

59. Clean Water Act § 303(c)(4), 33 U.S.C. § 1313(c)(4), establishes a nondiscretionary duty on the part of the Administrator to promulgate new and revised water quality standards not later than 90 days after publishing proposed new and revised water quality standards.

60. More than ninety days have elapsed since the Administrator published proposed regulations setting forth new and revised water quality criteria for priority toxic pollutants in *See Water Quality Standards to Protect Human Health in Florida – Proposed Rule*, 88 Fed. Reg. 85530 (Dec. 8, 2023).

61. The Administrator has failed, and continues to fail, to perform his nondiscretionary (i.e., Congressionally mandated) duty to promulgate new and revised water quality criteria for priority toxic pollutants in Florida's Class I, II, III and III-Limited waters as required by Clean Water Act § 303(c)(4), 33 U.S.C. § 1313(c)(4).

Count II

62. Paragraphs 1 through 55 hereof are incorporated herein by reference.

63. The Administrative Procedure Act, 5 U.S.C. § 702 provides that any person (including a corporation or association) adversely affected or