Federal Judge Blocks New Clean Water Rule

Source: Golf Course Superintendents Association of America

Deck: The ruling has been temporarily halted in 13 states.

A federal judge in North Dakota has blocked the Clean Water Rule authored by the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers under the Clean Water Act from taking effect Aug. 28, 2015 in 13 states. The rule attempts to clarify which Waters of the United States (WOTUS) are overseen by the federal government. It is unclear at this time if the ruling reaches beyond those 13 states.

Although the Clean Water Act (CWA) has been in place since 1972, the new rule greatly expands the scope of waters that come under federal jurisdiction. Thirty-five states have taken legal action to try to halt the new rule, alleging the measure violates the Clean Water Act and impedes on state rights. In addition to the North Dakota ruling, federal judges in other states are still considering injunctions that would block the rule further.

The 13 states where the ruling has been temporarily halted are Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevaca, New Mexico, North Dakota, South Dakota and Wyoming.

Introduced in April, Senate Bill 1140 would require the EPA and the Corps of Engineers to immediately withdraw the WOTUS rule, complete economic analyses and adhere to a certain principles when introducing any new rule. H.R. 1732 is the companion to S.B. 1140 and has already passed the full House.

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