

**West Virginia Air Quality Board  
Charleston, West Virginia**

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**Jefferson County Foundation, et al.,**

**Appellants,**

**v.**

**Appeal No. 23-02-AQB**

AIR QUALITY BOARD

**Laura M. Crowder, Director,  
West Virginia Department of Environmental  
Protection,  
Division of Air Quality,**

**Appellee,**

**and**

**Roxul USA, Inc., d/b/a ROCKWOOL,**

**Intervenor--Appellee.**

**ROCKWOOL'S MOTION TO DISMISS**

In this appeal, Appellants Jefferson County Foundation, Inc. and three of its board members (collectively, "JCF") contend that the West Virginia Department of Environmental Protection's Division of Air Quality ("DAQ") wrongfully issued Modification Permit No. R14-0037A (the "Modified Permit") to ROCKWOOL in violation of applicable state and federal regulations. In support of their contention, JCF asserts numerous claims. All of those claims are without merit and should be dismissed as a matter of law in accordance with Rule 12(b)(6) of the West Virginia Rules of Civil Procedure for the reasons explained in ROCKWOOL's Memorandum of Law in Support of its Motion to Dismiss. ROCKWOOL hereby moves the Board for an Order dismissing JCF's Appeal in accordance with W. Va. R. Civ. P. 12(b)(6).

**ROXUL USA, INC., d/b/a ROCKWOOL**



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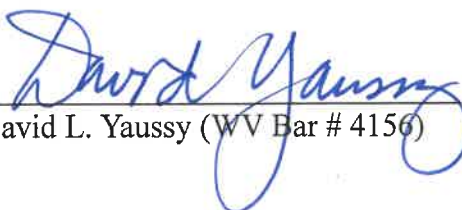
**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2024, I caused the foregoing **ROCKWOOL'S MOTION TO DISMISS** to be served upon the following parties by United States mail, postage prepaid:

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