

October 1, 2024

Via Certified Mail, Return Receipt Requested

Administrator Michael S. Regan
U.S. Environmental Protection Agency
Office of the Administrator
Mail 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 Title V Operating Permit for AdvanSix Resins and Chemicals
LLC, Hopewell, VA**

Dear Administrator Regan:

With this letter, Chesapeake Bay Foundation, Mothers Out Front, Sierra Club, and Virginia Interfaith Power & Light notify you of our intent to sue you in your official capacity as Administrator of the U.S. Environmental Protection Agency for failure to timely respond to our petition to object to Title V Operating Permit Number PRO50232 issued by the Virginia Department of Environmental Quality for AdvanSix Resins and Chemicals LLC, a chemical manufacturing facility located at 905 East Randolph Road, Hopewell, VA 23860.

Our Title V petition, which is included with this notice letter, was timely filed on July 19, 2024—within 60 days following the end of EPA’s 45-day review period for the permit, which concluded on May 20, 2024. EPA failed to respond to the petition within 60 days, in violation of 42 U.S.C. § 7661d(b)(2). Please respond to our petition, as required by law, or we will be forced to file suit 60 days after you receive this notice letter to compel your response.

Authority to Bring Suit

Clean Air Act section 304(a)(2) authorizes citizen suits “against the Administrator where there is alleged a failure there is an alleged failure to perform any act or duty under this chapter which is not discretionary with the Administrator.” 42 U.S.C. § 7604(a)(2). The Administrator has a nondiscretionary duty to grant or deny a petition filed by citizens to object to the issuance of a federal operating permit on the basis that it contains provisions not in compliance with the Clean Air Act. 42 U.S.C. § 7661d(b)(2). In the event that the Administrator fails to perform this nondiscretionary duty, citizens may bring suit to compel such action. The district courts have jurisdiction over these suits.

Relief Requested

In our lawsuit, we will seek the following relief:

- A declaratory judgment that your failure to grant or deny the petition within 60 days constitutes a failure to perform acts or duties that are not discretionary within the meaning of 42 U.S.C. § 7604(a)(2);
- An order compelling you to grant or deny the petition within 30 days from the date of the order;
- Attorney's fees and other litigation costs; and
- Other appropriate relief.

Persons Providing Notice

As required by 40 C.F.R. § 54.3, the persons giving this notice are:

Chesapeake Bay Foundation
6 Herndon Ave.
Annapolis, MD 21403

Mothers Out Front
P.O. Box 55071
Boston, MA 02205

Sierra Club
2101 Webster St., Suite 1300
Oakland, CA 94612

Virginia Interfaith Power & Light
P.O. Box 26059
Richmond, VA 23260

While EPA regulations require that we provide this information, we request that you direct all communications regarding this matter to the undersigned counsel.

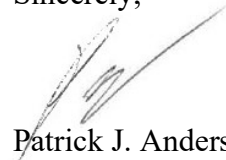
If you have any questions regarding this notice letter, believe any of the foregoing information to be in error, or would like to discuss a settlement of this matter prior to the initiation of litigation, please contact us at the numbers or email addresses listed below.

Administrator Michael S. Regan

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Sincerely,



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*Attorneys for Chesapeake Bay Foundation,
Mothers Out Front, Sierra Club, and
Virginia Interfaith Power & Light*

Attachment

cc (via U.S. mail):

Merrick B. Garland, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Adam Ortiz, Regional Administrator
U.S. Environmental Protection Agency Region 3
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2852