

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

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AIR QUALITY BOARD

**TUCKER UNITED,
WEST VIRGINIA HIGHLANDS
CONSERVANCY, and
SIERRA CLUB,**

Appeal No. 25-02-AQB

Appellants,

v.

**DIRECTOR, DIVISION OF AIR
QUALITY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee,

and

FUNDAMENTAL DATA LLC,

Intervenor.

**APPELLEE WVDEP'S
RESPONSE TO STATUTORY DISCOVERY REQUEST**

The Appellee, Laura M. Crowder, Director, Division of Air Quality, West Virginia Department of Environmental Protection ("WVDEP") hereby tenders its Appellee WVDEP's Response to Statutory Discovery Request in the above-styled matter, pursuant to W. Va. Code § 22-1-8(b).

Prospective Witnesses

WVDEP offers the following witnesses for potential testimony during the evidentiary hearing. All witnesses, if called, will testify to the facts and issues raised in the Notice of Appeal. No witnesses will be called as expert witnesses.

Joseph R. Kessler, Engineer
West Virginia Department of Environmental Protection
601 57th Street Southeast
Charleston WV 25304
Mr. Kessler will, if called, testify regarding the DAQ permitting process.

Jerry Williams
Mr. Williams is no longer employed by WVDEP. WVDEP will supplement this response with his contact information. Mr. Williams will, if called, testify to the review and drafting of the permit at issue.

Jon D. McClung, Senior Engineer
West Virginia Department of Environmental Protection
601 57th Street Southeast
Charleston WV 25304
Mr. McClung will, if called, testify regarding criteria for and process of modeling for permitting purposes.

WVDEP additionally reserves the right to call any witnesses identified or called by other parties.

Documents

WVDEP will rely on the Certified Record prepared in this matter. To the extent that any other documentation becomes known and available, WVDEP will amend the Certified Record accordingly.

WVDEP additionally reserves the right to refer to any documents or other exhibits identified or referred to by other parties.

Issues

The issues for consideration by the Board at the evidentiary hearing are those presented in the Appellants' Notice of Appeal, to the extent that such issues are taken up at the evidentiary hearing.

WVDEP additionally reserves the right to raise or respond to other issues which may arise during the evidentiary hearing.

Respectfully Submitted,
LAURA M. CROWDER
By Counsel


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CERTIFICATE OF SERVICE

The undersigned, C. Scott Driver, hereby certifies that a true copy of the *Appellee's Response to Statutory Discovery Request* has been served by e-mail and by United States Postal Service first-class mail, postage prepaid, on counsel of record for the Appellant and the Intervenor at the following addresses:

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