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California Land Use & Development Law Report

# Federal Court Blocks Enforcement of New Clean Water Act Rule

The U.S. District Court for the District of North Dakota yesterday issued a preliminary injunction that bars the EPA and the Army Corps of Engineers from enforcing a new rule defining federal jurisdiction under the Clean Water Act in 13 states. [North Dakota v. U.S. Environmental Protection Agency](#), 3:15-cv-00059 (D.N.D. Aug. 27, 2015). The injunction (available [here](#)), issued the day before the rule was to go into effect, was sought by and granted in favor of Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota and Wyoming. In all other states, the rule went into effect today. The court concluded that the states were likely to prevail in the case on the grounds that the EPA had violated its Congressional grant of authority in promulgating the rule and had failed to comply with the Administrative Procedures Act in adopting the rule. [Read our full Update here.](#)

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