

April 2, 2026

**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 a Clean Air Act Title V Petition

Dear Administrator Zeldin:

The Environmental Law & Policy Center (“ELPC”), Faith in Place, 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 a petition requesting the Administrator to object to a Clean Air Act Title V Operating permit issued by the Indiana Department of Environmental Management (“IDEM”). The petition to object is:

- Petition Requesting that the Administrator Object to the Issuance of Title V Permit No. T127-47725-00009 for the U.S. Steel – Midwest Plant Facility submitted by ELPC, Faith in Place, GARD, JTNWI, and others on December 23, 2025 (“USS Midwest Plant Petition”).

EPA failed to perform a nondiscretionary duty because although more than 60 days have elapsed since Petitioners filed their petition, you have not yet granted or denied the above petition 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

Faith in Place
5416 S Cornell Ave., 4th Floor
Chicago, IL 60615

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 facility covered under the Title V permit who are harmed by your failure to perform your mandatory duty 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 USS Midwest Plant Petition was February 21, 2026. As Petitioners have yet to receive a response from EPA on their petition, 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, Petitioners intend 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;
- 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 & Policy Center

rmichaels@elpc.org

312.795.3713

On behalf of Faith in Place, GARD, JTNWI, and Environmental Law and Policy Center.

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

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