



west virginia department of environmental protection

Division of Air Quality
601 57th 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.

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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
Director, Division of Air Quality