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Waterkeeper Groups Notify EPA of Intent to Sue *Regulator has missed Safe Drinking Water Act deadlines for toxic and carcinogenic contaminants*

WASHINGTON, D.C. - Waterkeeper Alliance, Waterkeepers Chesapeake, and California Coastkeeper Alliance today notified the U.S. Environmental Protection Agency (EPA) of their [intent to sue](#) the agency under the Safe Drinking Water Act because EPA has missed Safe Drinking Water Act deadlines for reviewing and regulating drinking water contaminants, including tetrachloroethylene, trichloroethylene, hexavalent chromium, and others. The environmental groups are represented in this matter by Reed W. Super, Esq. of Super Law Group, LLC.

EPA's mandatory obligations under the Safe Drinking Water Act include identifying unregulated contaminants for monitoring and/or regulation, regulating those contaminants, and reviewing and revising existing drinking water regulations, all according to a specific timetable mandated by Congress. If EPA does not perform its mandatory obligations, we plan to file suit in early 2019.

The mandatory duties the groups intend to enforce in the upcoming lawsuit involve particular contaminants:

- Chromium (including hexavalent chromium, the chemical best known from the movie “Erin Brockovich”) was regulated in 1991, with an enforceable limit of 100 parts per billion, based on the assumption that it was noncarcinogenic through oral exposure even though it is known to cause cancer when inhaled. Since then, the National Toxicology Program found “clear evidence of carcinogenic activity” when hexavalent chromium is ingested in drinking water. California set a goal of 0.2 parts per billion and an enforceable limit of 10 parts per billion. EPA has been studying it for many years but has not begun to revise it, or complete its review, well past the deadline for doing so.
- Tetrachloroethylene (“PERC”), trichloroethylene (“TCE”), chlorite, cryptosporidium, haloacetic acids, heterotrophic bacteria, Giardia lamblia, Legionella, total trihalomethanes, and viruses. In 2010, EPA said the existing regulations for the solvents tetrachloroethylene (PERC) and trichloroethylene (TCE) should be revised to be more protective of human health. In 2017, EPA reached the same conclusion for the other eight contaminants listed here. But EPA has done nothing to develop revised regulations.

EPA also has a mandatory obligation under the Safe Drinking Water Act to make final regulatory determinations with respect to at least five contaminants published on the Candidate Contaminant List every five years. The fourth regulatory determinations were due by August 6, 2016.

EPA failed to publish by the February 6, 2018 deadline the fifth Candidate Contaminant List, which is the list of contaminants that are not subject to any proposed or promulgated National Primary Drinking Water Regulation, but are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act. This is also due every five years.

"EPA has a clear legal obligation to monitor and regulate contaminants, including carcinogens, in our drinking water. It is not optional," said Marc Yaggi, Waterkeeper Alliance's Executive Director. "There is too much at stake for these waiting games to continue. If the agency continues to drag its feet, refusing to protect the public from harmful chemicals, we will sue to force it to do so."

"The public puts its trust in government to ensure our drinking water is safe," said Betsy Nicholas, Waterkeeper Chesapeake's Executive Director. "Right now, that trust is broken because EPA is not fulfilling its obligation to monitor dangerous drinking water contaminants. It's a sad necessity that we must force the agency's hand to fulfill its most basic obligation to the people."

"The EPA's job is to protect human health and the environment, and every month that the agency fails to set limits on chemicals used in dry-cleaning fluid, degreasers, refrigerants and other toxic substances that are detected in our drinking water is another month that Californians are put at risk for cancer, liver disease, and other illnesses," said Sean Bothwell, California Coastkeeper Alliance's Executive Director. "At a time when California must do more to provide safe and affordable drinking water, California Coastkeeper Alliance is joining this lawsuit with the hope that the revised national standards will compel California to take bold action."

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About Waterkeeper Alliance

Waterkeeper Alliance is a global movement uniting more than 300 Waterkeeper Organizations and Affiliates around the world, focusing citizen action on issues that affect our waterways, from pollution to climate change. The Waterkeeper movement patrols and protects over 2.5 million square miles of rivers, lakes, and coastlines in the Americas, Europe, Australia, Asia, and Africa. For more information please visit: waterkeeper.org

About California Coastkeeper Alliance

California Coastkeeper Alliance unites local Waterkeeper programs to fight for swimmable, fishable and drinkable waters for California communities and ecosystems. Visit cacoastkeeper.org for more information.

About Waterkeepers Chesapeake

WATERKEEPERS® Chesapeake is a coalition of eighteen independent programs working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. Waterkeepers Chesapeake amplifies the voices of each Waterkeeper and mobilizes these organizations to fight pollution and champion clean water. Visit waterkeeperschesapeake.org for more.