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Response to Public Comments

TransGas Development Systems, LLC

Adams Fork Harless Data Center Energy Campus (R13-3714, Facility ID No. 059-00133)

Adams Fork Data Center Energy Campus (R13-3715, Facility ID No. 059-00134)

Date: October 2, 2025

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BACKGROUND INFORMATION

On March 26, 2025, TransGas Development Systems, LLC (TransGas) submitted two separate 45 CSR 13 construction permit applications to the West Virginia Department of Environmental Protection - Division of Air Quality (DAQ) identified as R13-3714 and R13-3715. At that time, the permit applications were made available on DAQ's website and DEP's Application Enhancer (AE) website for review. On April 9 2025, pursuant to §45-13-8.3, TransGas provided notice to the public of these permit applications to construct and operate off-grid power generation facilities designed to provide power to adjacent data center operations. These proposed facilities will be located off of 22 Mine Road near Holden and at 2002 Twisted Gun Road in Wharncliffe. Both locations are in Mingo County. On May 14, 2025, TransGas submitted revised applications for both facilities to the DAQ for review. These revised permit applications were also placed on DAQ's website and DEP's AE website for review.

From the date of TransGas' revised applications until the release of the Engineering Evaluation (EE/FS) and draft permit for each facility, the DAQ received zero comments concerning the proposed facilities. On July 9, 2025, pursuant to §45-13-8, the DAQ provided notice to the public of an open comment period for Permit Numbers R13-3714 and R13-3715 in reference to TransGas' proposed construction. At that time, the EE/FS and draft permit were made available on DAQ's website and DEP's AE website for public review.

As required by WV Legislative Rule 45 CSR 13, the DAQ's legal advertisements were published in the *Williamson Daily News* on July 9 2025, which began a 30-day public comment period for both facilities that was scheduled to end at 5:00 P.M. on August 8, 2025. These notifications were also made available on DEP's website. As a result of these public notices, the DAQ received requests to conduct a public meeting regarding these permitting actions. The DAQ reviewed the requests for the public meeting and made the decision to hold a virtual public meeting at 6:00 p.m. on Monday, August 18, 2025 to provide information on the proposed facilities.

At the time a decision was needed on whether to hold a public meeting, the DAQ had received only three comments from residents within one hour of the proposed locations, with some requesters located in Colorado, North Carolina, New York, Ohio, Pennsylvania, California, Washington, and Oregon. The overwhelming majority of comments came from individuals located north of Interstate 64 (approximately 1 hour and 45 minutes from Wharncliffe). Given that the public interest was largely regional, a virtual format was selected to ensure the broadest and most practical opportunity for participation.

While the DAQ certainly understands internet/broadband access and connectivity issues in rural areas, the virtual platform being used included a telephone dial-in option, allowing individuals without internet access to participate using a standard landline or mobile phone. The requesters were also informed that written comments may also be submitted via email or regular mail and are given the same consideration as those presented during the virtual meeting. The purpose of the public meeting was to provide information on the proposed permitting actions and to accept official public comments. The DAQ extended the public comment period through August 22,

2025, and citizens were encouraged to contact agency staff at any time during this period with questions, concerns, or to submit comments.

This approach is consistent with the WVDEP's Public Engagement Guidelines, which call for flexible and accessible participation methods based on the specifics of each project. Since 2020, DAQ has successfully conducted numerous virtual public hearings across the state, including in rural areas, using this model to facilitate timely and effective public involvement. Based on all relevant factors, the WVDEP believes that its decision to hold a virtual public meeting for the TransGas permitting actions was appropriate.

During this virtual public meeting, DAQ staff members provided a presentation and answered questions before taking comments from the public about TransGas' Adams Fork Harless Data Center Energy Campus (Draft Permit R13-3714), and TransGas Development Systems LLC's Adams Fork Data Center Energy Campus (Draft Permit R13-3715).

The public meeting included DAQ staff engaging directly with the public for approximately two hours. A video of the virtual public meeting can be found at the following web link:

https://drive.google.com/file/d/1yVtMiesqvZRWU5m7T7ossEdFXug-zbbD/view

It was brought to the attention of the DAQ during the virtual public meeting that some individuals could not register for the public meeting due to not having a Google account and requested an additional extension to the public comment period. The DAQ investigated this claim and determined that individuals registered early in the process and throughout the process who did not have Google accounts. Additionally, the DAQ received no telephone calls or emails from the general public that this was a problem between the time that the public meeting registration was announced and the day of the public meeting.

Upon receipt of further requests to conduct an in-person public meeting and to provide an additional extension to the public comment period, the DAQ held an additional public meeting to provide information, answer questions, and accept oral comments for the record for both permitting actions. This meeting was held on September 18, 2025 at the Larry Joe Harless Community Center in Gilbert. The DAQ published legal advertisements in the *Williamson Daily News* on September 3, 2025, *The Logan Banner* on September 3, 2025, and the *Mingo Messenger* on September 5, 2025 notifying the public of the September 18, 2025 meeting. This notification was also made available on DEP's website.

The public meeting included DAQ staff engaging directly with the public for approximately 3.5 hours.

OVERVIEW OF COMMENTS RECEIVED

From the date of TransGas' revised applications (May 14, 2025) until the conclusion of the second extension to the public comment period which was extended multiple times until September 19, 2025, the DAQ received 119 written comments and multiple oral comments provided at the August 18, 2025 virtual meeting and September 18, 2025 in-person 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 on the DAQ's website. A list of attendees at the August 18, 2025 virtual public meeting is included as Appendix B. The sign-in sheet for the September 18, 2025 in-person public meeting is included as Appendix C.

Organizations that submitted comments in response to this permitting action include West Virginia Rivers Coalition, WV Citizen Action Group, Coal River Mountain Watch, and WV Chapter of the Sierra Club. As over 100 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 permits. The submitted comments that were in support of permit issuance referenced the potential positive economic impacts of the proposed facilities while many of the non-technical comments that were explicitly non-supportive expressed concern over the potential environmental or other detrimental impacts of the facilities 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 public meeting. 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 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 Mingo County and how that is determined, and general responses to common questions that were received. The Specific Response to Comment section lists each relevant comment that was not addressed in the General Response to Comment section, and that falls within the purview of the DAQ and provides a response to it (if it requires a response).

Due to the size and number of comments, this document ***does not*** reproduce all comments here. 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 meetings 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 TransGas applications, or 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, personal property values, 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 TransGas' proposed permit applications are outlined in the respective DAQ's EE/FS made public on July 9, 2025. The issues covered under those documents 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 Permit Applications R13-3714 and R13-3715.

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 Mingo County

The quality of the air of a defined local area, in this case for Mingo 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 (NOx), Ozone, Particulate Matter (PM_{10} and $PM_{2.5}$), and Sulfur Dioxide (SO_2). 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". TransGas' facilities are proposed to be located in Mingo County, WV, which has not been designated as "non-attainment" or as "unclassifiable" and is, therefore, designated as an attainment area. Based upon citizen concerns in nearby Logan County, it is important to note that Logan County is also 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 $PM_{2.5}$ 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.

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)

TransGas' permit applications included confidential business information (CBI) submitted under 45 CSR 31, entitled "Confidential Information". Therefore, both a CBI and redacted version of the applications were submitted. TransGas provided all CBI under the requirements of 45 CSR 31, which is the Division of Air Quality (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 TransGas is that the applications contained information that is fully protected under non-disclosure and confidentiality agreements between the applicant and equipment provider concerning development of the process and facility design. Release of this information could cause substantial harm to TransGas' competitive position in the market. 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. 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 one public comment concerning the proposed project, 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 shall consider 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 to 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.

A public comment 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 28, 2025, from the OGC was issued to TransGas 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 WVDEP Application Enhancer (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.

TransGas provided a response to this request on May 2, 2025. This response was made available to the public on the AE website at that time. TransGas proposed to revise the CBI claim to cover the company names for the engine and control systems designers and manufacturers. This includes the engine model number which would identify the engine company. All other previously claimed CBI would be removed from the request. Upon reviewing this information, the WVDEP issued a letter to TransGas on May 9, 2025, stating that a permit application so submitted would be in compliance with the requirements governing the submission of CBI under

45 CSR 31 and 45 CSR 31B. TransGas provided the revised applications to DAQ on May 14, 2025, and the applications were made available to the public on the AE website at that time.

The EE/FS and draft permits contained only the information that was provided in the redacted copies of the permit applications. 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 proposed draft permit.

Comments were made regarding 45 CSR 31 section 2.3 regarding "trade secrets" which may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors. Commenters have stated that any engine or air pollution control device technology that has been patented would not qualify as "trade secrets". As stated previously, the OGC reviewed the information that was submitted as confidential, and the OGC determined that all information contained in the revised permit applications were in compliance with 45 CSR 31.

Facility Purpose

Commenters inquired as to the purpose of the facility. TransGas submitted the air permit applications at both facilities for off-grid power generation facilities to provide power to future adjacent data center operations (Air Permit Applications R13-3714 and R13-3715). These proposed facilities will be located off of 22 Mine Road near Holden (R13-3714) and at 2002 Twisted Gun Road in Wharncliffe (R13-3715). Both locations are in Mingo County.

The air quality issues evaluated relating to TransGas' proposed construction are outlined in the DAQ's EE/FS made public on July 9, 2025. The issues covered under those documents 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 TransGas' Permit Applications R13-3714 and R13-3715. Neither application included an ammonia facility as some commenters have indicated. An ammonia facility was permitted by TransGas in 2024 but has not been constructed to date. These permitting actions are separate facilities from the previously permitted ammonia plant.

House Bill 2014 (HB 2014)

Commenters stated their concern with HB 2014 and its impact on their area due to these facilities. 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 allows for the certification of high impact data centers, prohibits certain tax arrangements, and provides special valuation for these properties. HB 2014 establishes the requirements 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.

Facility Emissions

Commenters inquired about the emissions associated with the facilities. The sources of air emissions, facility-wide emission totals, and rationale for emission estimates can be found in each respective EE/FS in the ESTIMATE OF EMISSIONS BY REVIEWING ENGINEER section.

Ammonia (NH_3) Emissions

Commenters expressed concern regarding ammonia emissions at the facility. The air pollution control device for the engines requires the introduction of an aqueous ammonia (19 %) solution upstream of the air pollution control devices. 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 impossible 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 TransGas 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.

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 each respective 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 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. [Note again Mingo/Logan Counties are in attainment]

Pollutant Effect on Animals

Commenters expressed concern regarding the effects of this facility on 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_3)
- particulate matter (PM_{10} and $PM_{2.5}$)
- sulfur dioxide (SO_2)
- carbon monoxide (CO)
- nitrogen dioxide (NO_2)
- 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 facilities meet all applicable regulatory requirements and emission standards. These standards are explained in detail in the respective EE/FS REGULATORY DISCUSSION section of those documents. [Note again Mingo/Logan Counties are in attainment]

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 impossible to prove quantitatively, pursuant to 45 CSR 4, that an objectionable odor will be present before a facility is in operation.

Legal Advertisements

Commenters expressed concern about local residents not subscribing to a certain newspaper and what the DAQ's conditions were for posting legal advertisements. As required in §45-13-8.3, at the time an application is made, the applicant shall place a Class I legal advertisement in a newspaper of general circulation in the area where the source is or will be located. This same requirement exists in §45-13-8.4 when the DAQ provides notice of the open comment period on the draft permit documents. The *Williamson Daily News* is located in Mingo County, is designated by the West Virginia Secretary of State's Office as a qualified newspaper to accept Class I legal advertisements, and in general circulation in the area where the source is proposed to be located. Therefore, TransGas and DAQ met all public notice requirements surrounding these Class I legal advertisements.

Additionally, all DAQ permit applications are listed on DAQ's website at the time of receipt and available for review through AE. The DEP also lists all public notices for all agencies on the DEP website at the following web address:

https://apps.dep.wv.gov/listserv/?window=archive&listID=1

This web address also allows interested parties to sign up to be on the WVDEP mailing list for permitting actions in selected counties.

The DAQ and WVDEP have met and/or exceeded the requirements of 45 CSR 13 for making the general public aware of these permitting actions.

Furthermore, even though not required by 45 CSR 13, when the DAQ held the additional in-person public meeting to provide information, answer questions, and accept oral comments for the record for both permitting actions on September 18, 2025 at the Larry Joe Harless Community Center in Gilbert, the DAQ published legal advertisements in the *Williamson Daily News* on September 3, 2025, *The Logan Banner* on September 3, 2025, and the *Mingo Messenger* on September 5, 2025 notifying the public of the meeting. This notification was also made available on DEP's website.

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

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 permit application review process is included in each respective EE/FS under the REGULATORY APPLICABILITY section.

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 Mingo 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 TransGas facilities are properly defined as a minor stationary source;
- The CBI submitted by TransGas was reviewed by the WVDEP and it was determined that the information that was claimed CBI by TransGas satisfied the necessary requirements to be deemed CBI and will be maintained as such;

- The virtual meeting format was appropriate and it afforded the most opportunity for the public to engage with DAQ staff and present oral comments on the permitting action;
- The original 30-day public comment period that ended on August 8, 2025 was extended until 5:00 P.M. on August 22, 2025; and
- Upon additional requests, the DAQ conducted an in-person meeting on September 18, 2025 at the Larry Joe Harless Community Center in Gilbert. As a result of the second public meeting, the public comment period was further extended until 5:00 P.M. on September 19, 2025.

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 August 18, 2025 public meeting date, the DAQ received 59 comments, including requests for a public meeting. As noted previously, the Director granted the request for a public meeting. A virtual public meeting covering both facilities was held on August 18, 2025, to provide information, answer questions and accept oral comments.

Post-Public Meeting Notice Date Written Comments

After the August 18, 2025 public meeting date and prior to the conclusion of the second extension of the public comment period (September 19, 2025), the DAQ received 60 written comments (of these 60, 5 were received after the September 18, 2025 in-person public meeting). Comments that are not directly identified and responded to were determined to be covered by a similar comment, not relevant to the TransGas applications, or an air quality-related issue.

Specific Comments

Q. I have read various reports about proposed data centers and an ammonia plant for southern part of West Virginia. Can you clarify some questions? Why do we need it? What is the location? How will it impact our environment, specifically our land, air and water quality? Please provide any other pertinent information.

A. The permit applications are for off-grid, electric generating facilities designed to provide power to adjacent data center operations. These permit applications do not include an ammonia plant. There was an ammonia plant permitted in 2024 to TransGas which was never constructed.

As stated above, the purpose of the facilities is to provide power to adjacent data center operations. These proposed facilities will be located off of 22 Mine Road near Holden (R13-3714) and at 2002 Twisted Gun Road in Wharncliffe (R13-3715). Both locations are in Mingo County.

The proposed facilities meet all applicable rules and regulations as outlined in the respective 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 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, Mingo County is in attainment with the NAAQS. An in-depth discussion can be found in the General Response to Comments - Ambient Air Quality of Mingo County section.

Instructions for downloading additional information, including copies of the EE/FS, permit, permit applications, and all other supporting materials relevant to these permitting actions are available at:

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

Q. I am writing as a concerned resident of Mingo County to strongly oppose the proposed ammonia plant and associated data centers in the Wharncliffe area, of which I have been a resident for 36 years.

This project raises several serious concerns for our community:

1. **Public Health Risks: The air pollution associated with ammonia production poses a significant risk to public health—especially in a region already burdened by high**

rates of respiratory illness. Introducing a major industrial polluter into our area will only worsen these health problems.

2. **Water Supply Limitations: Wharncliffe and surrounding communities already struggle with reliable and sufficient water access. We have for years been plagued by the unreliable service of the Mingo County PSD. It is unclear how a water-intensive facility like this can operate without placing further strain on an already fragile resource.**

3. **Lack of Meaningful Job Creation: While industry representatives often promote these projects as job creators, past experience tells us that only a small number of long-term jobs will be generated—most of which may not go to local residents. Our communities need sustainable economic development, not more empty promises.**

Our region deserves clean air, safe water, and real economic opportunities—not projects that benefit outside interests at our expense.

I urge you to stand with the people of Mingo County and oppose the construction of this ammonia plant and its related facilities. We ask for your leadership in prioritizing our health, environment, and long-term well-being.

A. The permit application near Wharncliffe is for an off-grid, electric generating facility designed to provide power to adjacent data center operations. This permit application does not include an ammonia plant. There was an ammonia plant permitted in 2024 to TransGas which was never constructed.

The proposed facility meets all applicable rules and regulations as outlined in the respective 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 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, Mingo County is in attainment with the NAAQS. An in-depth discussion can be found in the General Response to Comments - Ambient Air Quality of Mingo County section.

As stated in the General Response to Comments - Statutory Authority of the DAQ, the DAQ does not have authority over water issues. With respect to contact information concerning water/wastewater quality issues/permitting, please contact the following:

West Virginia Department of Environmental Protection
Division of Water and Waste Management

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Charleston, WV 25304
(304) 926-0495
https://dep.wv.gov/WWE/Pages/default.aspx

Also as stated in the General Response to Comments - Statutory Authority of the DAQ, the DAQ does not take into consideration non-substantive non-air quality issues such as job creation or economic viability of a proposed project.

Q. I do not want this in my community because if the proper measures are not taken, this could pollute our air and water sources. And that stuff causes birth defects, cancers, and sterilization. I do not want that for my family. This has been my family home for over 100 years. And we shouldn't have to leave you fear in our own homes of pollution like we live in a big city or something.

A. The proposed facility meets all applicable rules and regulations as outlined in the respective 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 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, Mingo County is in attainment with the NAAQS. An in-depth discussion can be found in the General Response to Comments - Ambient Air Quality of Mingo County section.

As stated in the General Response to Comments - Statutory Authority of the DAQ, the DAQ does not have authority over water issues. With respect to contact information concerning water/wastewater quality issues/permitting, please contact the following:

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Q. I, as a voting resident of Logan County oppose this plant. WV resources and land has been raped enough. Our people deserve better.
Thank you.

BEWARE ‼ The location described appears to be located on the other side of 5-MILE CREEK (head) which is just off ELK CREEK ROAD near Pigeon Creek just slightly NW

of DELBARTON. WV ‼ Everyone who is living in LEE OR HARDY DISTRICT should vehemently OPPOSE the AMMONIA PLANT. This truly would involve all of western MINGO COUNTY as well as eastern LOGAN COUNTY ‼ This plant would affect all WATER SOURCES, AIR QUALITY & FUTURE LAND USUAGES FOR CROPS (farming, building,etc.) and AQUIFERS (underground supply of water). Our creeks & Lakes would NOT BE FEASIBLE FOR STOCKING OF BASS & other Fish ‼ PLEASE OPPOSE STRONGLY PLANT

A. The permit applications are for off-grid, electric generating facilities designed to provide power to adjacent data center operations. This permit application does not include an ammonia plant. There was an ammonia plant permitted in 2024 to TransGas which was never constructed.

The proposed facility meets all applicable rules and regulations as outlined in the respective 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 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, Mingo County is in attainment with the NAAQS. An in-depth discussion can be found in the General Response to Comments - Ambient Air Quality of Mingo County section.

As stated in the General Response to Comments - Statutory Authority of the DAQ, the DAQ does not have authority over water issues. With respect to contact information concerning water/wastewater quality issues/permitting, please contact the following:

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Q. Regarding the permit, the permit indicates that 98.6% NOx control is assumed. This is not technically feasible through Specific Catalytic Reduction alone–only 95% is known to be achievable and that's with optimal performance and regular upkeep assumed. What other methods are going to be applied besides SCR? Is there Continuous Emissions Monitoring required? Without continuous monitoring, this facility can easily exceed the minor source threshold. Lastly, is redacting information about emission controls legal under the Clean Air Act? I thought I remembered that not being the case. Perhaps in the redacted parts of the permits, TransGas has the secret on how they intend to achieve 98.6% NOx control.

A. Permit condition 4.1.6 establishes the air pollution control device technology requirements for each engine (1S – 117S). The emission control systems for the engines consist of two main systems. The dry system on the high pressure side of the engine (before the turbocharger) and the wet system on the low pressure side, which is downstream of the turbocharger. The dry systems consist of an oxidation catalyst and an SCR catalyst. The catalytic reduction of CO has a reduction efficiency of over 99%. The same system oxidizes VOC emissions with a reduction efficiency of 99%. The de-NOx unit is a urea based SCR technology, and the reduction efficiency exceeds 90%. The wet system consists of four (4) stages, ***which reduce NOx further*** with 90.9% reduction efficiency and SO_2 with 70% reduction efficiency. The emission abatement system (dry and wet) that will be employed on each engine shall meet the following emissions reductions when operating in the following modes for NOx:

Mode	NOx Reduction (%)
Speed Up	0
Fuel Changeover	0
Generator Switched On	0
Load Up Cold Control	25.0
Normal Operation	99.0
Compensation Mode	99.0
Ramp Down	99.0
Min Load	70.0
Spin Out	40.0
Emergency	98.0

In response to the requirement for Continuous Emission Monitoring, permit condition 4.1.9 requires continuous monitoring of fuel throughput, fuel type (natural gas/diesel), and operation mode (permit condition 4.1.3). Furthermore, permit condition 4.4.1 requires TransGas to keep records of the operating hours of each engine, the throughput of each type of fuel (natural gas/diesel), and operation type (as outlined in permit condition 4.1.4) on a continuous basis. TransGas shall multiply the hourly operation type emissions in permit condition 4.1.4 by the number of hours operated in that operational mode. TransGas shall calculate the emissions monthly and on a twelve-month rolling total. A twelve-month rolling total shall mean the sum of operating hours at any given time during the previous twelve consecutive calendar months. 40 CFR 60 Subpart IIII does not require in-stack continuous emission monitoring systems.

Each permit condition has the necessary Monitoring, Recordkeeping, Reporting, and Testing to make it practicably enforceable. The draft permit was also reviewed by EPA and deemed as such. 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.

As stated previously in the General Response To Comments - CBI section, TransGas proposed to revise their initial CBI claim to only cover the company names for the engine and control systems designers and manufacturers. This includes the engine model number which would identify the engine company. All other previously claimed CBI was removed from the request. Upon reviewing this information, the WVDEP issued a letter to TransGas on May 9, 2025, stating that a permit application so submitted would be in compliance with the requirements governing the submission of CBI under 45 CSR 31 and 45 CSR 31B. TransGas provided the revised applications to DAQ on May 14, 2025, and the applications were made available to the public on the AE website at that time. All technical information regarding the control devices is provided in the revised permit applications and in the explanation and table provided above.

Q. What are the implications of using mine pool water for the data centers? Has this been done before?

A. As stated in the General Response to Comments - Statutory Authority of the DAQ, the DAQ does not have authority over water issues. With respect to contact information concerning water/wastewater quality issues/permitting, please contact the following:

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601 57th Street SE
Charleston, WV 25304
(304) 926-0495
https://dep.wv.gov/WWE/Pages/default.aspx

Q. Can you verify the requests for the public meeting from outside of the community? Is it safe to assume that the requests by those outside of the community is that the hearing is held in the community?

A. The rationale behind the decision to conduct the public meetings is included in the Background Information section of this document.

Q. What is the effect of the pollution and what area would it extend to? How far would the particle matter travel and be harmful to the people living in the area?

A. 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, Mingo County is in attainment with the NAAQS. An in-depth discussion can be found in the General Response to Comments - Ambient Air Quality of Mingo County section.

The DAQ made the determination that air quality dispersion modeling is not required of these sources because the facilities are not subject to 45 CSR 14 (PSD). 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 250 tons per year of a regulated pollutant of a minor source to require air dispersion modeling. Therefore, air dispersion modeling for these facilities 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. Dispersion modeling is resource intensive and, therefore, the DAQ uses the federally established major source thresholds for determining when modeling is required. 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.

Q. Are CO_2 (greenhouse gas (GHG)) emissions included in the permit?

A. 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 TransGas facilities have 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.

Q. When are the facilities expected to become operational?

A. According to the permit applications, construction of the facilities will begin after receipt of the air permit and other necessary regulatory approvals on or near January 1, 2026. The date of anticipated start-up of operations would be approximately 12 months after the beginning of construction which is projected to be January 1, 2027.

Q. How does the DEP determine if there is a violation? What means exist to determine a violation? How many AQ inspectors does DEP have? How often is the facility inspected?

A. As stated in the General Response to Comments - DAQ Compliance/Enforcement (C/E) Procedures section, 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.

DAQ has approximately 24 C/E inspectors on staff located throughout the state.

DAQ staff stated that these facilities must be inspected once every two years. However, depending on the type of facility and potential issues, these facilities may be inspected more frequently. Sometimes, as frequently as weekly.

Q. What constitutes emergency operations for diesel fuel usage? Would that include being unable to get the natural gas piped to the facility?

A. As presented in the permit applications and in the associated EE/FS, emergency mode is characterized as when the pipeline is down, or the gas cannot be delivered for any other reason, the engines can switch to diesel fuel mode immediately and are then operated on diesel fuel only. Apart from the different fuel type, the engines are controlled in the same way as in Normal Operation.

If TransGas is unable to have natural gas service at the facilities for the projects, this would not constitute emergency mode, and the permit applications would need to be modified to account for this situation.

Q. How many people that signed up for the virtual meeting were not present?

A. 35 individuals registered for the virtual public meeting. Of the 35 that registered, 18 attended. In addition, 11 individuals who did not register were in attendance.

Q. Does TransGas have the ability to modify the permit to connect to the grid or supply a mixed use village?

A. The permit application review 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.

Q. What is the % of emission control in the permits?

A. Permit condition 4.1.6 establishes the air pollution control device technology requirements for each engine (1S – 117S). The emission control systems for the engines consist of two main systems. The dry system on the high pressure side of the engine (before the turbocharger) and the wet system on the low pressure side, which is downstream of the turbocharger. The dry systems consist of an oxidation catalyst and an SCR catalyst. The catalytic reduction of CO has a reduction efficiency of over 99%. The same system oxidizes VOC emissions with a reduction efficiency of 99%. The de-NOx unit is a urea based SCR technology, and the reduction efficiency exceeds 90%. The wet system consists of four (4) stages, ***which reduce NOx further*** with 90.9% reduction efficiency and SO_2 with 70% reduction efficiency. The emission abatement system (dry and wet) that will be employed on each engine shall meet the following emissions reductions when operating in the following modes:

Mode	NOx Reduction (%)	CO Reduction (%)	VOC Reduction (%)	PM Reduction (%)	SO_2 Reduction (%)
Speed Up	0	0	0	0	95.0
Fuel Changeover	0	0	0	0	99.0

Generator Switched On	0	0	0	0	99.0
Load Up Cold Control	25.0	25.0	25.0	0	99.0
Normal Operation	99.0	99.0	99.0	25.0	99.0
Compensation Mode	99.0	95.0	99.0	25.0	99.0
Ramp Down	99.0	94.0	99.0	25.0	99.0
Min Load	70.0	50.0	70.0	0	70.0
Spin Out	40.0	35.0	40.0	0	40.0
Emergency	98.0	91.0	99.0	25.0	99.0

Q. In the event that these units are not operating optimally, at what % at normal operation would make this a major source? You said 75% on the hearing, but that doesn't seem right.

A. As discussed in the EE/FS DESCRIPTION OF PROCESS and also as shown in the above table, the engines will operate in multiple modes. Furthermore, each operating mode results in different emission reductions depending on the pollutants. Under normal operations, the engine will remain comfortably below the PSD threshold with the permitted air pollution control device technologies. As multiple operating scenarios can occur with these engines or unlimited situations presented by the general public, the DAQ review does not take hypothetical situations into account, and instead drafts permits that are indicative of the operations that will take place at the facility. All emission values that exist in the draft permits were properly accounted for and the permit conditions contain federally and practicably enforceable permit requirements. These include the necessary MRRT conditions for the engines and associated air pollution control device technologies to achieve the control efficiencies that are permitted. As stated in the EE/FS and draft permit, TransGas is required to conduct initial and annual performance testing for NOx and PM for these engines.

As each pollutant has a different control efficiency, each pollutant would have to be examined individually to make the hypothetical assessment that is being requested. This hypothetical assessment would also make the assumption that all of the engines operated out of compliance continuously for the entire year in question. The following table attempts to answer this question:

Normal Operations Only

Pollutant	Uncontrolled Emissions (tons/year)	PSD Threshold (tons/year)	Percent Reduction Required (%)	Permitted Reduction (%)
Nitrogen Oxides	6,934.62	250	96.40	99.0
Carbon Monoxide	11,162.88	250	97.76	99.0
Volatile Organic Compounds	11,299.68	250	97.79	99.0

Particulate Matter	226.86	250	0	25.0
Sulfur Dioxide	370.50	250	32.52	99.0

This table was provided to address the hypothetical situation that was requested. However, it should be noted that this facility will not operate in this manner and was provided only to address a hypothetical question.

It should be noted that the facility assessment for the permit was performed under worst-case conditions, the following worst-case scenario was examined.

The pipeline is out for eight (8) days, which equates to 192 hours. During this outage, the facility would be operated only on diesel fuel. During the same year, an unplanned event resulted in 31 engines being down and the remaining 86 engines being operated in compensation mode to continue to deliver full power. This would increase the engines output to 99.4% load. It was estimated that the compensation mode would last for 24 days or 567 hours. Finally, the engines would have to go through 5 startups and shutdowns in place of the scheduled one (1) event. Using this worst case scenario results in the annual emission limits established in permit condition 4.1.5.

The assertion regarding 75% pertained to the approximate permitted nitrogen oxides value in relation to the major source (PSD) threshold. The facility's potential to emit nitrogen oxides is 194.30 tons per year, which constitutes 77.7% of the major source (PSD) threshold.

Q. How far from the major source thresholds are the facilities?

A. As presented in the EE/FS REGULATORY APPLICABILITY section for each facility, the facilities are below the major source thresholds for 45 CSR 14.

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Pollutant	**PSD (45 CSR 14) Threshold (tons/year)**	**Facility PTE (tons/year)**
Carbon Monoxide	250	205.62
Nitrogen Oxides	250	194.30
Sulfur Dioxide	250	9.93
Particulate Matter 2.5	250	186.53
Ozone (VOC)	250	117.35

Pollutant	PSD (45 CSR 14) Threshold (tons/year)	Facility PTE (tons/year)
Carbon Monoxide	250	205.62
Nitrogen Oxides	250	194.30
Sulfur Dioxide	250	9.93
Particulate Matter 2.5	250	186.53
Ozone (VOC)	250	117.35

Q. Can you explain how the wet system for the NOx abatement works?

A. A detailed description of the wet NOx emission reduction system can be found beginning on page 127 of the revised permit application. To summarize the system, the wet NOx system is a multi-stage system as presented in the EE/FS and draft permit. Stage 1 is designed for the removal of sulfur dioxide carried over by the exhaust gases. Stage 2 and 3 is designed for the removal of nitrogen oxides. These stages are based on an oxidation-reduction mechanism that converts nitrogen oxides into gaseous nitrogen (N_2), which achieves the reduced concentration at the stack. Stage 4 serves as the finishing step and control unit which completes the process.

Q. If TransGas is granted a permit as a minor source, can they extend their emissions into a major source and continue to be regulated as a minor source?

A. 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. These facilities are minor sources as previously discussed. TransGas 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 applications. If it is determined through compliance testing, future modifications, or other mechanisms that TransGas becomes a “major source” for PSD, TransGas will be required to submit the appropriate PSD permit application and be regulated as a PSD source.

Q. We are unable to verify the control device efficiencies without knowing the control device manufacturer. Is it legal to redact this information?

A. A detailed explanation of the CBI associated with these permit applications can be found in the General Response to Comments - CBI section of this document. As stated in the General Response to Comments - CBI section of this document, the WVDEP OGC reviewed TransGas response to the CBI inquiry, and determined that a permit application so submitted would be in compliance with the requirements governing the submission of CBI under 45 CSR 31 and 45 CSR 31B. TransGas provided the revised applications to DAQ on May 14, 2025, and the

applications were made available to the public on the AE website at that time. All emissions data associated with the engines and control efficiencies from the control device manufacturer are available in the revised permit applications.

Q. Why has the DEP not gone through the process of informing the people near the Holden site?

A. As stated in the General Response to Comments - Legal Advertisements section of this document, commenters did express concern about local residents not subscribing to a certain newspaper and what the DAQ's conditions were for posting legal advertisements. As required in §45-13-8.3, at the time an application is made, the applicant shall place a Class I legal advertisement in a newspaper of general circulation in the area where the source is or will be located. This same requirement exists in §45-13-8.4 when the DAQ provides notice of the open comment period on the draft permit documents. The *Williamson Daily News* is located in Mingo County, is designated by the West Virginia Secretary of State's Office as a qualified newspaper to accept Class I legal advertisements, and in general circulation in the area where the source is proposed to be located. Therefore, TransGas and DAQ met all public notice requirements surrounding these Class I legal advertisements.

Additionally, all DAQ permit applications are listed on DAQ's website at the time of receipt and available for review through AE. The DEP also lists all public notices for all agencies on the DEP website at the following web address:

https://apps.dep.wv.gov/listserv/?window=archive&listID=1

This web address also allows interested parties to sign up to be on the WVDEP mailing list for permitting actions in selected counties.

The DAQ and WVDEP have met and/or exceeded the requirements of 45 CSR 13 for making the general public aware of these permitting actions.

Furthermore, even though not required by 45 CSR 13, when the DAQ held the additional public meeting to provide information, answer questions, and accept oral comments for the record for both permitting actions on September 18, 2025 at the Larry Joe Harless Community Center in Gilbert, the DAQ published legal advertisements in the *Williamson Daily News* on September 3, 2025, *The Logan Banner* on September 3, 2025, and the *Mingo Messenger* on September 5, 2025 notifying the public of the meeting. This notification was also made available on DEP's website.

Q. Can you explain the rationale behind not having an in-person meeting, why did you restrict public participation to the virtual hearing?

A. Please see the response in the Background Information section of this document which explains the decision to hold the public meetings for these facilities.

Q. Why exactly does the DEP not have authority over water?

A. The DAQ does not have statutory authority for water 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

Q. What is a fugitive source of emissions?

A. As defined in 45 CSR 13 section 2.13, "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

Q. The permit says urea based SCR. The application has 39 tanks for ammonia. What is ammonia used for?

A. As stated in the permit applications as part of the dry flue gas treatment system that is installed before the turbocharger, after the deCO reactor, flue gas flows to another reactor that is equipped with a deNOx catalyst. In the space between the deCO reactor and the deNOx reactor, urea or ammonia solution is injected.

Q. The permit application states in diesel mode it would burn 3.9 gal/hr, but the permit allows 798 gallons, is that correct? 798 is more than 2%.

A. Under normal operation, the engines consume natural gas as their primary fuel with a pilot injection of ultra low sulfur diesel (ULSD). Under natural gas operation, 2% of the energy comes from the pilot fuel, which can be increased to 100% in emergency operation.

Permit condition 4.1.8 contains the fuel throughput requirements during the different operating modes. Under normal operations, natural gas is consumed as the primary fuel and ULSD is consumed at 3.91 gallons per hour. During emergency operations, only ULSD is consumed, at a rate of 798.13 gallons per hour.

Q. The DEP did not consider emissions from the utilization of cooling water from mine pool water.

A. The permit applications state that cooling would be provided by mine pool water as needed and no cooling towers would be required.

Q. The DAQ needs to use different averaging times. Utilizing annual averaging times allows short term exceedances.

A. Permit condition 4.1.4 establishes hourly emissions (not annual) for all operating modes.

Q. Permit condition 4.1.15 establishes a limitation of 3,907,000 gallons of diesel fuel, whereas the emergency volume would exceed this value.

A. This draft permit condition clearly states that this value is associated with normal operations. This permit condition was revised as the maximum annual throughput of the storage tanks included normal operations only and the value was designated this way. The value was revised and is now designated as "All Operating Modes".

Q. Where are they going to get their water?

A. The permit applications state that cooling would be provided by mine pool water.

Q. Although the facility states it will operate synthetically as a minor source, the worst-case scenario in the application shows it far exceeding these limits. Specifically, the application states 192 hours of emergency diesel-only operation, 567 hours of full-load compensation mode, and 5 startup/shutdown cycles per engine. Under these conditions, the facility would emit:

206 tons/year of carbon monoxide
206 tons/year of volatile organic compounds
187 tons/year of particulate matter
117 tons/year of sulfur dioxide

These numbers exceed the thresholds defined by the Clean Air Act. Yet the permit does not clearly limit these operations or classify the facility as a major source.

A. As stated in the EE/FS, the annual emissions associated with these facilities are based on worst-case operating conditions. The following worst-case scenario was examined.

The pipeline is out for eight (8) days, which equates to 192 hours. During this outage, the facility would be operated only on diesel fuel. During the same year, an unplanned event resulted in 31 engines being down and the remaining 86 engines being operated in compensation mode and will continue to deliver full power. This would increase the engines output to 99.4% load. It was estimated that the compensation mode would last for 24 days or 567 hours. Finally, the engines would have to go through 5 startups and shutdowns in place of the scheduled one (1) event.

The annual values listed in the comment are not accurate. The permitted values and their relation to PSD (major source thresholds) can be found below:

R13-3714

Pollutant	**PSD (45 CSR 14) Threshold (tons/year)**	**Facility PTE (tons/year)**
Carbon Monoxide	250	205.62
Nitrogen Oxides	250	194.30
Sulfur Dioxide	250	9.93
Particulate Matter 2.5	250	186.53
Ozone (VOC)	250	117.35

R13-3715

Pollutant	**PSD (45 CSR 14) Threshold (tons/year)**	**Facility PTE (tons/year)**
Carbon Monoxide	250	205.62
Nitrogen Oxides	250	194.30
Sulfur Dioxide	250	9.93
Particulate Matter 2.5	250	186.53
Ozone (VOC)	250	117.35

As shown in these tables, neither facility exceeds the PSD (major source) thresholds as stated. Each permit condition has the necessary MRRT to make it practicably enforceable. The draft permit was also reviewed by EPA and deemed as such. These facilities have properly been characterized as minor sources.

Q. I am also wondering how DEP defines "adjacent" when considering regulating the microgrid/gas plant emissions and the ammonia plant emissions together. I believe those facilities are only about 1 mile apart.

A. The EE/FS addressed the topic of source aggregation. “Building, structure, facility, or installation” is defined as all the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous and adjacent properties, and are under the control of the same person.

TransGas has an option on both sites with the current owners, therefore, they do have control of the proposed sites. There are no other emission units belonging to the same industrial grouping, under common control, and located on contiguous or adjacent properties with the facility. Therefore, the emissions from these facilities should not be aggregated in determining Title V or PSD status.

The Ammonia Production Facility permitted under R13-3622 has a Standard Industrial Classification (SIC) Code of 2873. The off-grid power generation facility in question has a SIC code of 4911. Therefore, the two facilities do not belong to the same industrial grouping.

For industries other than oil and gas, the EPA has interpreted the term “adjacent” as requiring physical proximity, thereby excluding the “functional interrelatedness” of pollutant-emitting activities as a relevant consideration. This interpretation aligns with the EPA’s original understanding, as articulated in the preamble to the 1980 rule for the PSD program, and is consistent with the reasoning presented in the *Summit Petroleum* decision. Consequently, for the purpose of making source determinations under PSD and Title V, the EPA interprets “adjacent” to necessitate physical proximity between properties. Properties that do not share a common boundary or are not physically touching are considered “adjacent” only if they are nevertheless nearby, side-by-side, or neighboring. These determinations are made on a case-by-case basis, as the appropriate distance for two properties to be considered sufficiently proximate for “adjacency” may vary depending on the specific industry involved.

These two facilities are approximately 1.9 miles apart, do not share a common boundary or border, are otherwise not physically touching each other, are not side-by-side or neighboring. Therefore, these facilities are not considered “adjacent”.

The ammonia production facility and the Adams Fork Data Center are not part of the same industrial grouping and are not considered "adjacent." Consequently, the emissions from these facilities should not be aggregated for the purpose of determining Title V or PSD status.

Q. When data centers are being built, how many local people will be hired?

A. As stated in the General Response To Comments - Statutory Authority of the DAQ section of this document, the DAQ has no authority over job creation.

Q. Once centers are built, how many local workers will be employed on average?

A. As stated in the General Response To Comments - Statutory Authority of the DAQ section of this document, the DAQ has no authority over job creation.

Q. How much of tax revenue will be available to counties and localities affected by these centers?

A. As stated in the General Response To Comments - Statutory Authority of the DAQ section of this document, the DAQ has no authority over the economic viability of a project. There is also

information available on HB 2014 included in the General Response to Comments section of this document.

Q. If local people are hired how much will the average pay be?

A. As stated in the General Response To Comments - Statutory Authority of the DAQ section of this document, the DAQ has no authority over job creation.

Q. Will there be added air pollution?

A. The sources of air emissions, facility-wide emission totals, and rationale for emission estimates can be found in each respective EE/FS in the ESTIMATE OF EMISSIONS BY REVIEWING ENGINEER section.

Q. How much water will be required? Where is water coming from? What kind of by-product from water usage?

A. 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

The permit applications state that cooling would be provided by mine pool water as needed and no cooling towers would be required.

Q. Is there a noise factor that could affect communities near centers?

A. As stated in the General Response To Comments - Statutory Authority of the DAQ section of this document, the DAQ has no authority over noise pollution.

Q. Don't the people who live here have a say on whether these permits are approved? We do not need this disruption and hazards and do not want this brought into our community.

A. Please see the response in the General Response to Comments - Statutory Basis for Permit Denial section of this document. It is clear under 45 CSR 13 that denial of a permit must be based on explicitly stated criteria in that section or, as noted, is inconsistent with the intent of 45 CSR 13 or §22-5-1, *et. seq.* 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 SIP.

The air quality issues evaluated relating to TransGas' proposed permit applications are outlined in the respective DAQ's EE/FS made public on July 9, 2025. The issues covered under those documents 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 Permit Applications R13-3714 and R13-3715.

Q. Why was this area of Mingo County chosen for this plant?

A. The DAQ has no statutory authority over the location chosen.

Q. What would an emergency response look like in our area? What is the EMS access?

A. The DAQ does not have statutory authority over the local Emergency Services departments. You should contact your local officials, such as the mayor, city council, county commission, etc. The DAQ has no control or influence over these matters.

Q. How will the mine water be used and what is the protocol for long-term storage?

A. 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

The permit applications state that cooling would be provided by mine pool water as needed and no cooling towers would be required.

Q. The company will not come to our community to meet with us and answer our questions face to face.

A. The permit application process does not require the permit applicant to interact with the general public.

Q. I understand that both Adams Fork projects are physically located at different ends of Mingo County. However, the Holden 22 project is located very close to the Logan County/Mingo County border. If there is some type of emission that would affect air quality, it would likely reach Logan County residents as quickly as it would reach Mingo County households. Logan County lies squarely between these two industrial sites. It is very hard to imagine how any potential spills, excessive emissions, etc. would not affect some part of the Logan County populace. Furthermore, there is literally no one in Logan County who reads the Williamson Daily News and very few in the Gilbert area would do

that. A publication there cannot be reasonably be aimed at informing anyone in Logan County or in the Gilbert area of anything.

A. The DAQ made the determination that air quality dispersion modeling is not required of these sources because the facilities are 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 250 tons per year of a regulated pollutant of a minor source to require air dispersion modeling. Therefore, air dispersion modeling for these facilities 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. 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.

Please see the earlier response in this section which explains the decision on the required Class I legal advertisements associated with this permitting action.

Q. It is my understanding that the emission projections you are using to determine compliance come from information supplied by the company. This seems like this process potentially puts communities in danger without real assurances that the proposed technology will actually work, or even be used. Please review the attached article to see how this type of issue has played out in a nearby state. https://www.politico.com/news/2025/05/06/elon-musk-xai-memphis-gas-turbines-air-pollution-permits-00317582

A. Under the CAA emissions calculations must be done using established calculation methodologies. Examples of these methodologies include the use of source-specific data, utilization of emission factors when source-specific data is unavailable, and material balance. It is critical that the most accurate emission data that is available is utilized for each emission source. Using inappropriate or inaccurate values can lead to incorrect values. The emission calculations must also account for any air pollution control device that may be used.

The MRRT that is required by state and federal rules and regulations are included in the draft permit. Specifically, the engines located at each site will be required to conduct initial and annual performance testing to prove compliance with the permitted emission standards.

Q. It is my understanding from your comments at the virtual public hearing that no type of study will be performed on how the combined factors relating to air quality, water quality and noise pollution might affect our residents or our economy. As you may know, the Town of Gilbert, which lies only a few miles from the Wharncliffe site, derives a significant portion of its economy from tourists who come to the area to ride ATV trails. This site will

be near some of those trails and will be close to restaurants, motels, and rental cabins in the area.

A. As stated previously, the DAQ has no statutory authority for water, noise, tourism, or economic issues. All applicable air quality issues that are subject to state and federal air quality rules and regulations are included in the permits.

Q. It is my understanding that this area has high rates of respiratory diseases and has high rates of obesity and cardiac issues too. I understand that you may say that these concerns are not within your scope of review, but please tell us - who is that will review those concerns?. Who is looking out for the health concerns of our citizens? It is my fear that the fragmented nature of the permitting process will allow a dangerous public nuisance to slip through the cracks.
Therefore, I am respectfully requesting the following:
1. That you extend the time period for comments in order to allow for the holding of in-person public hearings in both Logan County and Mingo County.
2. That notice be published in The Logan Banner, in order to give Logan County residents an opportunity to understand this situation.
3. That an environmental and economic impact study be undertaken, at the expense of the developer, to assess the potential impacts on human and wildlife health, the economy of the area, and any other pertinent factors.

A. The public comment period was extended multiple times for both permitting actions.

The notice for the in-person public meeting held on September 18, 2025 at the Larry Joe Harless Community Center located in Gilbert was published in the *Williamson Daily News*, the *Mingo Messenger*, and *The Logan Banner*.

These permitting actions do not require that an environmental or economic impact assessment is conducted. All applicable and potentially applicable state and federal rules and regulations are included in the respective EE/FS REGULATORY APPLICABILITY sections of each document. Additionally, the EE/FS also contains an analysis of non-criteria regulated pollutants.

Q. I'm trying to determine how many SF each of the two proposed data centers are in Mingo Co. Would you have this information?

The updated permit applications, submitted in May 2025, include plot plans. While these plans do not contain precise building measurements, as this is not a requirement for the air permit application, they do provide estimated dimensions for the property's overall footprint. The plot plan is located on page 19 of the PDF application.

Q. I believe that the air will need to be tested regularly by an outside source in order to ensure that emissions are at a safe level. There is no way that emissions can be completely controlled by a power generating facility.

A. As required in permit condition 4.3.2 of each permit, TransGas is required to conduct initial and annual performance testing for nitrogen oxides and particulate matter for the engines. Additionally, initial performance testing for carbon monoxide and benzene emissions are required for these engines.

Q. We remain extremely concerned about the heavily redacted permit applications and disagree with the May 12, 2025, decision by WV-DAQ to accept as Confidential Business Information typical, critical data regarding the proposed facilities, (such as: the model number and manufacturer of turbines and air pollution control devices, and sources and quality of fuel) were not made available to the public, making it impossible to determine the likely distribution of pollution emitted from each facility, and thereby making it impossible to adequately comment on the draft permits.

This type of heavy redaction is very unusual in the many years the Sierra Club has been reviewing air permit applications. WV-DAQ's acceptance of the applicant's request for confidentiality sets a horrible precedent that allows a project to move forward without adequately informing the public. Most importantly, this decision violates the fundamental intent of the public notice requirements of West Virginia Code 22-5-10 (a) which states:

"All air quality data, emission data (emphasis added), permits, compliance schedules, orders of the director, board orders and any other information required by a federal implementation program (all for convenience hereinafter referred to in this section as "records, reports, data or information") obtained under this article shall be available to the public, except that upon a showing satisfactory to the director, by any person, that records, reports, data or information or any particular part thereof, to which the director has access under this article if made public, would divulge methods or processes entitled to protection as trade secrets "

Under the federal Clean Air Act, claims of trade secret status are required under 40-CFR-2.208 (e) (1) to show that:

"disclosure of the information is likely to cause substantial harm to the business's competitive position".

Furthermore, 40-CFR-2.301 (a) (2) (i) defines "Emission data" as:

"Emission data means, with reference to any source of emission of any substance into the air—
(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source); and
(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).”

Finally, WV rules at 45-CSR-31-2.3 defines “Trade secrets” in part as:

“… information which is not patented…”.

Neither the applications nor any subsequent correspondence document that this information is not patented, and it is therefore ineligible for the claim of confidential business information.

Based on these definitions, redacting basic information in the publicly available air permit application is a clear violation of federal and state law. While we recognize the need to protect trade secrets, the redaction of the manufacturer and model of turbines defies the logic of a free market, especially for equipment already protected by patents, and interferes with the ability of citizens to assist WV-DAQ in evaluating permit applications. Manufacturers typically want to advertise their equipment model and attributes, so they can boast about their turbine efficiency or other attributes and can sell more of these products. Claiming this information is a trade secret is contrary to any logical business marketing plan and is instead an attempt to deny West Virginians the information they need to determine the potential public health impacts of a neighboring gas plant. WV-DAQ should take its public notice and comment process seriously and give West Virginians the basic information (size, scale and scope) they need to make informed comments on a gas plant that will impact their lives and community.

A. This topic was previously addressed in the General Response to Comments - Confidential Business Information (CBI) section of this document. The information in question is considered CBI. The CBI has been reviewed by the DEP OGC and it has been determined to meet all requirements of 45 CSR 31 and has been deemed confidential. All emission values were properly accounted for and the permit conditions contain federally and practicably enforceable permit requirements.

Q. If this critical information does not become available, we request that the comment periods be extended for an additional 15 days to allow citizens an adequate opportunity to evaluate the permit. There were several complaints at the virtual public hearing on Aug. 18, 2025 that the lack of broadband access in southern West Virginia denied the right of many in the public to be heard. It kept people from learning about the facility during the public information portion, as well as prevented the public from commenting during the public hearing portion. Even some of those who had access frequently had difficulty being

heard. We recognize that WV-DAQ has statutory deadlines to meet, but the difficulty that people expressed regarding on-line access during the public hearing justifies an extension, and an extension does not preclude WV-DAQ from preparing responses to the comments already received.

A. The DAQ extended the original 30-day public comment period which was originally scheduled to end on August 8, 2025. During this extended public comment period, the DAQ accepted comments and requests for a public meeting. The public meeting was held on August 18, 2025 and the public comment period was extended again until 5:00 P.M. on August 22, 2025. During this time period, the DAQ received additional requests for a public meeting, and upon these requests the DAQ held another public meeting on September 18, 2025 and the public comment period was extended additionally until 5:00 P.M. on September 19, 2025.

Q. These facilities do not constitute a "minor" source.
If operated as proposed, these facilities would be the second largest power plants in West Virginia, based on MWH, and the third largest based on greenhouse gas emissions. The conclusion that a facility of this size is a minor source (or synthetic minor) defies logic. As documented below, the permit fails to consider several sources of emissions that result in the Potential To Emit for this facility exceeding the threshold for a major source. Furthermore, designation of each facility as a major source would invoke a number of regulatory protections that would better protect the people and environment of Mingo County. We urge WV-DAQ to reconsider this determination and find that these facilities are each a major source.

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. Mingo County is currently classified as in attainment/unclassifiable with the NAAQS and, therefore, a proposed new major stationary source in Mingo 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 permit applications indicate that these facilities will be powered by reciprocating internal combustion engines. This description indicates that this facility would not be one of the 28 listed sources and would be subject to the 250 tons per year (TPY) major source PSD threshold. The proposed facilities, however, do not, according to the information submitted in the permit applications and as determined by the DAQ to be reasonable, have a PTE of any regulated pollutant in excess of 250 TPY. Therefore, the proposed facilities are not defined as a major stationary source and are instead subject to the provisions of 45 CSR 13. As regulated under permit condition 4.1.1, the facilities shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of these permits and identified in permit applications R13-3714 and R13-3715. In accordance with the information filed under these permit applications, 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, an independently powered water pump,

emergency generator, associated emissions of cooling towers, or similar equipment as inquired about is not covered. If TransGas plans to install this equipment, 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.

Q. The Draft Permits fail to acknowledge greenhouse gas emissions.
These permits do not comply with EPA's greenhouse gas rules for fossil fuel-fired electric generating units (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). These rules require Carbon Capture and Sequestration (CCS). The Revised application (page 98) indicates emissions of 61,472 tons CO2eq per year for each engine, for a total of 7,008,055 tons per year for the facility. In 2024, the only WV sources to produce emissions greater than that were the Harrison and John Amos plants. EPA has determined that the Best System for Emissions Reduction for base load combustion turbines is "highly efficient generation" and "utilization of CCS with 90 % capture". (see the rule at: https://www.federalregister.gov/documents/2024/05/09/2024-09233/new-source-performance-standards-for-greenhouse-gas-emissions-from-new-modified-and-reconstructed).
To make maters worse, when a citizen asked during the public hearing on Aug. 18 if carbon dioxide was a pollutant, the DEP engineer responded "No". That misinformation is contradicted by EPA's Endangerment Finding and the greenhouse gas rules cited above. WV-DEP's refusal to acknowledge the reality of climate change or the need to reduce greenhouse gas emissions are of particular concern to the Sierra Club.

Given that Adams Fork has already proposed use of CCS for their ammonia facility at this site (See Attached comment letter to Internal Revenue Service from TransGas, Feb. 26, 2024) and proposes to capture almost twice this volume from their ammonia plant, TransGas clearly considers that CCS is a cost-effective and technically feasible option for these facilities.

While we recognize that EPA is proposing rule changes, those proposals have not been finalized and have not even completed the public comment process. Furthermore, legal appeals of such a proposal are virtually certain. Therefore the current law of the land must be enforced until such time as 40 CFR 60 Subpart TTTTa is revoked or revised. We believe that climate change is the single most important issue surrounding proposed fossil fuel facilities, and as such, we recommend that the permit include emissions limits for greenhouse gases consistent with the current federal requirements.

A. 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 TransGas facilities have 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 SCOTUS ruled that GHGs alone could no longer define a source as a "major stationary source" for the purposes of triggering 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.

Q. The Draft Permits fail to include all necessary equipment.
Section 1.0 (Emissions Units) fails to include multiple types of necessary equipment. First, the applicant did not include any fire suppression equipment such as an independently powered water pump, emergency generator, or similar equipment. Second, there is no mention of cooling towers or cooling equipment for any associated end user (the data center). The claim that cooling equipment is not needed because of the use of mine pool water is not accompanied by any credible estimates of the amount of water available and where excess heat injected into the mine pool would go. Unlike river discharges, it seems likely that the heat would simply accumulate in the mine pool, eventually lowering the cooling ability of that pool.

More importantly, the Groundwater Protection Act requires an applicant to "first" obtain groundwater certification (22-12-8 (b)) before any permit which may affect groundwater quality is issued. That section states:

(b) Every state, county or local government body which reviews or issues permits, licenses, registrations, certificates of other forms of approval, or renewal thereof, for activities or practices which may affect groundwater quality shall first submit to the director for review and approval an application for certification.

There is no evidence of this is provided in these permits or the permit applications. The language makes clear that this is a responsibility of the agency, and the Aug. 19 hearing revealed that WV-DAQ has not done this.

Since these types of equipment were not included in the applications, their associated emissions were likewise not included. If the application had included this required equipment, and the associated emissions for that equipment, these would also push each facility into the major source category. Based on a failure to include the proper fire suppression and cooling equipment, the draft permits must be denied, and the applicant must submit a revised application with all proper equipment and associated emissions.

A. As stated previously, as regulated under permit condition 4.1.1, the facilities shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of these permits and identified in permit applications R13-3714 and R13-3715. In accordance with the information filed under these permit applications, 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, an independently powered water pump, emergency generator, associated emissions of cooling towers, or similar equipment as inquired about is not covered. If TransGas plans to install this equipment, the appropriate permitting action would be required.

The DAQ has no statutory authority regarding the Groundwater Protection Act. As stated previously in the General Response to Comments - Statutory Authority of the DAQ section of this document, the DAQ only has those authorities given under the Air Pollution Control Act (APCA) - West Virginia Code §22-5-1, *et. seq.*

Q. The proposal to use 117 separate SCR units is unrealistic.
Each application proposes, and the permits in Section 1.0 authorize, 117 engines and 117 "Control Devices". Section 4.1.6 identifies these as an oxidation catalyst and an SCR on the "high pressure" side, and a "wet system" on the "low pressure" side of the engine turbocharger. This layout is not clear from the Process Flow diagram in the application, and nothing specifies the specific control equipment to be used, making it impossible for the public to verify the proposed control efficiencies. In particular, no information regarding the "wet system" is provided, and this information is essential to achieve the 99 % control efficiency required in the permit. Furthermore, the proposal to use 117 separate SCR systems, one for each engine, defies common sense. Maintaining an SCR unit is challenging and involves managing over a dozen performance parameters (EPA. 2019. SCR Cost Manual. Available at: scrcostmanualchapter7thedition_2016revisions2017.pdf). In particular, temperature control is critical. Maintaining 117 separate units would be incredibly challenging, requiring constant tuning, and the proposed systems invite poor performance and higher emissions. If the permits are not denied, they must be amended to require detailed SCR maintenance and monitoring protocols for each SCR unit.

A. Permit condition 4.1.14 specifically states that the engines (1S - 117S) shall use the air pollution control devices (1C – 117C) specified in Section 1.0 and permit condition 4.1.6 and identified in each permit application 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. Permit condition 4.1.6 identifies the air pollution control device technologies and required emissions reductions for each operating mode to meet the permitted emission rates in permit conditions 4.1.4 and 4.1.5.

The emission control systems for the engines consist of two main systems. The dry system on the high pressure side of the engine (before the turbocharger) and the wet system on the low pressure side, which is downstream of the turbocharger. The dry systems consist of an oxidation catalyst and an SCR catalyst. The catalytic reduction of CO has a reduction efficiency of over 99%. The same system oxidizes VOC emissions with a reduction efficiency of 99%. The de-NOx unit is a

urea based SCR technology, and the reduction efficiency exceeds 90%. The wet system consists of four (4) stages, which reduce NOx further with 90.9% reduction efficiency and SO_2 with 70% reduction efficiency.

The emission abatement system (dry and wet) that will be employed on each engine shall meet the following emissions reductions when operating in the following modes:

Mode	NOx Reduction (%)	CO Reduction (%)	VOC Reduction (%)	PM Reduction (%)	SO_2 Reduction (%)
Speed Up	0	0	0	0	95.0
Fuel Changeover	0	0	0	0	99.0
Generator Switched On	0	0	0	0	99.0
Load Up Cold Control	25.0	25.0	25.0	0	99.0
Normal Operation	99.0	99.0	99.0	25.0	99.0
Compensation Mode	99.0	95.0	99.0	25.0	99.0
Ramp Down	99.0	94.0	99.0	25.0	99.0
Min Load	70.0	50.0	70.0	0	70.0
Spin Out	40.0	35.0	40.0	0	40.0
Emergency	98.0	91.0	99.0	25.0	99.0

Permit condition 4.2.4 requires TransGas to install the air pollution control devices on the engines. Additionally, these air pollution control devices are required to be continuously monitored to verify proper operation. The control devices must be operated in accordance with the manufacturer specifications.

Q. The compliance averaging period is too long.
Section 3.2.1 establishes that compliance with emissions limits will be based on a 12-month rolling average. This approach will allow exceedances to be averaged over a lengthy compliance period. This method is of particular concern during startups, when NOx emissions are largely uncontrolled. As you should be aware, due to the frequency of temperature inversions and the mountainous terrain in this area, these occasional exceedances will have a disproportionate impact on public health, the Mingo County economy, and the environment.

Although the number of startups and shutdowns was assumed to be five in the application and draft permit, a realistic Potential To Emit, with 114 turbines and three replacement turbines, should assume these occur every week, which would justify use of a 7-day rolling average. Furthermore, the application indicates that each engine would be shut down for 1-2 weeks per year for maintenance, and the presence of 39 large diesel tanks implies

regular switches of the fuel source from gas to diesel and back. The provision in section 4.1.7.b. that the operator should be "minimizing (as much as practicable) the frequency of startup and shutdown events" does not provide an enforceable limit as the "as much as practicable" wording creates a loophole to preclude enforcement.

We recommend that the compliance period be based on a 7-day rolling average, and that it includes emissions during startups, shutdowns and malfunctions.

A. Permit condition 3.2.1 states that ***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.

However, as specified in permit condition 4.1.4, hourly emission limits exist for all operating modes for each engine (1S - 117S). The concern surrounding engine startups is specifically addressed in this permit condition.

The comment incorrectly identifies the units as turbines, but they are actually reciprocating internal combustion engines. Furthermore, this comment also requests the use of a 7-day rolling average, whereas the existing permit condition is more stringent and contains a maximum hourly value. Permit condition 4.1.4 establishes maximum hourly values for startup and shutdown conditions and permit condition 4.1.5 establishes the maximum allowable annual emissions based on these operating modes.

Q. Reporting must not be kept confidential
Section 3.5.2 allows the permittee to request confidential treatment for reporting required by this permit. However, 45-CSR-31-6 specifically prohibits any person from claiming as confidential "information concerning the types and amounts of air pollutants discharged". Section 45-CSR-31-2.4 defines "Types and amounts of air pollutants discharged" quite broadly to include information "necessary to determine the identity, amount, frequency, concentration, or other characteristics … of any emission which has been emitted by the source…". We recommend that section 3.5.2 be omitted. At a minimum, the permit must specify that information related to monitoring of air emissions or compliance with the permit is not confidential business information.

A. As discussed previously in the General Response to Comment Section - CBI, all information submitted to WVDEP, regardless of the regulatory context, and includes, but is not limited to, information submitted in the permitting, enforcement, and emission inventory contexts.

Q. The Draft Permits fail to include enforceable permit requirements.
Section 4.1.1 specifies the use of air pollution control equipment, for example, "In accordance with the information filed under Permit Application R13-3715, …". Sections 4.2.4 and 4.4.5 are similarly vague and allow the applicant to demonstrate compliance with emissions standards simply by documenting hours of operation and use of a certified engine, without any verification that the operation of those engines is actually in

compliance with emissions limits. As such, the permits are unenforceable and essentially hands a blank check to the applicant. The permits must be revised to specify the operating parameters of the SCR, including operating at the optimal control efficiency (operating temperature, residence time and related parameters). The permit for a smaller plant (R14-0038) includes such detailed parameters.

A. As stated previously, permit condition 4.1.14 specifically states that the engines (1S - 117S) shall use the air pollution control devices (1C – 117C) specified in Section 1.0 and permit condition 4.1.6 and identified in each permit application 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. Permit condition 4.1.6 identifies the air pollution control device technologies and required emissions reductions for each operating mode to meet the permitted emission rates in permit conditions 4.1.4 and 4.1.5. Permit condition 4.1.6 also states the type of air pollution control device technologies that shall be utilized and the required emissions reductions for each operating mode. Permit condition 4.2.4 requires TransGas to install the air pollution control devices on the engines. Additionally, these air pollution control devices are required to be continuously monitored to verify proper operation. The control devices must be operated in accordance with the manufacturer specifications.

In addition to the required initial and annual performance testing required in 40 CFR 60 Subpart IIII for nitrogen oxides and particulate matter, and the required initial performance testing for carbon monoxide and benzene, this permit contains all necessary legally and practicably enforceable permit conditions to show compliance with the emission standards established in permit conditions 4.1.4 and 4.1.5.

Q. Limits on diesel fuel use are unreasonable.
Section 4.1.15 limits Maximum Annual Throughput of Ultra Low Sulfur Diesel (ULSD) for all tanks to 3,907,000 gallons per year. The permit allows 39 tanks with a capacity of 170,000 gallons each. That annual limit suggests that fewer than 23 tanks can be emptied and refilled per year. Most sources suggest that diesel fuel can be stored for 6-12 months, thus, that limitation implies that much of the diesel fuel may be stored for an average of ~21 months, meaning it could become "gummy" due to oxidation, contain excess water vapor, or otherwise be degraded in quality.

This issue is aggravated by the limitation in the permit of 192 hours per year in "emergency" mode. Each application indicates that each engine normally consumes 798 gal/hour. If operated for 192 hours, the total diesel consumption would exceed 16 million gallons, requiring all 39 tanks to be refilled three times in eight days. That is not credible. The presence of 39 tanks and 192 hours of emergency mode operation clearly implies the applicant plans to exceed the permit limit of 3,907,000 gallons per year, which also indicates their emissions would exceed the minor source threshold. We again recommend that these permits be denied and the applicant submit an application for a Major Source permit.

A. Any diesel fuel that would be required to be combusted in the engines as part of the "shelf-life" issue would be regulated as part of the emission limitations in permit conditions 4.1.4 and 4.1.5 and the annual operational limitations in permit condition 4.1.15.

Draft permit condition 4.1.15 established a maximum annual throughput for the storage tanks based on *normal operations*. This permit condition has been revised to also include the maximum annual throughput and is now designated as "All Operating Modes".

The potential emissions associated with these permit applications take into account operation under worst-case conditions. The following worst-case scenario was examined.

The pipeline is out for eight (8) days, which equates to 192 hours. During this outage, the facility would be operated only on diesel fuel. During the same year, an unplanned event resulted in 31 engines are down and the remaining 86 engines are operated in compensation mode and will continue to deliver full power. This would increase the engines output to 99.4% load. It was estimated that the compensation mode would last for 24 days or 567 hours. Finally, the engines would have to go through 5 startups and shutdowns in place of the scheduled one (1) event.

The potential emissions associated with these worst-case conditions do not exceed the major source threshold as the commenter suggests. This analysis and the resulting potential emissions can be found in each respective EE/FS.

Q. The Draft Permits must be revised to require hourly emissions monitoring.
Draft Permit Sections 4.1.3 through 4.16 indicate that monthly emissions would be calculated using the daily emissions from the hours of operations times the number of hours of such operation each day for each of the operating modes. This approach simply assumes that all pollution controls work perfectly all the time. We recommend that emissions should be monitored directly to determine compliance with permit limits, rather than assuming emissions based on hours of operation.

Sections 4.2.1 through 4.2.9 specify monitoring requirements, however, no actual in-stack monitoring of emissions is required. The monitoring is based entirely on records of fuel use and operating conditions. While section 4.3 specifies initial performance testing, these tests are only required one time. We recommend Continuous Emissions Monitoring Systems (CEMS) be required for NOx, carbon monoxide, SO2 and all particulate categories (at least for PM 2.5). We also recommend that section 4.3 be amended to require performance testing for HAPs, and that all performance testing be repeated annually.

A. Permit condition 4.1.4 establishes hourly emission limits for all operating modes for each engine (1S - 117S). Permit condition 4.1.5 establishes the maximum allowable annual emissions based on these operating modes. Permit condition 4.1.6 establishes the air pollution control technology requirements and the utilization of the two systems of emissions control. Furthermore, this permit condition contains the emissions reductions for each pollutant per operating mode. Permit condition 4.2.4 requires TransGas to install the air pollution control device technologies established in permit condition 4.1.6 and these control devices shall be continuously monitored to verify proper operation and must be operated in accordance with manufacturer specifications to ensure the required control efficiencies. Additionally, permit condition 4.2.7 requires TransGas 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

the 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 control devices.

40 CFR 60 Subpart IIII does not require in-stack continuous emission monitoring systems.

Permit condition 4.3.2 requires initial and annual performance testing for nitrogen oxides and particulate matter as required by 40 CFR 60 Subpart IIII. Performance testing for HAPs is not required by any applicable rule for these engines. Permit condition 4.3.3 requires initial performance testing for carbon monoxide and permit condition 4.3.4 requires initial performance testing for benzene.

Each permit condition has the necessary Monitoring, Recordkeeping, Reporting, and Testing to make it practicably enforceable. The draft permit was also reviewed by EPA and deemed as such.

Q. Certain NOx emissions limits are unclear.
Section 4.1.11. specifies emissions limits for NOx , but section 4.1.11.a.i specifies a limit of 3.4 g/KW-hr when engine speed is less than 130 rpm. Assuming 25-MW engines, that translates to 187 pounds NOx per hour, a level of emissions far above even the very high limit of 89 lb./hour during "Startup – Speed Up" (section 4.1.4.d.).

Likewise, section 4.1.11.a.ii. refers to PM emissions. It is not clear how limiting PM emissions will limit NOx emissions, since no specific controls for PM are included. We recommend that section 4.1.11 be re-written to clarify limits consistent with the rest of the permit.

A. Permit condition 4.1.11 contains the allowable emission standards that must be met for non-emergency engines that are subject to the regulatory requirements of 40 CFR 60 Subpart IIII for nitrogen oxides and particulate matter. However, permit condition 4.1.4 contains more stringent emission limits for each operating mode. The hourly emission limits established in permit condition 4.1.4 shall not be exceeded. As these emission limits are more stringent than those established in 40 CFR 60 Subpart IIII (permit condition 4.1.11), TransGas may not exceed the emission limits of permit condition 4.1.4.

The commenter assumed that limiting the particulate matter emissions will limit nitrogen oxides emissions in permit condition 4.1.11.a.ii. The particulate matter emission standards in this permit condition are 40 CFR 60 Subpart IIII regulatory requirements. As stated above, permit condition 4.1.4 contains more stringent emission limits for each operating mode. The hourly emission limits established in permit condition 4.1.4 shall not be exceeded. As these emission limits are more stringent than those established in 40 CFR 60 Subpart IIII (permit condition 4.1.11), TransGas may not exceed the emission limits of permit condition 4.1.4.

Q. The Draft Permit fails to include a limit on ammonia slip.
While the applicant proposes to use SCR, no provisions to limit ammonia slip are included in the Draft Permits. While the permit at 4.1.6 indicates that the SCR is a urea-based system, large tanks for hydrous ammonia imply otherwise. If this is a urea-based system, the purpose of the ammonia tanks is unclear. But in either event, since ammonia is a highly

noxious gas, WV-DAQ should require provisions at least as stringent as those written into the permit (R14-0038) for the Mountain State Clean Energy facility: "The SCR system shall be designed, constructed, and operated to achieve compliance with the NOx BACT limit for NOX emissions with a concentration of ammonia (ammonia slip) of no greater than 5 ppm corrected to 15% oxygen on a 3-hour averaging period basis from the outlet of the SCR."

A. As stated in the permit applications as part of the dry flue gas treatment system that is installed before the turbocharger, after the deCO reactor, flue gas flows to another reactor that is equipped with a deNOx catalyst. In the space between the deCO reactor and the deNOx reactor, urea ***or*** ammonia solution is injected. The air pollution control device for the engines requires the introduction of an aqueous ammonia (19 %) solution upstream of the air pollution control devices. 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 impossible 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 TransGas 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.

Q. The Draft Permits fail to include monitoring requirements for sulfur emissions.
Section 4.1.4 specifies limits for sulfur emissions; however, no actual monitoring to verify these limits is required. While section 4.4.4 requires the applicant to keep "records of the fuel characteristics in a current, valid purchase contract, tariff sheet or transportation contract …", this approach shifts the responsibility from the emitter to the fuel supplier. The permittee, as the operator of the facility, must be required to produce independent fuel tests, or provide continuous emissions monitoring to verify sulfur emissions. Since high

levels of sulfur can act as a catalyst poison in SCR, testing would help assure that the SCR works as intended.

A. The engines (1S - 117S) are subject to the regulatory requirements of 40 CFR 60 Subpart IIII. 40CFR§60.4207(d) establishes fuel requirements that must be met for stationary compression ignition internal combustion engines. As part of this requirement, TransGas is required to use diesel fuel that meets a maximum per-gallon sulfur content of 1,000 parts per million (ppm). Additionally, permit condition 4.1.8 requires TransGas to utilize ultra-low sulfur diesel (ULSD) fuel with a sulfur content less than 15 ppm, which is much lower than the regulatory requirement of 40 CFR 60 Subpart IIII. As such, this limit is more stringent than the regulatory requirements of that rule.

The permit contains all necessary MRRT and is considered federally and practicably enforceable. The rationale supporting these requirements can be found in the EE/FS REGULATORY APPLICABILITY section for 40 CFR 60 Subpart IIII. CEMS is not a regulatory requirement under this rule for these units.

Permit condition 4.1.6 identifies the air pollution control device technologies and required emissions reductions for each operating mode to meet the permitted emission rates in permit conditions 4.1.4 and 4.1.5. Permit condition 4.1.6 also states the type of air pollution control device technologies that shall be utilized and the required emissions reductions for each operating mode. Permit condition 4.2.4 requires TransGas to install the air pollution control devices on the engines. Additionally, these air pollution control devices are required to be continuously monitored to verify proper operation. The control devices must be operated in accordance with the manufacturer specifications.

Q. The Draft Permits fail to specify what additional permits are required of the applicant. The Engineering Evaluations conclude that each facility is not subject to 45-CSR-14 (Permits for Major Sources), and asserts they are not a Major Source. However, the Engineering Evaluation notes that the facility IS a Major Source under 45-CSR-30 and an Operating Permit will be required. The Engineering Evaluation indicates that an Acid Rain Permit would not be required, but this assertion appears to contradict the information in draft permit 13-3713 (Fundamental Data) which warned that such a permit may be required. This decision should not be left to some future determinations, as it is to everyone's benefit to understand the regulatory requirements before construction is authorized. Use of "after the fact" permits undermine the rationale for regulations in the first place and precludes public involvement in the decisions that impact our lives and the environment. We recommend that this determination be made, and be included in the Draft Permits, before any construction permits are issued.

A. These facilities are not major sources as defined in 45 CSR 14 as is properly stated in each respective EE/FS. However, the facilities are major sources as defined in 45 CSR 30. This is recognized on page 2 of each permit where it states that as a result of the granting of this permit, the source is subject to 45CSR30. The Title V (45CSR30) application will be due within twelve (12) months after the date of the commencement of the operation or activity (activities) authorized by this permit, unless granted a deferral or exemption by the Director from such filing

deadline pursuant to a request from the permittee. Permit condition 3.5.4 in each permit also includes the requirement to submit a certified emissions statement and pay fees on an annual basis as outlined in 45 CSR 30. This is not "after the fact" rationale as indicated in the question, but the proper regulatory process for obtaining a Title V operating permit.

This permit application review is specific to the permit applications that TransGas submitted. Permit applications submitted by a different applicant have no bearing on the review of these facilities. It is clear in each respective EE/FS that 45 CSR 33 (Acid Rain Provisions and Permits) and 40 CFR 72 (Permits Regulation) are not applicable to these facilities. The purpose of this part is to establish certain general provisions and the operating permit program requirements for affected sources and affected units under the Acid Rain Program, pursuant to title IV of the Clean Air Act, 42 U.S.C. 7401, et seq., as amended by Public Law 101-549 (November 15, 1990). The nameplate capacity of the generators attached to each unit is 25 MWe or less. The units do not burn coal or a coal-derived fuel, and burns fuel with sulfur of 0.05% or less by weight. Therefore, these units are exempt under the New Unit Exemption in Section 72.7 and are exempt from permit requirements, monitoring, and allowance holdings, except for the provisions of §72.7 itself, and §72.2 through 72.6 (definitions, measurements, abbreviations, and acronyms, federal authority, state authority, and applicability) and 72.10 through 72.13 (availability of information, computation of time, administrative appeals, and incorporation by reference).

All regulatory rationale and applicable permit conditions are included in the EE/FS and draft permit for each facility.

Q. The Draft Permits lack information on the number, location and height of the stacks. The Applications indicates a stack height of 98 feet above ground level; however, this seems to imply only a single stack. In contrast, each permit and Application indicates 117 distinct emissions points (one for each engine), as well as separate emissions points for various tanks (specifically for 39 diesel tanks at 40 feet above ground level), implying numerous identical stacks. This expectation seems unreasonable and the confusion makes it very difficult to model pollutant dispersion locally or to nearby Class I Air Quality Areas. If, as we believe, the facility has to be regulated as a major source, dispersion modeling will be needed to verify compliance with ambient air quality standards and Class I Air Quality Area standards. At a minimum, the permit must specify the number, height, and location of emissions points.

A. No implication of only one stack exists in the permit applications. It is clear on page 84 of the permit applications that Emission Point ID No. 1E - 117E (engines) each have a stack height of 98' and Emission Point ID No. 118E - 157E (diesel storage tanks) each have a stack height of 40'.

As discussed previously, air quality modeling is not required for minor sources. The stack height parameters referenced in this question are not required as part of any permit condition, nor for the calculation of any emissions associated with this permit.

Q. The permit uses certain acronyms including SCR, CI and ICE that are not defined in section 2,2. We recommend that those be added for clarity.

A. Permit condition 2.2 was revised to include these acronyms.

Q. DAQ mentioned that HAPS (hazardous air pollutants) are not mandated, and there are no set standards. How can you possibly police emissions if HAPS are not mandated or standardized as far as your investigative and enforcement duties?

A. During the public meeting on September 18, 2025, the DAQ affirmed the absence of National Ambient Air Quality Standards (NAAQS) for HAPs. The DAQ further clarified that HAPs are regulated under the applicable National Emission Standards for Hazardous Air Pollutants (NESHAP). This information is also documented in the respective EE/FS for each permitting action. Additionally, permit conditions 4.1.4 and 4.1.5 stipulate hourly and annual emission limitations for total hazardous air pollutants and benzene emissions at each facility.

Q. I don't trust that even the Federal Standards are stringent enough to protect us as citizens from the air pollution/emissions which would be produced if TransGas is allowed to proceed, if you grant its request for the permits.

A. This topic is discussed in detail in the General Response to Comments Section - Ambient Air Quality of Mingo County of this document.

Q. I disagree with your deeming these projects as minor source instead of major source, for the reasons cited by Tyler Cannon at the meeting, all of which was recorded by several news outlets, as well as your office.

A. 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. Mingo County is currently classified as in attainment/unclassifiable with the NAAQS and, therefore, a proposed new major stationary source in Mingo 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 TransGas facilities are defined as a source listed under §45-14-2.43.a. The permit applications indicate that these facilities will be powered by reciprocating internal combustion engines. This description indicates that this facility would not be one of the 28 listed sources and would be subject to the 250 tons per year (TPY) major source PSD threshold. The proposed facilities, however, do not, according to the information submitted in the permit applications and as determined by the DAQ to be reasonable, have a PTE of any regulated pollutant in excess of 250 TPY. Therefore, the proposed facilities are not defined as a major stationary source and are instead subject to the provisions of 45 CSR 13. As regulated under permit condition 4.1.1, the facilities shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of these permits and identified in permit applications R13-3714 and R13-3715. In

accordance with the information filed under these permit applications, 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 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.

Q. Since you are not required under Rule 13 to require a full impact statement, or to require any cumulative impact analysis, including nearby sources, then ostensibly you could be granting a license to kill. Our area has seen enough of industry pollution, as mentioned by Mr. Sammons at the meeting; we do not need more in Southern WV, particularly in Mingo County.

A. The ambient air quality of Mingo County is discussed in detail in the General Response to Comments Section of this document. Furthermore, all applicable and potentially applicable state and federal air quality regulations were reviewed and an analysis for each is included in the respective EE/FS for each facility.

Q. Your office has accepted redacted parts of these permits that truly do not meet the Confidential Business Information criteria, thereby hiding pertinent and discoverable information from the citizens your agency was designed to protect, including the model number and manufacturer of turbines and air pollution control devices, and sources and quality of fuel. Your answer at last night's meeting to how/why you did this, was to defer to your general legal counsel, who conveniently, was not present at the meeting.

A. This topic is discussed in detail in the General Response to Comments - Confidential Business Information (CBI) section of this document.

Q. These permits do not account for greenhouse gas emissions.

A. 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 TransGas facilities have 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.

Q. These facilities do not include necessary equipment, such as cooling towers. This is accompanied by the claim that the use of mine water eliminates the need but there is no information given to support this. There is no explanation for where the heat from the cooling water would go after disposal back into the mine pool. There is no mention of any fire suppression equipment such as an independently powered water pump, emergency generator, or similar equipment. IF the missing equipment and emissions had been acknowledged in these permits, this facility would exceed the Major Source threshold.

A. As of the issuance of this permit, no cooling towers have been proposed. If TransGas plans to install this equipment, the appropriate permitting action would be required.

Q. There is no explanation of the "wet process" on the "low pressure side of the turbocharger. Thus, the public is unable to verify claims of 99% emissions control because it does not have this information.

A. A detailed description of the wet system can be found on page 127 of the permit applications. The removal efficiencies of each mode and stage of the wet process can be found beginning on page 133 of the permit applications.

Q. The DEP is unwilling to verify the function of the emissions capture equipment when performing inspections.

A. The equipment at these facilities will be inspected by DAQ C/E personnel. Furthermore, TransGas is required to conduct initial and annual performance testing of the engines at both facilities that will verify the proper operation of the engines and associated air pollution control technologies. Permit condition 4.2.4 in both permits require TransGas to continuously monitor the air pollution control technologies to ensure proper operation.

Q. Inspections are only required every two years. That is unfortunate.

A. As stated in the General Response to Comments - DAQ Compliance/Enforcement (C/E) Procedures section of this document, 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.

DAQ staff stated that these facilities must be inspected once every two years. However, depending on the type of facility and potential issues, these facilities may be inspected more frequently. Sometimes, as frequently as weekly.

Q. It is conspicuously problematic that Transgas it being permitted to store 3.9 million gallons of diesel at each site, while they are only permitted to burn 85,482 gallons in "emergency" mode each year. Such a volume of storage belies Transgas' intent to violate the very terms of their permit.

A. Permit condition 4.1.8 regulates the maximum hourly diesel fuel usage in operating mode per engine. Draft permit condition 4.1.15 contained a maximum annual throughput of 3,907,000 gallons per year during normal operations of diesel fuel for the storage tanks. This permit condition was revised as the maximum annual throughput of the storage tanks and the value was revised and is now designated as “All Operating Modes”.

Q. The permits fail to include any regulation of sulfur emissions.

A. The engines (1S - 117S) are subject to the regulatory requirements of 40 CFR 60 Subpart IIII. 40CFR§60.4207(d) establishes fuel requirements that must be met for stationary compression ignition internal combustion engines. As part of this requirement, TransGas is required to use diesel fuel that meets a maximum per-gallon sulfur content of 1,000 parts per million (ppm). Additionally, permit condition 4.1.8 requires TransGas to utilize ultra-low sulfur diesel (ULSD) fuel with a sulfur content less than 15 ppm, which is much lower than the regulatory requirement of 40 CFR 60 Subpart IIII. As such, this limit is more stringent than the regulatory requirements of that rule.

The permit contains all necessary MRRT and is considered federally and practicably enforceable. The rationale supporting these requirements can be found in the EE/FS REGULATORY APPLICABILITY section for 40 CFR 60 Subpart IIII.

Permit condition 4.1.6 identifies the air pollution control device technologies and required emissions reductions for each operating mode to meet the permitted emission rates in permit conditions 4.1.4 and 4.1.5. Permit condition 4.1.6 also states the type of air pollution control device technologies that shall be utilized and the required emissions reductions for each operating mode. Permit condition 4.2.4 requires TransGas to install the air pollution control devices on the engines. Additionally, these air pollution control devices are required to be continuously monitored to verify proper operation. The control devices must be operated in accordance with the manufacturer specifications.

Q. The permits do not provide information about the number, location, or height of stacks.

A. It is clear on page 84 of the permit applications that Emission Point ID No. 1E - 117E (engines) each have a stack height of 98' and Emission Point ID No. 118E - 157E (diesel storage tanks) each have a stack height of 40'.

As discussed previously, air quality modeling is not required for minor sources. The stack height parameters referenced in this question are not required as part of any permit condition, nor for the calculation of any emissions associated with this permit.

Q. Data centers are allowed to classify operational details as confidential business information, making it unavailable to the public, and there are FOIA exemptions applicable to these, including power consumption, location specifics and water use.

Last night you deferred any water concerns regarding these permit applications to another division within your agency's branches.

However, because the water concerns are serious and vital to us as citizens, I must voice my objections to these permits for the following reasons as well:

We have no information as to whether the power plants and data centers will affect water quality or quantity of domestic wells nearby, or anywhere in Mingo or Logan Counties. We have no information regarding whether residents will be offered pre-development water quality surveys. We have no information regarding what is connected to the mine pool water that is being considered, nor what the other uses are, nor do we know how the use of the mine pool water interacts with the ecosystem. We do not know what other demands are on this proposed supply of water, and we do not know if we as citizens will need said supply for ourselves in the future. We do not want it removed as a possible source from us!

We as citizens are given no information about the volume of proposed water withdrawal, and we therefore are given no information about potential impacts. Will Transgas agree to use less than 300k gallons per month, and will you enforce this?

Since mine pool water is typically loaded with sulfates, aluminum, iron and other metals, after they pull it up and use it and evaporation occurs, it will then be reintroduced with a

heavier concentration of metals, potentially injecting more salty, contaminated water back into our groundwater. There is no water plan, and this is wrong.

We further do not know if the water withdrawals will affect wellhead protection areas near R.D. Bailey Lake, including an elementary and middle school.

Our area is affected already by high levels of pollution in the air, soil, and water; we as a community suffer with higher rates of cancer and lung diseases than the rest of our state and nation; we do not want further pollution of any kind from another industry in a community already ravaged by so much pollution where so many already suffer with disease.

If you grant these permits, our tourism industry will suffer; our traffic issues will be increased; our roads and infrastructure cannot accommodate such an industry, and our local governments are not equipped with enough resources or personnel to deal with any potential hazards, spills, explosions, etc., the way Kanawha County and the governments in Charleston and Nitro are equipped. If you grant these permits you will potentially be responsible for a disaster that this area has not seen since the Buffalo Creek disaster.

A. As stated previously, the DAQ has no regulatory authority concerning water issues. With respect to contact information concerning water/wastewater quality issues/permitting, please see the following contact information:

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

Q. Emission factors from AP-42 should not have been used to calculate values hazardous air pollutant (HAP) emission rates from the proposed engines.

The calculated controlled formaldehyde emissions from Adams Fork project are a fraction of the controlled formaldehyde emissions1,2 found in several RICE engine air permits3-11. This is surprising as the proposed Adams Fork electrical generating capacity (1795 MW @ 75% load)12 is approximately 6 times greater than the other reviewed RICE projects (~275 MW). In addition, the reviewed RICE projects have calculated annual formaldehyde emission totals that make the projects a Major Source of HAPs. A deeper dive into the calculations found several potential reasons.

The Hazardous emission section of the Adams Fork application stated that HAP emissions were calculated using the EPA guidance document AP-42: Compilation of Air Emissions Factors from Stationary Sources. Specifically, HAP emissions were calculated using values from Chapter 3.2 - Natural Gas-fired Reciprocating Engines (Tables 3.2-1, 3.2-3 and 3.2-4). A check of Tables 3.2-x indicated that the HAP emission factors are in fact from Chapter

3.4 - Large Stationary Diesel And All Stationary Dual-fuel Engines, Table 3.4-3, which would be the appropriate chapter for the engines proposed for this project (covers both spark ignition (SI) and CI engines)14, 17.

The EPA disclaimer in the introduction to Chapter 3.4 states that "emission factors should not be used to determine permit limits"15. The Emission Factor Rating for Table 3.4-3 is rated as is E (Poor), indicating limited sources of data were available for determining appropriate HAP emission factors16. In addition, the Table 3.4-3 formaldehyde emission rate was "diluted" by ratioing the formaldehyde emission rate to total hydrocarbons13, further decreasing the emission rate.

I respectfully request that the WV DAQ request actual emission factors for the Adams Fork CI-RICE engines. The application indicates that the criteria pollutant emission factors were obtained from the engine supplier18,19. The engine supplier would be the logical source for the HAP and ammonia slip emission factors20-24 or from performance tests25-28. With this information, the potential emissions that would exit each engine and therefore become the feed stream to the dry deCO + deNOx system, should be recalculated.

A. Under the CAA, emissions calculations must be done using established calculation methodologies. Examples of these methodologies include the use of source-specific data, utilization of emission factors when source-specific data is unavailable, and material balance. It is critical that the most accurate emission data that is available is utilized for each emission source. Using inappropriate or inaccurate values can lead to incorrect values. The emission calculations must also account for any air pollution control device that may be used.

The MRRT that is required by state and federal rules and regulations are included in the draft permit. Specifically, the engines located at each site will be required to conduct initial and annual performance testing to prove compliance with the permitted emission standards.

Due to the concern surrounding the HAP emission values when using AP-42, a permit condition has been added to the permit which will require TransGas to conduct an initial performance test to ensure compliance with the hourly benzene (HAP) value present as part of the engine combustion, as well as hourly emission values added to permit condition 4.1.4, in addition to the existing hourly emission value for total HAPs. Individual benzene (HAP) emission standards will also be added to permit condition 4.1.5. Benzene was selected for the performance testing as it is present in the highest percentage on a per HAP basis.

Q. The claim of 99% abatement for volatile organic compounds (VOCs) and HAPs is lacking performance data for the first time use of a CO oxidation catalyst section for the proposed engines from the engine supplier.

I was unable to locate any applications by a potential engine supplier that utilized CO oxidation catalyst with the engine design proposed for Adams Fork. The addition of the De-CO oxidation catalyst would appear to be a new equipment configuration as well as new technology29, 30. The use of "new" technology to control formaldehyde (as well as CO, VOCs, and other HAPs) should require actual performance data for control rather

than a claim of 99% abatement31. The reduction of formaldehyde by CO oxidation catalyst for the previously referenced RICE engines projects, are well below the rates claimed by the Adams Fork project32-34. This combination of new technology and highly efficient formaldehyde destruction cannot be supported simply by making a claim in the application.

I respectfully request that the WV DAQ request actual performance data from the engine vendor regarding formaldehyde reduction in the dry deCO emission control section, using the dual fuel specified for this project. Once this information is obtained, the potential emissions from the exhaust stream of the dry deCO + deNOx system to the We-NOx system/flue gas recirculation should be recalculated.

A. 40 CFR 60 Subpart IIII requires initial and annual performance testing of nitrogen oxides and particulate matter. This regulation does not require the testing of carbon monoxide. However, due to the concern surrounding the technology that controls HAP emissions, which is the same technology that controls carbon monoxide, a permit condition has been added which will require TransGas to conduct an initial performance test to ensure compliance with the hourly carbon monoxide value present as part of the engine combustion found in permit condition 4.1.4. Please see the previous response that addresses HAP performance testing.

Q. The emission calculations from the permit application do not appear to correctly incorporate the unique use of the flue gas circulation for the proposed engines.

The use of calculation approaches for emission estimates is premised upon vapor flowing through one single operating cycle of the engine and/or emission control system and then to air. This is the calculation approach for the other RICE engine projects examined for this letter. A unique characteristic of this project is the use of flue gas recirculation via iCER. iCER is to minimize emissions by regulating air and exhaust gas flow via the return of a portion of the post deCO/deNOx pollutants to the engine. These pollutants then become part of the fuel stream to be combusted in the next engine cycle. Therefore, the next cycle of engine emissions should contain slightly higher levels of pollutants than the previous as a result of accumulation.

The emission calculations for this project appear to indicate that the recycle stream (stream B)35 contributes no pollutants to the next cycle of engine emissions (no accumulation portion of a material balance around the engine). This is only possible if all the recycled pollutants from stream B, are "consumed" in the next engine cycle without creating "new" pollutant streams36,37. A review of some data on the use of flue gas recirculation indicates this does not typically occur. I would expect that emission calculations for the proposed engines would require a dynamic model to account for accumulation/return of pollutants to the engine rather than the standard emission factor calculations.

I respectfully request that the material balance for emissions around the engine be reviewed to ensure that the impact of the flue gas recirculation pollutants on the emissions from the next engine exhaust cycle are properly accounted for in the engine emissions to the deCO/deNOx system.

A. Under the CAA, emissions calculations must be done using established calculation methodologies. Examples of these methodologies include the use of source-specific data, utilization of emission factors when source-specific data is unavailable, and material balance. It is critical that the most accurate emission data that is available is utilized for each emission source. Using inappropriate or inaccurate values can lead to incorrect values. The emission calculations must also account for any air pollution control device that may be used. The emission calculations performed for the engines were deemed reasonable and therefore, accepted by the DAQ as the potential emissions associated with these units. The permits for both facilities do contain performance testing requirements for nitrogen oxides, carbon monoxide, particulate matter, and benzene emissions. These performance tests will provide the mechanism necessary to ensure compliance with the emission values present in both permits.

Comments from TransGas Regarding Draft Permits

Comment

Section 1.0 shows the amount of diesel during normal operations. Should the amount of diesel being used and unloaded during diesel only operations be shown in this section?

Response

Table 1.0 summarizes the emission units present at the facility. The diesel truck unloading operations (UNLOAD/UNLOAD-E) represented in this table includes the design capacity under normal operations, which is 3,907,000 gallons per year and was designated as such. The value was revised and is now designated as "All Operating Modes".

Comment

Section 4.1.9., 4.2.1, and 4.4.1. each address monitoring of related items and should be clarified regarding which records are to be maintained and if they are continuous or daily:

Section 4.1.9. requires the monitoring or recording of the hours of operations of each engine, the fuel type (natural gas and diesel), and the engine operating mode to be continuously monitored and recorded. In the second sentence in the requirement, it states that records of the fuel consumption and operating hours are to be kept. We believe this record requirement was intended to also include the engine operating mode.

Section 4.2.1. requires monitoring of the operation type, number of startup/shutdown events, and hours of operation in each operating mode on a daily basis. Engine operating mode is required continuously in 4.1.9.

Section 4.4.1. requires records of operating hours, the throughput of each type of fuel, and operation type on a daily basis. Basically, the same as 4.1.9. but on a daily basis.

Response

Permit condition 4.1.9 will be revised. The second sentence is redundant and will therefore be deleted. The initial sentence already encompasses the requirements to maintain records of engine operating hours, fuel throughputs, and operational modes.

Permit condition 4.2.1 will be revised. The conditions listed in 4.2.1 are required to be monitored continuously in section 4.1. Therefore, the word “daily” will be replaced with “continuous”.

Permit condition 4.4.1 will be revised. The conditions listed in 4.2.1 are required to be monitored continuously in section 4.1. Therefore, the word “daily” will be replaced with “continuous”.

Comment
Section 4.1.15. Should the throughput of diesel during diesel only mode be written into this requirement?

Response
Permit condition 4.1.15 was revised as the maximum annual throughput of the storage tanks included normal operations only and the value was designated this way. The value was revised and is now designated as “All Operating Modes”.

Comment
Section 4.2.6. Can this language be clarified since road emissions are included in the application to state that the emissions are to be minimized instead of "to ensure no fugitive particulate matter emissions". We request the language state: "the permittee shall conduct a visible inspection of the paved roads once each operating day to "minimize fugitive particulate matter emissions".

Response
Fugitive particulate matter emissions associated with vehicle activities at the sites were included in both permit applications. The intent of permit condition 4.2.6 was to ensure that these potential fugitive particulate matter emissions are minimized, as such, the requirement to conduct daily visible inspections, and, if necessary to sweep and/or water the roads to minimize these potential emissions. The requested revision will be made, as this captures the original intent of the permit condition.

Comment
Section 4.3. We request the allowance of part 60.8.(b) be written into the permit. This allowance is regarding stack testing and the section provides for changes to be approved by a waiver. This would make it clear that the permittee has the right to ask for the waiver from testing or changes to testing on the facility on the initial test and subsequent testing. Suggested language is below and is mostly pulled from 60.8(b).

4.3.3. The permittee may request from the Administrator a waiver for testing of each engine for the initial testing and/or annual testing based on the following:
Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator:
(1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology,
(2) approves the use of an equivalent method,
(3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance,

(4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or
(5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.
[40CFR60.8(b)]

Response
Discussions with the USEPA and DAQ C/E personnel confirm the permittee's ability to request the aforementioned testing waiver from the Administrator. This responsibility lies with the permittee and will be handled between the permittee and the USEPA. Until this waiver is granted, or unless it is, the permittee will be required to conduct the performance testing outlined in Section 4.3 of this permit. The requested language will be incorporated into this permit as a mechanism to potentially secure this performance testing waiver.

Oral Questions/Comments Received at Public Meetings

Oral Questions
During the question/answer portion of the public meetings on August 18, 2025 and September 18, 2025, many questions were asked. DAQ staff engaged directly with the public at both meetings answering questions. Those questions believed not to be fully responded to in the General Response to Comments section or at the public meeting are included in the Specific Response to Comments section.

Oral Comments
There were oral comments presented at both public meetings. All of the comments were generally in opposition of the proposed facility, or were similar to the written comments submitted via e-mail by the party in questions (that were addressed above either in the General or Specific Response to Comments Sections). Those comments believed not to be fully responded to in the General Response to Comments section are included in the Specific Response to Comments section.

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

https://drive.google.com/file/d/1yVtMiesqvZRWU5m7T7ossEdFXug-zbbD/view

RESPONSE TO COMMENTS CONCLUSION

As given in this document, and pursuant to §45-13-8.8, all relevant comments received during the public comment period have been reviewed and appropriately addressed in this document. A full listing of all persons that submitted a written comment is included as Appendix A and the actual comments received are available on the DAQ's website. Appendix B includes a list of attendees at the August 18, 2025 virtual public meeting. Appendix C includes the sign-in sheet for the September 18, 2025 in-person public meeting. See the "Final Determination" for discussion of the final determination regarding Permit Applications R13-3714 and R13-3715. These documents will be made available on the DEP AE website, the DAQ Permitting website, and emailed/mailed to all commenters who provided a legible email or name/mailing address.

APPENDIX A - LIST OF PERSONS WHO SUBMITTED WRITTEN COMMENTS

James Kotcon
Robin Blakeman
Leah Turgeon
Daniella Parent
Sarah Fox
Mariah Clay
Timothy Simmons
Deidra Smith
Mary Linscheid
Torli Bush
Elliott Birckhead
Samantha Marco
Stacey Cannon
Olivia Miller
Amy Nee
Laura Rayburn
Jennifer Maurizzio
Deborah Bradley
John Schmittauer
Eric Pash
TIA TRIPLETT
Dennis Pauley
Erin Hudnall
Carmella Campione
Sally Gagne
Derek Benedict
Hilary Kinney
Carol Clevenger
Heather Mccue
Mela Stewart
Lisa Di Bartolomeo
Tina Glaspey
Hillary Hall
Mariah Clay
Sheila Rose
Amelia Cianelli
Brian Abbott
Margaret Strange
Kelly Campbell
Laura Hanks
Tyler Cannon
Priscilla Runyon
James Runyon
Kelsey Grimmett

Rhonda Burgess
Susan Shelton Perry
John Johnson
Joshua Johnson
Kimberly White
Kimberly Maynard
Kyle Surber
Becky Nagy
Caitlin Ware
Stacy Chrise-Tritt
Heather Moore
Mary Lilly
Grace Williams
Ken Maynard
Janice Smith
Dianna Perdue
Nikki Forrester
Dylan Jones
Drema Bates
Kimberly White
Kenzie Walker
Johnny Hager
Candace Bennett
Lisa Jan Haddox-Heston
Waletta Simpson
Cherie Beheler
Justin Grimmett
Priscilla Runyon
Kelsey Grimmett
Randall May
Mitzi May
Alex Nagy
Herman Trent
Bill Gilhaus
James Runyon
Craig Patrick
Kendall Simpson
Mary Marsingil
T. Rolen
Treva Hatfield
Gerald and Judy Compton
Ernest and Angela Gibson
Loretta Hatfield
Bobby May
Marie May
Deborah Patrick

Monica Davis
Barbara Ellis
Raymond Ellis
Elizabeth Foley
Blake Lacy
Tyler Cannon
No name provided
Bonnie Vance
Kimberly White
Robin Sargent
Susan Shelton Perry
James Kotcon
John Gallagher
Grace Williams
Jennifer Jarrell
Stephanie Poe
Mitchell Bias
Harold Davis
Shane Hall
Pete Gollihue
Gary McComis
Angela McComis
Lisa and Dana Crum
Dora Davis
Neal Secrist
Tonya Mounts
Rebecca Kimmons
Mark R. Maynard
TransGas Development Systems, LLC

APPENDIX B - LIST OF ATTENDEES AT 08/18/2025 PUBLIC MEETING

Teresa Adams
Lane Ball
Drema Bates
Shelby Burrough
Tyler Cannon
Dan Cantrell
Mariah Clay
P. Nick Curran
Joey Elia
Jonathan Godby
Hillary Hall
Vernon Haltom
Bruce Justice
James Kotcon
Cody Lynch
Ed McGuire
Luanne McGovern
Griffin McMorrow
Morgan Pemberton
Susan Perry
Roger Perry
Mike Soraghan
Aaron Stone
Mike Tony
Adam Victor
Adam Victor, Jr.
Patrick Ward
Grace Williams

2 Unknown telephone attendees
8 WVDEP attendees

APPENDIX C - SIGN-IN SHEET FOR THE 09/18/2025 PUBLIC MEETING