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Citizen Suit Action/ Clean Water Act: Environmental Defense Alliance Notice of Intent to Sue U.S. Environmental Protection Agency Regarding Florida Water Quality Standards

03/27/2025

Mr. David A. Ludder Transmitted a February 7th document to the United States Environmental Protection Agency ("EPA") styled:

Notice of Intent to Sue Administrator under Clean Water Act §505(a)2,33U.S.C. §1365 (a)2.

The Notice of Intent to Sue ("NOI") is transmitted on behalf of the Environmental Defense Alliance whose organizational and individual members are identified in the document.

The NOI alleges that the EPA Administrator has failed to perform an act or duty under the Clean Water Act which is not discretionary with the Administrator.

Mr. Ludder states that an EPA assistant Administrator on December 1, 2022 made a determination under Section 303 of the Clean Water Act that new and revised water quality standards for navigable water in the state of Florida are necessary to satisfy the requirements of the Clean Water Act. The Florida Department of Environmental Protection Deputy Secretary is stated to have responded on February 27, 2023, that his agency supported EPA's current plan to promulgate updated human health water quality criteria for Florida which that agency could then quickly incorporate into State Law.

The EPA Administrator on December 8, 2023, is stated to have published a proposed rule to establish new and revised Human Health Water Quality Criteria for priority toxic pollutants for Florida navigable waters. See 88 fed. Reg. 85530.

The NOI alleges that more than 12 months have elapsed since the proposed rule was published and that the EPA administrator has failed to promulgate new and revised Human Health Water Quality Criteria for the navigable waters in the State of Florida that have been determined necessary to satisfy the requirements of the Clean Water Act. This is alleged to violated Section 303 (c) 4 of the Clean Water Act.

The February 7th NOI states that unless the EPA Administrator promulgates new and revised Human Health Water Quality Criteria for priority toxic pollutants in the navigable waters in the State of Florida within the next 60 days that a Clean Water Act citizen suit may be filed to compel compliance with what is alleged to be a non-discretionary duty.

A copy of the NOI can be downloaded [here](#).

