



February 6, 2018

Hon. Scott Pruitt, Administrator
Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

**Re: PETITION FOR DETERMINATION THAT THE PROMULGATION OF
NEW OR REVISED WATER QUALITY STANDARDS ARE
NECESSARY IN THE STATE OF ALABAMA TO MEET THE
REQUIREMENTS OF THE CLEAN WATER ACT AND TO PREPARE
AND PUBLISH PROPOSED REGULATIONS SETTING FORTH NEW
OR REVISED WATER QUALITY STANDARDS FOR THE STATE OF
ALABAMA**

Dear Mr. Pruitt:

On February 3, 2017, the Environmental Defense Alliance, Alabama Rivers Alliance, Inc., Black Warrior Riverkeeper, Inc., Cahaba Riverkeeper, Inc., Choctawhatchee Riverkeeper, Inc., Coosa Riverkeeper, Inc., Friends of the Little Cahaba River, Inc., and Friends of Hurricane Creek submitted to your office the above-described petition for the U.S. Environmental Protection Agency (EPA) to prepare and publish proposed regulations setting forth water quality criteria for priority toxic pollutants. More than one year has now elapsed and neither the EPA nor the Alabama Department of Environmental Management (ADEM) has taken any action to propose or promulgate water quality criteria for priority toxic pollutants that threaten human health and aquatic life. These priority toxic pollutant criteria were due to be promulgated years ago.

Congressional impatience with the pace of State toxics control programs resulted in the adoption of stringent new water quality standard provisions in the Water Quality Act Amendments of 1987. Pub. L. 100-4, 101 Stat. 7. In enacting 33 U.S.C. § 1313(c)(2)(B), Congress expressed its determination of the necessity for *prompt* adoption and implementation of water quality criteria for toxic pollutants. Indeed, Congress mandated that every time States adopted new or revised water quality standards and every time States conducted a triennial review of water quality standards, they shall adopt criteria for priority toxic pollutants as

necessary to protect human health and aquatic life. ADEM is years behind in promulgating criteria for priority toxic pollutants. Because of inaction by EPA and ADEM, Alabamians have continued to be exposed to excessive concentrations of toxic chemicals. Because human health is at risk, EPA's attention to implementation of 33 U.S.C. § 1313(c)(2)(B) is imperative. As you stated in your confirmation hearing, "Rulemaking is something we should take seriously and that we should do so consistent with the framework outlined by Congress . . ." *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency* (Jan. 18, 2017) at p. 168. The petitioners beseech you to implement the will of Congress as expressed in 33 U.S.C. § 1313(c)(2)(B). Failing your action, petitioners will file a lawsuit against you for unreasonable delay.

Sincerely,



David A. Ludder
Attorney for Petitioners

cc:

U.S. Senate Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Environment Subcommittee
U.S. House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515