



February 7, 2025

Delivered via Certified Mail

No. 7016 3010 0000 6309 1524

Hon. Lee M. Zeldin, Administrator
Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

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

Dear Administrator Zeldin:

Pursuant to Clean Water Act § 505(a)(2), 33 U.S.C. § 1365(a)(2), and 40 C.F.R. § 135.2(b), the Environmental Defense Alliance, on behalf of its member organizations and individual members, Waterkeepers Florida, on behalf of its member organizations and their individual members, Joy Towles Ezell; Richard L. Johnson, and Linda Young, provide notice of their intent to file suit against the Administrator for his failure to perform an act or duty under the Clean Water Act which is not discretionary with the Administrator.

On December 1, 2022, Radhika Fox, Assistant Administrator of the Environmental Protection Agency, made a determination under Clean Water Act § 303(c)(4)(B), 33 U.S.C. § 1313(c)(4)(B), that new and revised water quality standards for the navigable waters in the State of Florida are necessary to satisfy the requirements of the Clean Water Act. Attachment A. On February 27, 2023, Adam Blalock, Deputy Secretary of the Florida Department of Environmental Protection, responded that “the Department fully supports EPA’s current plan to promulgate updated [human health water quality criteria] for

Florida, which the Department can then quickly incorporate into state law.” Attachment B.

On December 8, 2023, Michael S. Regan, Administrator of the Environmental Protection Agency, published a proposed rule to establish new and revised human health water quality criteria for priority toxic pollutants for the navigable waters in the State of Florida. 88 Fed. Reg. 85530 (Dec. 8, 2023); Attachment C. More than twelve months have elapsed since the proposed rule was published and the 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 to be necessary to satisfy the requirements of the Clean Water Act.

Clean Water Act § 303(c)(4), 33 U.S.C. § 1313(c)(4), provides:

The Administrator shall promptly prepare and publish proposed regulations setting forth a revised or new water quality standard for the navigable waters involved—

* * *

(B) in any case where the Administrator determines that a revised or new standard is necessary to meet the requirements of this chapter.

The Administrator *shall* promulgate any revised or new standard under this paragraph *not later than ninety days after he publishes such proposed standards*, unless prior to such promulgation, such State has adopted a revised or new water quality standard which the Administrator determines to be in accordance with this chapter.

(Emphasis added).

Unless the 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 sixty days, the Environmental Defense Alliance, on behalf of its member organizations and individual members, Waterkeepers Florida, on behalf of its member organizations and their individual members, Joy Towles Ezell, Richard L. Johnson, and Linda Young may file suit to compel compliance with the above-referenced non-discretionary duty established in Clean Water Act § 303(c)(4), 33 U.S.C. § 1313(c)(4).

Sincerely,



David A. Ludder
Attorney for Environmental Defense
Alliance, Waterkeepers Florida, Joy
Towles Ezell, Richard L. Johnson,
and Linda Young

cc:

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