

## CLEAN WATER ACT

### N.Y. landowners sue over WOTUS repeal

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The Trump administration faces a new legal challenge to their WOTUS repeal rule. Pxhere

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The Trump administration is facing yet another challenge in its decision to walk back Clean Water Act protections — this time from property owners who say they will be affected by the rule change.

A pair of landowners in upstate New York last week filed a [lawsuit](#) challenging the government's repeal of the 2015 Clean Water Rule that redefined which waterways and wetlands are waters of the U.S., or WOTUS.

William Murray and June Omura told the U.S. District Court for the Northern District of New York that their property in New Paltz, N.Y., contains streams and tributaries that were subject to Clean Water Act protections before the Trump administration finalized its WOTUS repeal rule.

"These waters are going to lose protections that are critical to the preservation of water quality, and the Clean Water Act's goals are to restore water quality in the United States," said James Bacon, a New York attorney who is representing the landowners.

"The country is a long way from that goal."

On behalf of Murray and Omura, Bacon argued that the WOTUS repeal rule EPA and the Army Corps of Engineers introduced this fall was not based on science and constituted executive overreach, among other complaints.

The repeal will affect the quality of drinking water on the landowners' residential property, Bacon said.

Their challenge follows lawsuits by property rights advocates and environmentalists who have argued that the Trump administration's repeal rule ushers in a regulatory scheme that is, respectively, too stringent and not protective enough ([Greenwire](#), Oct. 24).

Spokespeople for EPA and the Army Corps said the agencies do not comment on pending litigation.

The agencies are expected to eventually issue a WOTUS replacement rule, which would be subject to a fresh round of legal challenges.

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