



PRESS RELEASE

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COLORADO AND TWELVE OTHER STATES SUCCESSFULLY BLOCK IMPLEMENTATION OF EPA'S CONTROVERSIAL WOTUS RULE

DENVER—Today, a federal judge in North Dakota granted a request by Colorado and twelve other States for a preliminary injunction against a rule issued by the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers. The rule attempts to redefine “Waters of the United States” (WOTUS) under the Clean Water Act. The multistate coalition challenged the rule for illegally removing water and land resources from state control and placing them under the control of the federal government. The court’s decision will prevent the rule from taking effect until the States’ claims can be fully addressed and resolved, and it includes a preliminary determination that the States’ claims are likely to succeed.

“Colorado has primary responsibility to protect and manage its own water resources, and it takes that responsibility seriously,” said Colorado Attorney General Cynthia H. Coffman. “The EPA cannot simply ignore state sovereignty as it continues to reach further into state affairs. Today the court agreed with Colorado and its fellow States that EPA likely overstepped its authority in trying to take control over state waters and, in doing so, poses a threat to state sovereignty. We will continue to vigorously defend Colorado from federal overreach.”

Colorado joined litigation filed in the United States District Court for the District of North Dakota. The other parties to that lawsuit are: North Dakota, Alaska, Arizona, Arkansas,

Idaho, Missouri, Montana, Nebraska, Nevada, South Dakota, Wyoming, the New Mexico Environment Department, and the New Mexico Office of the State Engineer.

In issuing its preliminary injunction against the rule, the Court today said “it appears likely that the EPA has violated its Congressional grant of authority in its promulgation of the Rule.” The States’ challenge to the rule will still need to be briefed, argued, and decided by the court, but today’s injunction will maintain the status quo until the case is fully decided.

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