



west virginia department of environmental protection

Division of Air Quality
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Harold D. Ward, Cabinet Secretary
dep.wv.gov

Final Determination

Application Number:	R13-3622
Facility ID Number:	059-00102
Name of Applicant:	TransGas Development Systems, LLC
Name of Facility:	Ammonia Production Facility
Location of Facility:	Wharncliffe, Mingo County
Latitude/Longitude:	37.61577/-81.92736
Application Type:	Construction
Submission Date:	June 30, 2023 (Original); December 21, 2023 (Final)
Complete Date:	November 1, 2023
Public Notice Date:	January 3, 2024
Public Meeting Date	February 21, 2024
Engineer:	Joe Kessler

BACKGROUND INFORMATION

On January 3, 2024, the West Virginia Division of Air Quality (DAQ) provided notice to the public of a preliminary determination to issue Permit Number R13-3622 to TransGas Development Systems, LLC (TransGas) for the construction of an Ammonia Production Facility proposed to be located off of Right Fork Ben's Creek Road near Wharncliffe, Mingo County, WV, at latitude 37.61577 and longitude -81.92736. At that time, the Draft Permit and Engineering Evaluation/Fact Sheet (EE/FS) were made available to the public for review. The permit application (both the original submission and the final submission) had previously been made available for public review and remained so during the public comment period.

As required by 45CSR13, the DAQ's legal advertisement was published in *The Williamson Daily News* on January 3, 2024, which began a 30-day public comment period that was scheduled to end at 5:00 P.M. on February 2, 2024. After receiving three (3) requests for a public meeting and the Director's subsequent determination that, pursuant to §45-13-9.1, a public meeting was warranted, an additional legal ad was published in *The Williamson Daily News* on February 14, 2024 notifying the public that the DAQ was going to conduct a virtual public meeting on February 21, 2024. This advertisement also stated that the public comment period was being extended until 5:00 P.M. on February 28, 2024. Both public advertisements were Class I Legal Advertisements that ran in *The Williamson Daily News*, a newspaper of general circulation in Mingo County. On February 21, 2024, the DAQ held a virtual public meeting for permit application R13-3622 to provide information and to accept the submission of oral comments.

During the original and extended public comment periods, the DAQ accepted comments on our preliminary determination to issue permit R13-3622 to TransGas. 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 meeting. All relevant documents will be placed on the DAQ (AX) database or 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 the DAQ's first public notice (January 3, 2024) until the conclusion of the public comment period (February 28, 2024), the DAQ received thirty-one (31) comments (including comment period extension requests and public meeting requests) from various individuals and organizations concerning the proposed facility. Most public comments were non-technical and non-regulatory in nature either in general support of issuance of the permit or against it. All of the 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, including a large number in a package submitted by Earth Justice and the WV Chapter of the Sierra Club. Additional comments were given and questions asked during the public meeting. See the "Response to Public Comments" document for a complete discussion of the all the comments received and the responses thereto.

After a 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 45CSR13 or §22-5-1, *et. seq.* However, to address specific concerns and to strengthen the efficacy of the permit, several additions/revisions/corrections 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, changes to the draft permit were made to address appropriate concerns or to make corrections where applicable. The substantive changes are given in tabular form below. Please see the “Response to Public Comments” document for a discussion of the listed changes when made in response to a specific comment.

Table 1: Additions/Revisions/Corrections to Draft Permit R13-3622

Permit Requirement	Permit Page(s)	Substantive Revision/Addition Description	Comment Reference/Other
4.1.2	12	Explicit requirement for piping of ammonia from facility.	WVSC (10) EJ (VI)(A)
4.1.9(a)	17	Fugitive CO emission limit added.	WVSC (1-7, 2-6) EJ (V)(A)(4)
4.1.9(b)	17	LDAR Requirement added.	EJ (V)(A)(4)
Table 4.3.2	20	Explicit minimum NO _x reduction requirement for SCR added (with footnote (3)).	EJ (V)(A)(1)

EE/FS ERRATA

It is noted that the EE/FS made available on January 3, 2024 at the time the public notice was published contained several errors that are noted here. The submitted date of the final application was listed as October 3, 2023, the correct date was December 20, 2023. As noted in the Response to Comments document, on page 3 of the EE/FS, it was stated that liquid ammonia would be trucked from the proposed facility. TransGas has in fact proposed to pipe all the liquid ammonia from the facility site. And finally, Table 3 of the EE/FS listed 45CSR2 and 45CSR10 as applicable to the proposed facility, when in fact while these rules were potentially applicable, as discussed further in the EE/FS, they were determined to not be applicable. Due to the minor nature of the errors, they are noted here but a revised EE/FS will not be produced.

FINAL DETERMINATION

It is the determination of the writer, after consideration of all comments received, the available information continues to indicate that TransGas Development Systems, LLC’s proposed facility, in accordance with the plans and specifications filed in Permit Application R13-3622 (and any revisions thereto), as enforced under final Permit Number R13-3622, will meet all applicable state and federal air quality rules and regulations.

Joe R. Kessler, PE
Engineer

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