



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 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.

Jerry Williams, P.E.
Engineer