

# District Courts Have Jurisdiction Over Challenges to Clean Water Rule, Supreme Court Says

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The U.S. Supreme Court ruled Monday that the federal district courts can hear challenges to the U.S. Environmental Protection Agency's and U.S. Army Corps of Engineers' 2015 Clean Water Rule, rejecting the federal government's arguments that federal courts of appeal have exclusive jurisdiction over such claims. The Court's ruling means that the Sixth Circuit will have to dissolve its [nationwide injunction](#) against the Clean Water Rule, which revised the definition of "waters of the United States" that are subject to the Clean Water Act. Meanwhile, suits in district courts can proceed, including a suit in the District of North Dakota, where the court [granted](#) an injunction against implementation of the Clean Water Rule in 13 states.

The Supreme Court's opinion in *Nat'l Ass'n of Mfrs. v. Dep't of Def.*, No. 16-299, leaves the EPA and Army Corps at least temporarily free to implement the Clean Water Rule in other states, but the immediate impact of the ruling may be limited. Under the Trump administration, the agencies have already issued a [proposed rulemaking](#) to recodify the regulations in effect prior to adoption of the Clean Water Rule, and [another](#) to delay the effective date of the Rule by two years while the agencies consider further revising the definition of waters of the United States in accordance with a Trump [Executive Order](#). Those proposed rules, if finalized, would maintain the status quo that has been in effect since the Sixth Circuit issued its injunction against the Clean Water Rule in October 2015.

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