

**November 23, 2020**

**ATTORNEY GENERAL RAOUL CHALLENGES ASSAULT ON CLEAN WATER ACT PROTECTIONS**

**Chicago** — Attorney General Kwame Raoul today joined a multistate coalition in filing a motion for summary judgment in their lawsuit challenging the federal government’s final rule redefining “waters of the United States” under the Clean Water Act. Under the new rule, more than half of all wetlands and at least 18 percent of all streams are left without federal protections. In today’s filing, Raoul and the coalition argue that the rule is arbitrary and capricious, contrary to the text and primary objective of the Clean Water Act, and should be vacated.

“Illinois residents rely on water sources for drinking, food and farm production, and protecting environmental systems,” Raoul said. “The court should maintain the legal foundation for protecting the integrity of our water sources and overturn the federal government’s harmful rule.”

The definition of “waters of the United States” under the Clean Water Act is critical to maintaining a strong federal foundation for water pollution control and water quality protection that preserves the integrity of our waters. While the Clean Water Act has resulted in dramatic improvements to water quality in the United States, its overriding objective has not yet been achieved. Many of the nation’s waters fail to meet water quality standards. The 2015 Clean Water Rule provided much-needed clarity and consistency in federal Clean Water Act protections. It specifically included within the scope of protected waters the headwaters of rivers and creeks as well as other non-traditionally navigable waters, such as wetlands and ephemeral streams, which have significant impact on downstream water quality.

In today’s filing, Raoul and the coalition argue that the rule is arbitrary and capricious, and should be vacated because the rule:

- Contradicts the Clean Water Act’s objective of maintaining and restoring the integrity of the nation’s waters and the EPA’s own scientific findings.
- Reduces and eliminates protections for ephemeral streams, tributaries, adjacent waters, wetlands and other important water resources that significantly affect downstream waters.
- Fails to comply with controlling Supreme Court precedent established in *Rapanos v. United States*.
- Lacks a reasoned explanation for changing long-standing policy and practice.

On May 1, Raoul and a coalition filed a lawsuit in the U.S. District Court for the Northern District of California challenging the rule.

Joining Raoul in filing the motion are the attorneys general of California, Connecticut, the District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington and Wisconsin, as well as the California State Water Resources Control Board, the North Carolina Department of Environmental Quality and New York City.