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DATE FILED: 9/19/16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATURAL RESOURCES DEFENSE COUNCIL,
INC.,

Plaintiff,

-against-

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and GINA
MCCARTHY, in her official capacity as
Administrator of the United States Environmental
Protection Agency,

Defendants.

ORDER

16 Civ. 1251 (ER)

Ramos, D.J.:

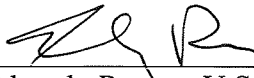
After reviewing the proposed orders submitted by Plaintiff Natural Resources Defense Council, Inc. (“NRDC”) and Defendants United States Environmental Protection Agency and Gina McCarthy, in her official capacity (collectively, “EPA”), the Court finds as follows:

1. EPA’s February 11, 2011 determination to regulate perchlorate, 76 Fed. Reg. 7762 (Feb. 11, 2011), triggered a non-discretionary duty to propose a maximum contaminant level goal (“MCLG”) and a national primary drinking water regulation (“NPDWR”) for the chemical by February 11, 2013. 42 U.S.C. § 300g-1(b)(1)(E).
2. EPA has not proposed an MCLG and NPDWR as set forth in paragraph 1.

3. EPA's failure to propose an MCLG and NPDWR as set forth in paragraph 1 constitutes a failure to perform a non-discretionary act or duty under the Safe Drinking Water Act, within the meaning of 42 U.S.C. § 300j-8(a)(2).¹

It is SO ORDERED.

Dated: September 19, 2016
New York, New York



Edgardo Ramos, U.S.D.J.

¹ EPA does not contest this ruling.