I HE I ED tA A EtA DItA IC C
F HE DItA IC F H DAK A
tA HEAtA E DI ItA

tA A EtA F H DAK A A' AtAKA
A IZ A A KA tAAtA C ' AD
IDAH MItAA I M A A EB AtAKA
E ADA A H DAK A
an Y MI G E MEXIC
E I ME DE A ME an E
MEXIC tA A E E GI EE

a nt s

v **Case No. _____**

tA E I ME A' EC I
AGE CY EGI A M CA HY n r
o a apa t as A n strator o t
tA Env ron nta rot t on A n
A A MY C tA F E GI EE tA
an J E ' E DA CY n r o a
apa t as Ass stant tA r tar o t Ar
C v or s

D n ants

COMPLAINT

tAtat s o ort Da ota A as a Ar ona Ar ansas Co ora o I a o
M ssour Montana bras a va a tAout Da ota an o n an t w
M x o Env ron nt D part nt an w M x o tAtat En n r o t v tAtat s
t rou ouns a t o ow n

s s a v a t on or arator an n un t v r brou t a nst t
tA Env ron nta rot t on A n E A an t tA Ar Corps o En n rs
Corps o t v A n s un r t A n strat v ro ur A t tA C
t s q

s as nvo v s a a n to a na ru pro u at b t A n s
un r t F ra at r o ut on Contro A t tA C *t s q* C an at r
A t ru nt t D n t on o at rs o t n t tAtat s n r t C an

an wt t x pt on o l a o an w M x o a as b n g at aut or t to p nt a t ona pro ra s un r tA C + b

E A s an a n o t nt tAtat s wt n t ann o t A nstrat v ro ur A t tA C E A s ar wt a nst rn rta n prov s ons o t C an at r A t on b a o t ra ov rn nt tA C *t s q*

D n ant na M Cart s t A nstrator o E A A nstrator M Cart s n t F na u on Ma

Corps s an a n o t nt tAtat s wt n t ann o t A nstrat v ro ur A t tA C Corps s ar wt a nst rn rta n prov s ons o t C an at r A t on b a o t ra ov rn nt tA C *t s q*

D n ant Jo E n Dar s t Ass stant tA r tar o t Ar or C v or s Ass stant tA r tar Dar s n t F na u on Ma

STATUTORY BACKGROUND

Clean Water Act

n r t C an at r A t Con r ss rant t A n s r u ator aut or t to ontro s ar s o rta n po utants nto nav ab wat rs tA C a + a ++ a Con r ss n nav ab wat rs as wat rs o t nt tAtat s *I*

Con r ss r t t at stat s s ou r ta n t r sov r n aut or t ov r stat an an wat r r sour s nstru t n t A n s to r o n pr s rv an prot t t pr ar r spons b t s an r ts o tAtat s to p an t v op nt an us o an an wat r r sour s *I* b

C an at r A t r qu r s an on s n to s ar rta n at r a nto wat rs o t nt tAtat s to obta n a p r t ro t r a stat or E A

n t as o po utants or a stat or t Corps n t as o r or at r a
/ a a a

In ost as s stat s ar t pr ar a nstrators o t at ona o utant D s ar E nat on st p r tt n pro ra un r C E A *p tat ra tatus* ava ab at ttp wat r pa ov po wast np s bas s upp oa tat DEA ro Aut p ast v s t Jun tat s a so av t aut or t to assu t r n an s ar p r tt n pro ra un r C D s ar n nto wat rs o t n t tat s w t out a p r t an sub t an n v ua to v p nat s n u n n s up to p r v o at on p r a an s v r r na p nat s C F Jan

tat s ust stab s at r ua t tan ar s or a wat r bo t n t nton o wat rs o t n t tat s C os stan ar s ust b p r o a r v w an up at /

For wat rs t at a to t app ab at r ua t tan ar s a stat ust s t ota ax u Da oa s t n t a ount o po utants t at an b s ar nto su wat rs n or r to t t stab s stan ar s CF tat s ust p nt ota ax u Da oa s t rou wat r qua t ana nt p ans an p r tt n pro ra s /

tat s ar a so r qu r to ssu rt at ons or a ra ssu p r ts to nsur t at t propos s ar s o p w t stat at r ua t tan ar s C a

National Environmental Policy Act

at ona Env ron nta o A t r qu r s ra a n s to pr par a ta Env ron nta I pa t tat nt or a a or F ra a t ons s n ant a t n t qua t o t u an nv ron nt C

An a n a pr par an n t a Env ron nta Ass ss nt to t r n w t r a ra a t on qua s as a or an t r or ust b support b an Env ron nta I pa t tat nt In t a t rnat v t Env ron nta Ass ss nt a on u t at t a t on qua s or a F n n o o A n ant I pa t C F

A F n n o o A n ant I pa t s on appropr at t propos a t on w av no s n ant pa t on t u an nv ron nt I t r ar qu st ons as to t s n an o ts asso at w t t propos a t on an Env ron nta I pa t tat nt s r qu r

A n an a b t r n us n on o t n nt nst a tors b os a tors n u *nt r a a* t r to w t ts ar ontrov rs a or un rta n t r to w t a t on a stab s a pr nt or utur a t ons w t s n ant ts or r pr s nts a s on n pr n p about a utur ons rat on an w t r t a t on t r at ns a v o at on o ra aw I

at ona Env ron nta o A t a so r qu r s ra a n s to ta a ar oo at t propos a t on s ons qu n s an ons r a r asonab ran o a t rnat v s to t propos a t on *Fr n s o Boun ar at rs rn ss v. Do* F t C r

FACTUAL BACKGROUND

n Apr t A n s pub s n t F ra st r a propos ru nt t D n t on o at rs o t nt tat s n r t C an at r A t F Apr ropos u

A n s pub s t F na u n t F ra st r on Jun F Jun

Corps r as ts F na Env ron nta Ass ss nt an F n n o o A n ant I pa t on Ma ar n t F na u not s n ant w t n t an n o t at ona Env ron nta o A t an t r or not sub t to t

Env ron nta l pa t Atat nt r qu r nt Corps, *Fn g o n g n cant l pact*

A opt on o t C an at r u D n t on o at rs o t n t tat s, at Ma

r ts o tAtat s to onsu t w t t A n strator n t x r s o r aut or t un r t C an at r A t

In a n to onsu t w t t stat s t A n s not ta nto a ount t un qu o a o a an ro a r n s a on st a stat s an av nor t s nt xp rts o t stat r u ators ar w t prot tn stat r sour s un r bot ra an stat aw In a t s v ra o t tAtat s av un qu ro a atur s t at no ot r ar as o t ountr n o n u n or xa p t xt ns v pra r pot o r ons n ort Da ota tAout Da ota an Montana t at ar now or t rst t nt as ur s tona n t F na u F at to b o at C F a A n s a so a to ons r t ono pa t o t F na u on stat pro ra s an bu ts

F na u s sp a nt o stat aut or t ov r wat r qua t an r at an an wat r r sour s pos s ar upon t tAtat s w an b r b an or r ro t s Court

CLAIMS FOR RELIEF

I. The Final Rule Exceeds the Agencies' Authority Under the Clean Water Act

ara rap s ar r a an n orporat b r r n

A n strat v ro ur A t r qu r s an a n a ton to b s t as t x s statutor aut or t or s oun to b arb trar apr ous an abus o s r t on or ot rw s not n a or an w t aw tAC A C

C an at r A t on aut or s t A n s to ass rt ur s ton ov r nav ab wat rs n as wat rs o t nt tAtat s tAC a a a

F na u n s wat rs o t nt tAtat s n a wa t at x s t A n s statutor aut or t b ass rt n *nt r a a* t at a wat rs t at a w t n t u s nton o tr butar ar p r s ur s tona a wat rs t at a

wt n t u s nton o a a nt wat rs ar p r s ur s t ona pur
ntrastat wat rs an r at atur s an a wt n t A n s ur s t ona aut or t
bas so on t r r at ons p wt non nav ab

r spons b t s an r ts o t at s to p an t

pronoun nts b E A an Corps o a s to t ontrar

wat rs , F na u s a so arb trar an apr ous b aus t ass rts ur s ton ov r pur ntrastat wat rs an r at atur s bas so on t r r at ons p w t non nav ab nt rstat wat rs, an wat rs a on or n o b nat on w t s ar s tuat wat rs, t at av a s n ant n xus, to a pr ar wat r or s n ant a t t a p s a or b o a nt r t o a pr ar wat r Ea o t s ur s ton a t sts ar arb trar an apr ous b aus t v n n t r or o s not support t

F na u s a so arb trar an apr ous b aus t r s on n t ons an on pts t at a su nt ar t to an u u t t at s an pot nt a r u at part s n t r n w t r wat rs a w t n ra ur s ton For xa p t A n s nt n to stab s ur s ton or a a nt wat rs b r r n to ar oo p a ns but a t t at x st n n or at on on t o at on o ar oo p a ns a b unr ab an t at an port ons o t ountr av not b n app to ar nt ar oo p a n o at ons F at

For t s r asons t F na u s arb trar an apr ous an abus o s r t on or ot rw s not n a or an w t aw t A

VI. The Agencies Violated the Procedural Requirements of the Administrative Procedure Act

ara rap s ar r a an n orporat b r r n

B or an a n a na a ru t ust prov t pub w t a an u opportun t to part pat n t ru a n pro ss n u n an opportun t to sub t o nts on t propos ru an t n or at on

I a na ru s not t o a out rowt o t propos ru t ru s nva or a a ur to prov a quat not an opportun t to o nt

Da r ru s A r a Envt rot n F D C Cr

F na u o s not sat s t o a out rowt o tr n b aus t ropos u or xa p not v nt r st part s su nt not w t r sp t to t na n t ons o a a nt an n bor n wat rs tr butar s an t a tors t at w b ons r n a s n ant n xus ana s s or t A n s v su nt not r ar n t n us on o a t ona wat rs on a as b as bas s or t an s s b w t A n s wou stab s ur s t on ov r t os wat rs Int r st part s ou not av ant pat t n w ur s t ona at or s or pro ss s or va uat n ur s t on an t r or ou not av r asonab o nt on t os n w prov s ons n t F na u ur n t not an o nt p r o on t ropos u

For xa p t ropos u n a a n bas on t o at on o wat rs w t n t r par an ar a or oo p a n or

STATE OF ALASKA
CRAIG W. RICHARDS
ATTORNEY GENERAL

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STATE OF ARIZONA
MARK BRNOVICH
ATTORNEY GENERAL

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STATE OF ARKANSAS
LESLIE RUTLEDGE
ATTORNEY GENERAL

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STATE OF COLORADO
CYNTHIA H. COFFMAN
ATTORNEY GENERAL

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STATE OF IDAHO
LAWRENCE G. WASDEN
ATTORNEY GENERAL

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STATE OF MISSOURI
CHRIS KOSTER
ATTORNEY GENERAL

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STATE OF MONTANA
TIM FOX
ATTORNEY GENERAL

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STATE OF NEBRASKA
DOUGLAS J. PETERSON
ATTORNEY GENERAL

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STATE OF NEVADA
ADAM PAUL LAXALT
ATTORNEY GENERAL

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STATE OF SOUTH DAKOTA
MARTY J. JACKLEY
ATTORNEY GENERAL

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STATE OF WYOMING
PETER K. MICHAEL
ATTORNEY GENERAL

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NEW MEXICO ENVIRONMENT DEPARTMENT

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NEW MEXICO STATE ENGINEER

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***Applications for Admission to the District of North Dakota or pro hac vice motions pending.**