

September 3, 2025

**BY CERTIFIED MAIL–RETURN RECEIPT REQUESTED
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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 Over Failure to Respond to Two Clean Air Act Title V
Petitions**

Dear Administrator Zeldin:

The Environmental Law and Policy Center (“ELPC”), Gary Advocates for Responsible Development (“GARD”), and Just Transition Northwest Indiana (“JTNWI”) (collectively, “Petitioners”) intend to sue you and the Environmental Protection Agency (“EPA”) for failing to respond within 60 days to petitions requesting the Administrator to object to two Clean Air Act Title V Operating permits issued by the Indiana Department of Environmental Management (“IDEM”). The two petitions to object are:

- Petition Requesting that the Administrator Object to the Issuance of Title V Permit Nos. T089-46463-00316 and T089-46464-00318 for the Cleveland-Cliffs Indiana Harbor Steel Facilities submitted by ELPC, Environmental Integrity Project (“EIP”), GARD, JTNWI, and others on June 2, 2025 (“Cleveland-Cliffs Petition”).
- Petition Requesting that the Administrator Object to the Issuance of Title V Permit No. T089-46943-00121 to the U.S. Steel – Gary Works Facility, submitted by ELPC, EIP, GARD, JTNWI, and others on July 3, 2025 (“USS Gary Works Petition”).

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

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:

Environmental Law and Policy Center
35 E Wacker Dr., Suite 1600
Chicago, IL 60601

Gary Advocates for Responsible Development
PO Box 2471
Gary, IN 46403

Just Transition Northwest Indiana
PO Box 8847
Michigan City, IN 46361

The Petitioners all have members that reside near the facilities covered under the Title V permits who 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 Cleveland-Cliffs Petition was August 1, 2025, and the deadline for the Administrator’s response to the USS Gary Works Petition was September 2, 2025. As Petitioners have yet to receive a response from EPA on their petitions, EPA failed to respond to the petitions 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, Petitioners intend to file suit in federal district court requesting the following relief:

- An order compelling you to grant or deny the petitions within 60 (or fewer) days 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.

If you believe any of the above information is incorrect, would like to discuss settlement of this matter prior to initiation of litigation and take steps to redress the allegations above, or have any questions concerning this notice letter, please contact us at your earliest convenience by phone or by email.

Sincerely,

/s/ Robert Michaels

Robert Michaels, Managing Attorney
 Kerri Gefeke, Associate Attorney
 Kristi M. Smith, Smith Environmental Law,
 Consulting Attorney to ELPC
 Environmental Law and Policy Center
rmichaels@elpc.org
 312.795.3713

*On behalf of Gary Advocates for Responsible
 Development, Just Transition Northwest
 Indiana, and Environmental Law and Policy
 Center.*

/s/ Haley Lewis

Haley Lewis, Attorney
 Environmental Integrity Project
hlewis@environmentalintegrity.org
 202.263.4449 ext. 4449

*On behalf of Gary Advocates for
 Responsible Development and Just
 Transition Northwest Indiana.*

CC (Via Electronical Mail) (exclusive of original attachments, which are available upon request)

U.S. EPA Region 5

Ann Vogel, Regional Administrator

Vogel.Ann@epa.gov

Robert Kaplan, Regional Counsel EPA Region 5

kaplan.robert@epa.gov

77 West Jackson Boulevard

Chicago, IL 60604-3507

Sidhant Paul
Wilfred de la Rosa
IDEM, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251
Sipaul@idem.IN.gov
wdelaros@idem.IN.gov

titleVpetitions@epa.gov