



February 25, 2026

**BY CERTIFIED MAIL–RETURN RECEIPT REQUESTED**

Lee Zeldin, Administrator  
Environmental Protection Agency  
Office of the Administrator  
Mail Code 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**Re: Notice of Intent to Sue for Failure to Respond to Pending Clean Air Act Title V  
Petition**

Dear Administrator Zeldin:

On behalf of Jefferson County Foundation (“JCF” or “Petitioner”), I hereby provide notice of our intent to sue you and the Environmental Protection Agency (“EPA”) for failing to respond within 60 days to a petition requesting the Administrator to object to the Clean Air Act Title V Operating permit issued by the by the Division of Air Quality of the West Virginia Department of Environmental Protection on April 29, 2025, to Roxul USA Inc., dba Rockwool, for the RAN Facility located in Ranson, Jefferson County, West Virginia, Permit No. R30-03700108-2025 (“Rockwool Petition” or “Petition”). JCF submitted by the Petition to EPA on September 19, 2025,

EPA failed to perform a nondiscretionary duty because although more than 60 days have elapsed since Petitioner filed the Rockwool Petition, you have not yet granted or denied the Petition as required by 42 U.S.C. § 7661d(b)(2).

**Authority to Bring Suit**

Clean Air Act Section 304(a)(2) states that “any person may commence a civil action on his own behalf” against the EPA Administrator “where there is alleged failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator.” 42 U.S.C. § 7604(a)(2). The district courts have jurisdiction over these suits. 42 U.S.C. § 7604(a).

Title V of the Clean Air Act imposes a nondiscretionary duty upon the Administrator to grant or deny a timely petition to object to the issuance of a federal operating permit. 42 U.S.C. §

7661d(b)(2) (“The Administrator shall grant or deny such petition within 60 days after the petition is filed.”).

### **Parties Giving Notice**

As required by 40 C.F.R. §54.3, the full names and addresses of the parties giving notice are as follows:

Jefferson County Foundation  
PO Box 460  
Ranson, WV 25438

The Petitioner and its board members are located in the same county as the facility addressed in the Rockwool Petition and are harmed by your failure to perform your mandatory duties under the Clean Air Act.

### **Relief Requested**

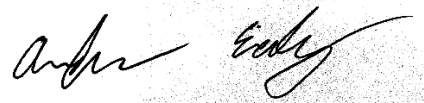
Pursuant to 42 U.S.C. §7661(b)(2), the deadline for the Administrator’s response to the Rockwool Petition was November 18, 2025. JCF has not yet received a response from EPA, and thus EPA failed to respond to the Petition within 60 days as required by 42 U.S.C. § 7661d(b)(2).

In accordance with 42 U.S.C. § 7604(b)(2), this letter serves to notify you that upon the expiration of the 60-day period after the postmarked date of this letter, Petitioner intends to file suit in federal district court requesting the following relief:

- An order compelling you to grant or deny the Petition within 60 (or fewer) days from the date of the court’s order;
- Petitioner’s costs of litigation, including attorneys’ fees, filing fees, and other reasonable litigation costs; and
- Any other relief as may be just or appropriate.

If you would like to discuss this notice letter, settlement of this matter prior to initiation of litigation, or any other questions or concerns, please contact us at your earliest convenience by phone or by email.

Sincerely,



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Andrew C. Earley  
Fair Shake Environmental Legal Services  
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Charleston, WV 25301  
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(234) 255-5397

CC (via email):

Matt Spangler, National Lead for Title V Petitions, U.S. EPA, [spangler.matthew@epa.gov](mailto:spangler.matthew@epa.gov)

Laura M. Crowder, Director, Division of Air Quality, WV DEP, [laura.m.crowder@wv.gov](mailto:laura.m.crowder@wv.gov)

Stacey Phillips, Roxul USA Inc., dba Rockwool, [stacey.phillips@rockwool.com](mailto:stacey.phillips@rockwool.com)

Jefferson County Foundation, [jeffersoncountyfoundation@gmail.com](mailto:jeffersoncountyfoundation@gmail.com)

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