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NEWS FOR IMMEDIATE RELEASE

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AG Schimel, 25-State Coalition Support Abolition of Job-Killing Waters Rule

MADISON, Wis. – Wisconsin Attorney General Brad Schimel, along with West Virginia Attorney General Patrick Morrisey, led a 25-state coalition in support of permanently rescinding language used in the 2015 Waters of the United States (WOTUS) rule.

The coalition filed its letter Wednesday as part of the Environmental Protection Agency’s (EPA) ongoing review of the WOTUS rule. It encourages the EPA and Army Corps of Engineers to preserve the states’ role in protecting water resources by fully eliminating the Obama-era rule and enforcing pre-existing rules until more concise language can be adopted.

“The 2015 WOTUS Rule also did not give sufficient consideration to the extent to which States protect water resources outside the Clean Water Act’s jurisdiction,” Attorney General Schimel wrote in leading the coalition. “As a result, the Agencies improperly expanded their own jurisdiction under the 2015 WOTUS Rule, to the detriment of the States, and placed onerous permitting requirements on landowners who had no expectation that their properties contained ‘waters of the United States.’”

The Obama-era regulation, if implemented, would have taken jurisdiction over natural resources from states and put it in the hands of federal agencies. This included almost any body of water, such as isolated streams, hundred-year floodplains, and roadside ditches.

Previously, the states were also successful in winning a nationwide stay that blocked enforcement of the rule and proved crucial in providing time for a new administration to reconsider the rule.

Wisconsin and West Virginia signed the letter with Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Utah.

A copy of the letter is attached.