the purposes of PSD and Title V. Additionally, the process description included information on the diesel storage tanks and haul roads.

### **Emission Points Summary**

Commenters expressed concern that the Emissions Point Data Summary Sheet was not acceptable. The Emission Points Data Summary Sheet that was included as Attachment J provides the information on the combustion turbines as part of the redacted permit application. The discussion regarding the CBI can be found in that section of this document.

### **Wastewater Treatment**

Commenters expressed concern that a wastewater treatment plant would be required. Fundamental states that no wastewater treatment operations will exist at the Ridgeline Facility. Permit condition 4.1.1 states that the Ridgeline Facility shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of this permit. In accordance with the information filed under Permit Application R13-3713, the equipment shall be installed, maintained and operated so as to minimize any fugitive escape of pollutants and the equipment/processes shall use the specified air pollution control devices.

### **Emission Unit Data Sheets**

Commenters expressed concern that the Emission Unit Data Sheets were not acceptable. Fundamental completed the General Emission Unit Data Sheet for the combustion turbines. The emissions associated with the combustion turbines are a product of combustion. All emissions are included in Attachment N (Emission Calculations) of the permit application and represented in the EE/FS. Additionally, all information regarding the maximum design heat input of the combustion turbines is also included in Attachment N.

### **Air Pollution Control Devices**

Commenters expressed concern that the Air Pollution Control Device Sheets were not acceptable. The discussion regarding the CBI can be found in that section of this document. The emissions from the combustion turbines are controlled by selective catalytic reduction (SCR) and oxidation catalyst air pollution control devices. These devices will result in the reduction of nitrogen oxide and carbon monoxide emissions. Fundamental will be required to service the catalysts to meet the manufacturer's specifications. Performance testing to meet the emission standards established in 40 CFR 60 Subpart KKKK will be required. Additionally, Fundamental shall, at the time of initial startup, maintain on-site and have readily available to the DAQ upon request, a copy of all current vendor guarantees relevant to the air emissions associated with the facility. This includes information relating to the performance of both emission units and air pollution control devices.

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

### **Fundamental's Class I Legal Advertisement**

Commenters stated that the emission calculations are inconsistent with the public notice published in *The Parsons Advocate* on March 26, 2025. A table was provided by the commenters for explanation purposes. The table that was provided by the commenter for gas and diesel operations only included the steady state emissions and not the startup/shutdown or PM fugitive emissions. The Class I legal advertisement contained all emissions included with the permit application, therefore, there are no inconsistencies.

Additionally, the commenter stated that not all pollutants were included in the legal advertisement. As stated on the DAQ website:

(<https://dep.wv.gov/daq/permitting/Documents/NSR%20Forms/ExampleLegalAdvertisement%20Revised%2007062020.pdf>),

the advertisement, shall include all regulated pollutants and their potential to emit. The pollutants listed in the comment included condensable PM, carbon dioxide, methane, and nitrous oxide. These are not pollutants that are required to be included in the Class I legal advertisement.

### **Monitoring/Record Keeping/Reporting/Testing (MRRT) Requirements**

Commenters questioned the MRRT that would be required of the facility. An in-depth discussion of all MRRT requirements is included in the EE/FS under the MRRT OF OPERATIONS section.

### **Potential Other Chemicals at the Facility**

Commenters stated that other chemicals would be utilized at the facility that were not included in the permit application. There are no other materials that will contribute to potential air emissions that will be allowed at the facility without affecting a permit modification. Permit condition 4.1.1 states the facility shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of this permit and identified in permit application R13-3713. In accordance with the information filed under Permit Application R13-3713, the equipment shall be installed, maintained and operated so as to minimize any fugitive escape of pollutants and the equipment/processes shall use the specified air pollution control devices.

### **Water/Wastewater Issues**

With respect to contact information concerning water/wastewater quality issues/permitting, please see the following:

West Virginia Department of Environmental Protection  
Division of Water and Waste Management  
601 57th Street SE  
Charleston, WV 25304  
(304) 926-0495  
<https://dep.wv.gov/WWE/Pages/default.aspx>

## GENERAL RESPONSE SUMMARY

- In response to all comments that referenced substantive non-air quality issues, the APCA and 45 CSR 13 do not grant the DAQ authority to take into consideration such issues in determining whether to issue or deny the permit.
- The requirements of 45 CSR 13 require the DAQ to, when denying a permit, explicitly state the reason pursuant to the allowable conditions under §45-13-5.7.
- An issued permit is the beginning of the involvement of the DAQ with a source. After issuance, a facility will be subject to inspections to determine compliance with the requirements as outlined in the applicable permit.
- With respect to the quality of the ambient air in Tucker County, the EPA has designated the county as in attainment/unclassifiable with all the NAAQS which are established by EPA and designed to protect the public health and welfare.
- The DAQ has determined that the proposed Fundamental facility is properly defined as a minor stationary source.
- As a proposed minor source, there are no state or federal requirements for GHG's applicable to the Fundamental facility.
- The DAQ does not require potential ammonia emissions to be quantified and included in the facility's PTE and does not require ammonia emissions mitigation requirements.
- The CBI submitted by Fundamental was reviewed by the WVDEP and it was determined the information that was claimed CBI by Fundamental satisfied the necessary requirements to be deemed CBI and will be maintained as such.
- The DAQ, as per EPA regulations, has established the metric of 100 tons per year of a regulated pollutant of a minor source to require air dispersion modeling. Therefore, air dispersion modeling for this facility was not required.

## SPECIFIC RESPONSE TO COMMENTS

The following section provides responses to the specific comments that were not considered to be answered under the General Response to Comments Section. Any comment not found here was determined to be addressed in the General Response to Comments section. This section is split into three parts, (1) those comments that were received prior to the public meeting notice date and previously responded to, (2) those received after that date, and (3) those comments that were received orally (and were not just summaries of comments also submitted in written form) at the public meeting.

### Pre-Public Meeting Notice Date Written Comments

Prior to the public meeting date, the DAQ received 597 comments, including requests for a public meeting. These comments have been addressed in the General Response to Comments section. Additionally, the DAQ responded to each of these emails when received acknowledging receipt. As noted previously, the Director granted the request for a public meeting. An in person public meeting was held on June 30, 2025, to provide information and answer questions. In addition, a virtual meeting was held on July 17, 2025, to accept oral comments that are relevant to this permitting action.