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January 16, 2026

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Air Quality Board  
601 57th Street, S.E.  
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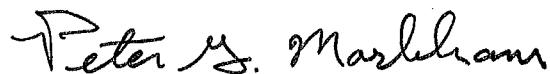
## HAND DELIVERY

Re: *West Virginia-Citizen Action Group, Inc. v. Crowder*, Appeal No. 25-04-AQB

Dear Clerk DeRaimo:

Enclosed for filing in the above-referenced appeal, please find MGS CNP1, LLC's **Petition to Intervene** and **Memorandum of Law in Support of Petition to Intervene**. A corresponding **Certificate of Service** for these filings also is enclosed. Please do not hesitate to contact me if you have any questions.

Sincerely,



Peter G. Markham

PGM  
Enclosures

WEST VIRGINIA AIR QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA-CITIZEN ACTION  
GROUP, INC.

Appellant,

v.

Appeal No. 25-04-AQB

LAURA M. CROWDER, Director,  
West Virginia Department of Environmental  
Protection, Division of Air Quality,

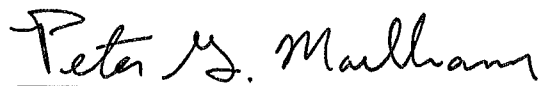
Appellee.

PETITION TO INTERVENE

Pursuant to W. Va. Code § 22B-1-7(e), MGS CNP1, LLC (hereinafter, “MGS”), by counsel Bowles Rice LLP, hereby petitions the West Virginia Air Quality Board (the “Board”) for consent to intervene as a co-Appellee in *W. Va.-Citizen Action Group, Inc. v. Crowder*, Appeal No. 25-04-AQB (the “Appeal”). In support of this Petition, MGS directs the Board to its Memorandum of Law in Support of Petition to Intervene, filed contemporaneously. The Memorandum of Law explains that MGS is entitled to intervenor status as a matter of right because it is the permittee on the Construction Permit that is the subject of the Appeal. W. Va. Code § 22B-1-7(e).

WHEREFORE, in view of the foregoing and the arguments advanced in MGS’ Memorandum of Law in Support of Petition to Intervene, MGS respectfully requests that the Board **GRANT** MGS’ Petition to Intervene and **GRANT** MGS intervenor status as a co-Appellee in the Appeal, pursuant to W. Va. Code § 22B-1-7(e).

Respectfully Submitted By:



Peter G. Markham, Esq. (WVSB #9396)

Marc Mignault, Esq. (WVSB #12785)

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*Counsel for MGS CNPI, LLC*

**WEST VIRGINIA AIR QUALITY BOARD  
CHARLESTON, WEST VIRGINIA**

**WEST VIRGINIA-CITIZEN ACTION  
GROUP, INC.**

**Appellant,**

**v.**

**Appeal No. 25-04-AQB**

**LAURA M. CROWDER, Director,  
West Virginia Department of Environmental  
Protection, Division of Air Quality,**

**Appellee.**

**MEMORANDUM OF LAW IN  
SUPPORT OF PETITION TO INTERVENE**

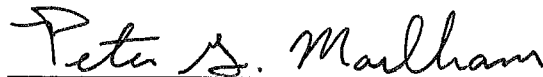
Pursuant to W. Va. Code § 22B-1-7(e), MGS CNP1, LLC (hereinafter, “MGS”), by counsel Bowles Rice LLP, hereby submits this Memorandum of Law in support of its Petition to Intervene as a co-Appellee in *W. Va.-Citizen Action Group, Inc. v. Crowder*, Appeal No. 25-04-AQB (the “Appeal”).

MGS is entitled to intervene in the Appeal as a matter of right. The West Virginia Code provides that, “[i]n any appeal brought by a third party, the permittee . . . shall be granted intervenor status as a matter of right where issuance of a permit . . . is the subject of the appeal.” W. Va. Code § 22B-1-7(e). In the Appeal, Appellant West Virginia-Citizen Action Group (“WV CAG”), a third party, challenges Appellee Laura M. Crowder’s (the “Director”) issuance of Construction Permit R13-3708 (the “Permit”). The Director issued the Permit to MGS, as permittee, on November 20, 2025, pursuant to the West Virginia Air Pollution Control Act and corresponding State Rules. WV CAG commenced its Appeal of the Director’s action on December 22, 2025. In these circumstances, MGS, as the permittee, is entitled to intervenor

status as a matter of right because its Permit is the subject of WV CAG's Appeal. W. Va. Code § 22B-1-7(e).

WHEREFORE, in view of the foregoing and pursuant to W. Va. Code § 22B-1-7(e), MGS hereby requests that the West Virginia Air Quality Board **GRANT** MGS' Petition to Intervene and **GRANT** MGS intervenor status as a co-Appellee in *W. Va. Citizen Action Group, Inc. v. Crowder*, Appeal No. 25-04-AQB.

Respectfully Submitted By:



Peter G. Markham, Esq. (WVSB #9396)

Marc Mignault, Esq. (WVSB #12785)

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WEST VIRGINIA AIR QUALITY BOARD  
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA-CITIZEN ACTION  
GROUP, INC.

Appellant,

v.

Appeal No. 25-04-AQB

LAURA M. CROWDER, Director,  
West Virginia Department of Environmental  
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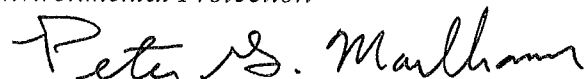
Appellee.

CERTIFICATE OF SERVICE

I, Peter G. Markham, Esq., hereby certify that I have served copies of the foregoing **Petition to Intervene** and **Memorandum of Law in Support of Petition to Intervene** on January 16, 2026, by mailing true and correct copies via U.S. Mail, postage prepaid, and by emailing true and correct copies, to the following individuals:

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*West Virginia Department of Environmental Protection*

  
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*Counsel for MGS CNP1, LLC*