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Gina McCarthy
Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Notice of Intent to Sue the EPA for its Failure to Act on Wyoming's 2008 Lead NAAQS State Plan Submission as Required by 42 U.S.C. § 7410(k)(2)

Dear Administrator McCarthy:

As required by 42 U.S.C. § 7604(b)(2), the State of Wyoming hereby notifies you of its intent to bring a civil action against you in your official capacity as Administrator of the United States Environmental Protection Agency (EPA) for failing to perform a non-discretionary duty under the Clean Air Act (Act). Specifically, you have failed to take action on Wyoming's implementation plan for the 2008 lead National Ambient Air Quality Standard (NAAQS) within the timeframe prescribed by 42 U.S.C. § 7410(k)(2).

On October 12, 2011, the State of Wyoming submitted its 2008 lead NAAQS implementation plan to the EPA. The Act required the EPA to determine whether the plan was complete within six months of submission. 42 U.S.C. § 7410(k)(1)(B). The EPA failed to do so and, as a result, the plan became complete by operation of law on April 13, 2012. *Id.* Following this determination of completeness, the Act required the EPA to take final action approving or disapproving, or partially approving and disapproving, Wyoming's implementation plan no later than April 13, 2013. *Id.* § 7410(k)(2). To date, the EPA has not taken any action on Wyoming's plan. As a result, you have failed to perform a non-discretionary duty under 42 U.S.C. § 7410(k)(2).

Accordingly, the State of Wyoming intends to file suit sixty days from the date of postmark of this letter seeking declaratory and injunctive relief to enforce the non-discretionary duty described above, as well an award of litigation costs. Please feel free to contact me if you have any questions concerning this communication.

Sincerely,

Peter K. Michael
Attorney General
State of Wyoming