Waters of the U.S. Rule is Stayed Nationwide

Article By
Amy Antonioli
Schiff Hardin LLP
Energy and Environmental Law Adviser

- Environmental, Energy & Resources
- 6th Circuit (incl. bankruptcy)

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We announced in a previous post that a North Dakota federal court stayed the effectiveness of the WOTUS rule on Thursday, August 27, 2015. North Dakota v. U.S. E.P.A., No. 3:15-cv-59 (D.N.D. Aug. 27, 2015). This stay applied only in the states that were parties to the North Dakota case, leaving the rule in effect for the rest of the country.

Since that time, the Judicial Panel for Multi-District Litigation transferred a number of actions challenging the WOTUS rule to the U.S. Court of Appeals for the Sixth Circuit and consolidated them. On Friday, October 9, 2015, the Sixth Circuit stayed the effectiveness of EPA’s final “Waters of the U.S.” (WOTUS) Rule stating “[a] stay temporarily silences the whirlwind of confusion that springs from uncertainty about the requirements of the new Rule and whether they will survive legal testing.”

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