MITCHELL | WILLIAMS

Little Rock
Rogers
Jonesboro
Austin
MitchellWilliamsLaw.com

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

Safe Drinking Water Act/National Primary Drinking Water Regulations: Environmental Organizations Notice of Intent to Sue U.S. Environmental Protection Agency for Alleged Failure to Perform Non-Discretionary Duties

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

12/03/2018

Three environmental organizations sent a November 15th Notice of Intent to Sue ("NOI") to the United States Environmental Protection Agency ("EPA") alleging the failure to perform certain non-discretionary duties required by the Safe Drinking Water Act ("SDWA").

The three organizations include:

- Waterkeeper Alliance, Inc.
- Waterkeepers Chesapeake, Inc.
- California Coastkeeper d/b/a Coastkeeper Alliance

(collectively "Waterkeepers")

The November 15th NOI alleges that EPA has failed to perform the following SDWA non-discretionary duties:

- Failure to revise the existing National Primary Drinking Water Regulations for tetrachloroethylene and trichloroethylene
- Failure to revise the existing National Primary Drinking Water Regulations for chlorite, cryptosporidium, haloacetic acids, heterotrophic bacteria, giardia lamblia, legionella, total trihalomethanes, and viruses
- Failure to make revise/not revise decisions during Six-Year Review 2 and Six-Year Review 3
- Failure to review and revise the existing National Primary Drinking Water Regulations for total chromium/hexavalent chromium
- Failure to make the fourth regulatory determination
- Failure to publish the fifth Candidate Contaminant List

Waterkeepers also states that it intends to file suit to compel performance of certain continuing duties which include:

- Failure to Regulate Contaminants in Drinking Water Poses Serious Public Health Risks

The NOI states that Waterkeepers intends to file suit for the alleged previously nondiscretionary duties pursuant to Subsection 1449 (i.e., the Citizen Suit provision) of the SDWA.

A copy of the NOI can be found here.