



July 20, 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 Over Failure to Respond to Clean Air Act Title V Petitions

Dear Administrator Zeldin:

The Center for Biological Diversity and 350 Colorado intend to sue you and the Environmental Protection Agency (“EPA”) for your failure to respond within 60 days to petitions to object to two Clean Air Act Title V Operating Permits issued by the Colorado Air Pollution Control Division (“Division”): 1) the Operating Permit Renewal for Magellan Pipeline Terminals, LP’s Aurora Terminal, Permit No. 17OPAD399 and 2) the Initial Operating Permit for Crestone Peak Operating Resources, LLC’s Mustang Booster Station, Permit No. 23OPAD524, both facilities located in Adams County, Colorado.

We intend to bring a suit 60 days from the date of this letter, or shortly thereafter, under section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2), against you for your failure to perform a non-discretionary duty outlined in 42 U.S.C. § 7661d(b)(2).

The Center for Biological Diversity is a nonprofit, 501(c)(3) conservation organization. The Center’s mission is to ensure the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands and waters, and public health through science, policy, and environmental law. The Center has more than 89,000 members, many of whom are harmed by your failure to perform a mandatory duty under the Clean Air Act.

350 Colorado is a Colorado-based non-profit organization with over 18,000 members throughout the state. 350 Colorado is an independent state affiliate of 350.org, a global organization with about 490 affiliates focused on building a world powered by clean, accessible, and affordable renewable energy. 350 Colorado’s mission is to build the local grassroots movement to solve the climate crisis and transition to a sustainable future.

The Division is the agency responsible for issuing Title V operating permits in Colorado. The Division approved the Operating Permits for Magellan Pipeline Terminals' Aurora Terminal and Crestone Peak Operating Resources' Mustang Booster Station on April 1, 2026. The Operating Permits authorized the operation of the facilities, both of which are large sources of volatile organic compound ("VOC") air pollution. VOCs pose serious health risks and also react with sunlight to form ground-level ozone, a poisonous gas for which the EPA has established national ambient air quality standards. Ozone is a significant problem in the Denver Metro area of Colorado where Adams County is located.

Pursuant to 42 U.S.C. § 7661d(b)(2), on May 1, 2026 the Center for Biological Diversity and 350 Colorado submitted petitions to the Administrator of the EPA to object to the Operating Permits. The petitions challenged the Division's approval of the permits over their failure to assure compliance with the Clean Air Act and specifically assure compliance with standards and limitations meant to limit VOC pollution and protect public health.

The Clean Air Act, at 42 U.S.C. § 7661d(b)(2), provides that "the administrator shall grant or deny such [Title V] petition within 60 days after the petition is filed." Responding to Title V petitions pursuant to 42 U.S.C. § 7661d(b)(2) is a non-discretionary duty under the Clean Air Act. The Center's [and 350 Colorado's] Title V petitions were filed May 1, 2026, via the email address titlevpetitions@epa.gov. EPA therefore had until June 29, 2026 to grant or deny the Title V petitions. EPA neither granted nor denied the Title V petitions by this date and/or by the date of this letter and therefore EPA is in violation of 42 U.S.C. § 7661d(b)(2). EPA is responsible for the violation of this non-discretionary duty by not responding to the Center for Biological Diversity and 350 Colorado's petitions within 60 days.

In keeping with the requirements of federal regulations, you are hereby notified that the full names and addresses of the persons providing this notice are:

Center for Biological Diversity
378 North Main Ave
Tucson, AZ 85701

350 Colorado
PO Box 607
Boulder, CO 80306

If you wish to discuss this matter, please contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Nichols', is positioned above the printed name.

Jeremy Nichols
Senior Advocate
Center for Biological Diversity
(303) 437-7663
jnichols@biologicaldiversity.org

Bobbie Mooney
Staff Attorney
350 Colorado
bobbie@350Colorado.org