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# National Primary Drinking Water Regulations/Safe Drinking Water Act: Waterkeeper Alliance, Inc. Notice of Intent to Sue U.S. Environmental Protection Agency for Alleged Missed Deadlines

## Arkansas Environmental, Energy, and Water Law Blog

11/16/2016

Waterkeeper Alliance, Inc. ("Waterkeeper") sent a November 2nd Notice of Intent to File Suit ("Notice") under Section 1449(a)(2) of the Safe Drinking Water Act ("SDWA") to the United States Environmental Protection Agency ("EPA") for alleged failure to undertake certain non-discretionary duties mandated by the statute.

The Notice alleges that EPA has failed to perform at least 10 non-discretionary duties under the SDWA's National Primary Drinking Water Regulation program.

The SDWA requires that EPA promulgate National Primary Drinking Water Regulations that establish enforceable standards (i.e., Maximum Contaminant Levels) limiting the level of specified contaminants in drinking water from public water systems.

The Waterkeepers Notice outlines what it characterizes as the SDWA's multi-step process for promulgating and revising drinking water regulations. The organization further notes that the federal agency's actions during each step of the process are subject to mandatory statutory deadlines. The steps identified are:

- Contaminant candidate list – identify unregulated contaminants as candidates for regulation
- Unregulated contaminant monitoring rules – subsequently select unregulated contaminants to be monitored by public water systems and include it in a contaminant database
- Regulatory determination – subsequently determine which contaminants to regulate
- National primary drinking water regulations – subsequently regulate the contaminants EPA has determined to regulate
- Review and revisions of regulations – subsequently review and revise existing regulations

Waterkeeper alleges that EPA has missed mandatory statutory deadlines for regulation of:

- Strontium
- Tetrachloroethylene
- Trichloroethylene

- Acrylamide
- Epichlorohydrin
- Chromium

The organization further alleges that EPA missed mandatory deadlines for:

- Identifying other contaminants that may require monitoring and/or regulation
- Determining whether to regulate such contaminants
- Reviewing and strengthening existing drinking water regulations

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