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Via Certified Mail, Return Receipt Requested

January 13, 2023

Administrator Michael S. Regan
U.S. Environmental Protection Agency
Office of the Administrator (Mailing Code 1101A)
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Notice of Intent to Sue for Failure to Timely Grant or Deny a Petition to Object to Proposed Title V Permit No. 24-009-0021 for Cove Point LNG, L.P.'s Cove Point Liquefied Natural Gas Terminal

Dear Administrator Regan,

Pursuant to 42 U.S.C. § 7604(b)(2) of the Clean Air Act, the Environmental Integrity Project and Chesapeake Climate Action Network (collectively, "Petitioners") are writing to provide you with Petitioners' notice of intent to file suit against you in your official capacity as Administrator of the U.S. Environmental Protection Agency for failure to timely respond to our October 28, 2022 petition to object to the proposed Title V Permit No. 24-009-0021 ("Proposed Permit" or "Permit") issued by the Maryland Department of Environmental ("MDE") on September 15, 2022 to the Cove Point LNG Terminal ("Terminal") owned and operated by Cove Point LNG, L.P.,¹ ("Cove Point") in Calvert County, Maryland. Petitioners' October 28, 2022 petition to object is included with this notice letter (excluding the petition's attachments). *See* Attachment A.²

Authority to Bring Suit

Section 304(a)(2) of the Clean Air Act provides that "any person may commence a civil action on his own behalf" against the EPA Administrator "where there is alleged a 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 on the basis that it is not in compliance with the requirements of the Clean Air Act, including the requirements of any applicable State implementation plan. 42 U.S.C. § 7661d(b)(2) ("The Administrator shall grant or deny such petition within 60 days after the petition is filed" and "shall issue an objection within such period if the petitioner demonstrates to the Administrator that the permit is not in compliance with the requirements" of the Clean Air Act).

¹ Formerly known as Dominion Energy Cove Point LNG, L.P.

² The Petition is also available on EPA's public Title V petition database at the following direct link: https://www.epa.gov/system/files/documents/2022-11/Cove%20Point%20LNG%20Petition_10-28-22.pdf

Relief Requested

Pursuant to 42 U.S.C. § 7661d(b)(2), the deadline for the Administrator's response to the October 28, 2022 petition was December 27, 2022. As Petitioners have yet to receive a response from EPA to their petition, EPA has failed to respond to the petition within 60 days as required by 42 U.S.C. § 7661d(b)(2). In accordance with § 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, Petitioners intend to file suit in a federal district court requesting the following relief:

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

Conclusion

If you believe any of the above information is incorrect, would like to discuss settlement of this matter prior to the initiation of litigation and take steps to redress the allegations above, or have any questions concerning this notice letter, please contact me at your earliest convenience by phone at (202) 263-4441, or by email at SLee@environmentalintegrity.org.

Respectfully,

/s/ Sanghyun Lee

Sanghyun Lee
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
(202) 263-4441
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Enclosed:

Attachment A – October 28, 2022 Petition for Objection to Permit No. 24-009-0021

CC (via electronic mail):

Shannon Heafey
Public Participation Coordinator
Air Quality Permits Program
Air and Radiation Administration
Maryland Department of the Environment
shannon.heafey@maryland.gov