



Update on the Clean Water Act

Legal and Claims Committee

Item 7a

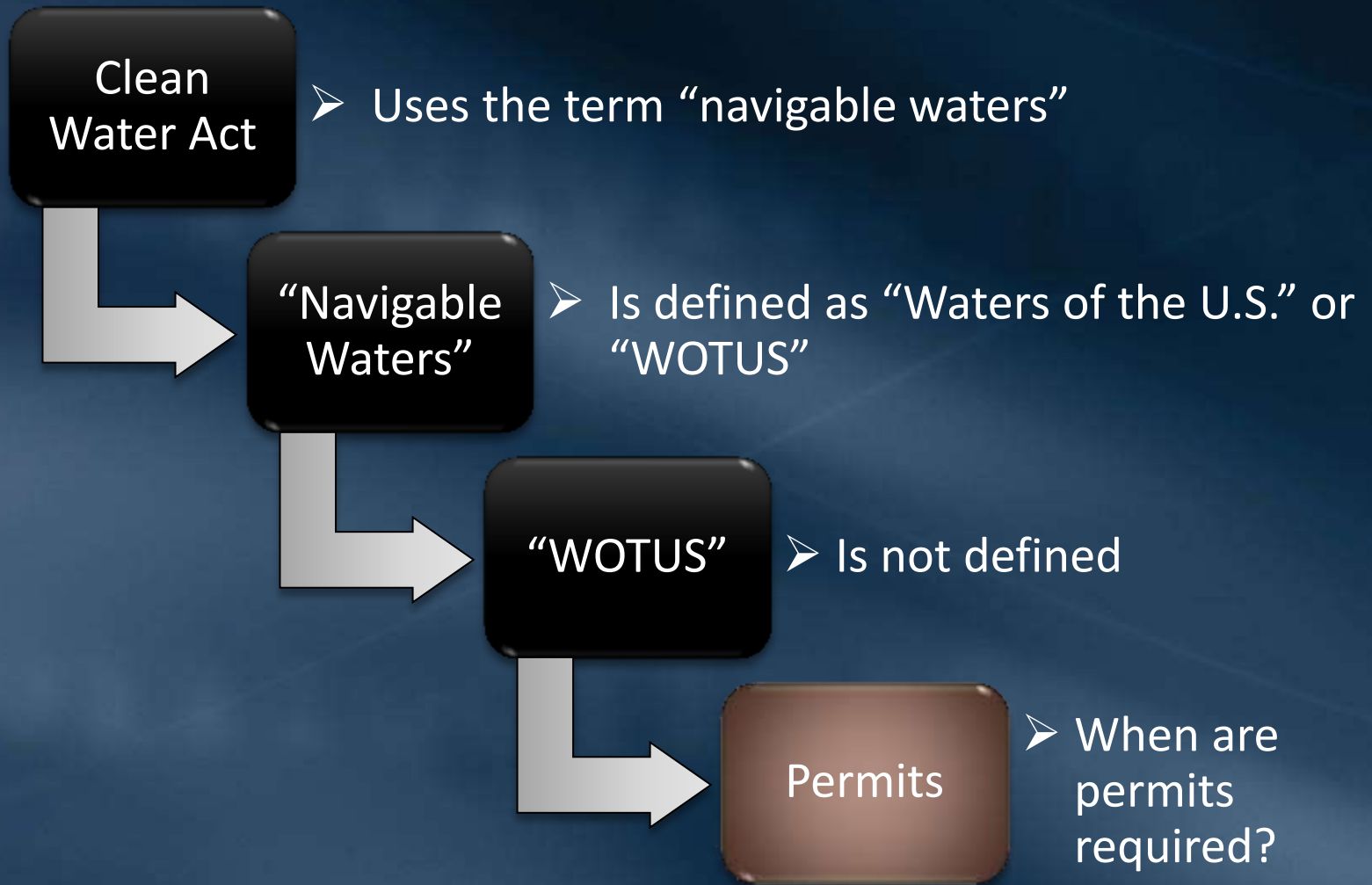
January 9, 2018

Update on the Clean Water Act

- Clean Water Act
- WOTUS
 - Significance
 - Regulatory Definitions
 - U.S. Supreme Court Definitions
- 2015 Clean Water Rule and Litigation
- Executive Order
- Current Rulemaking



Problem



3 Regulatory Definitions of WOTUS

1986/1988 Regs

1986/1988 Regs

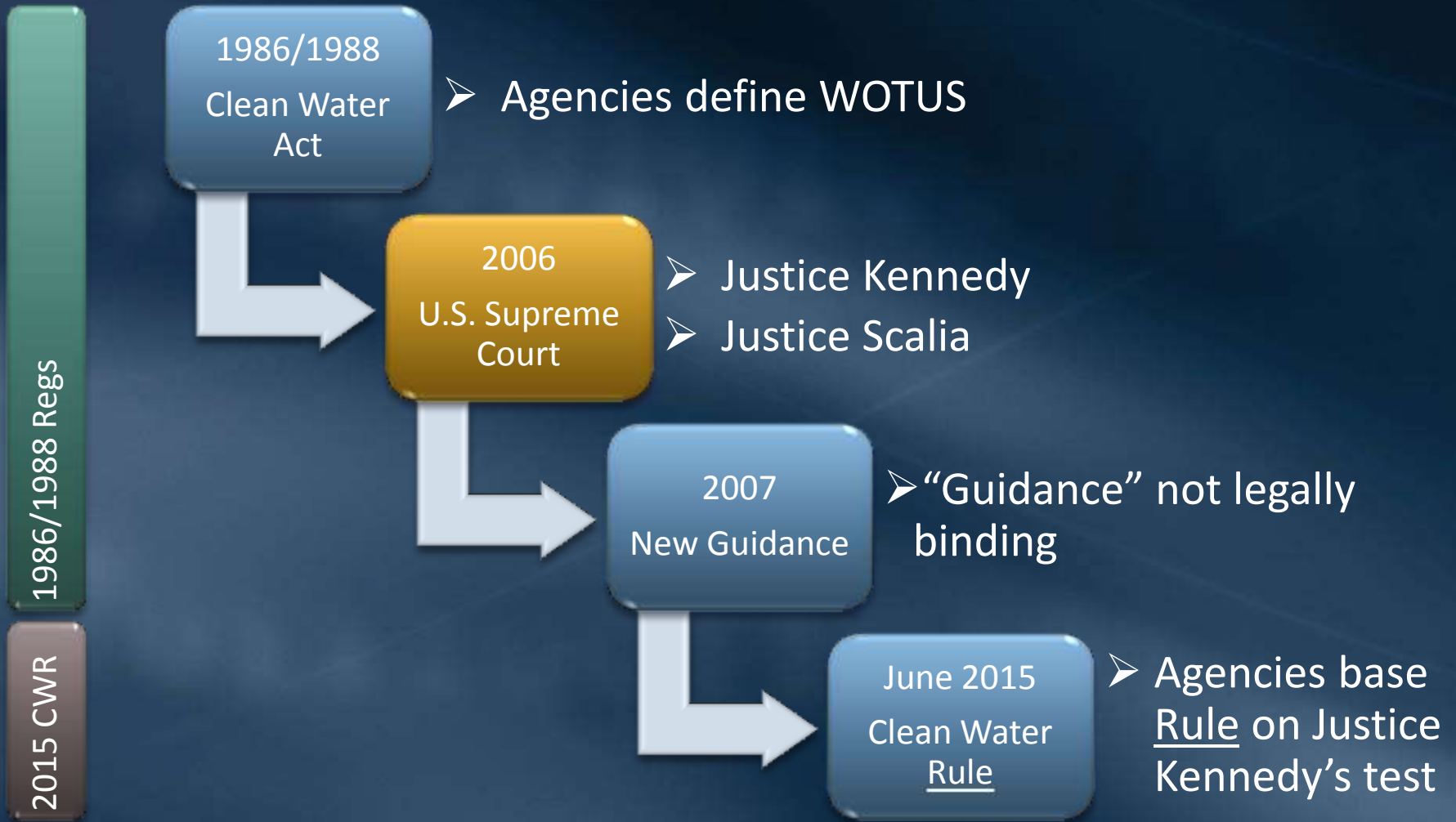
2015 CWR

2015 Clean Water Rule

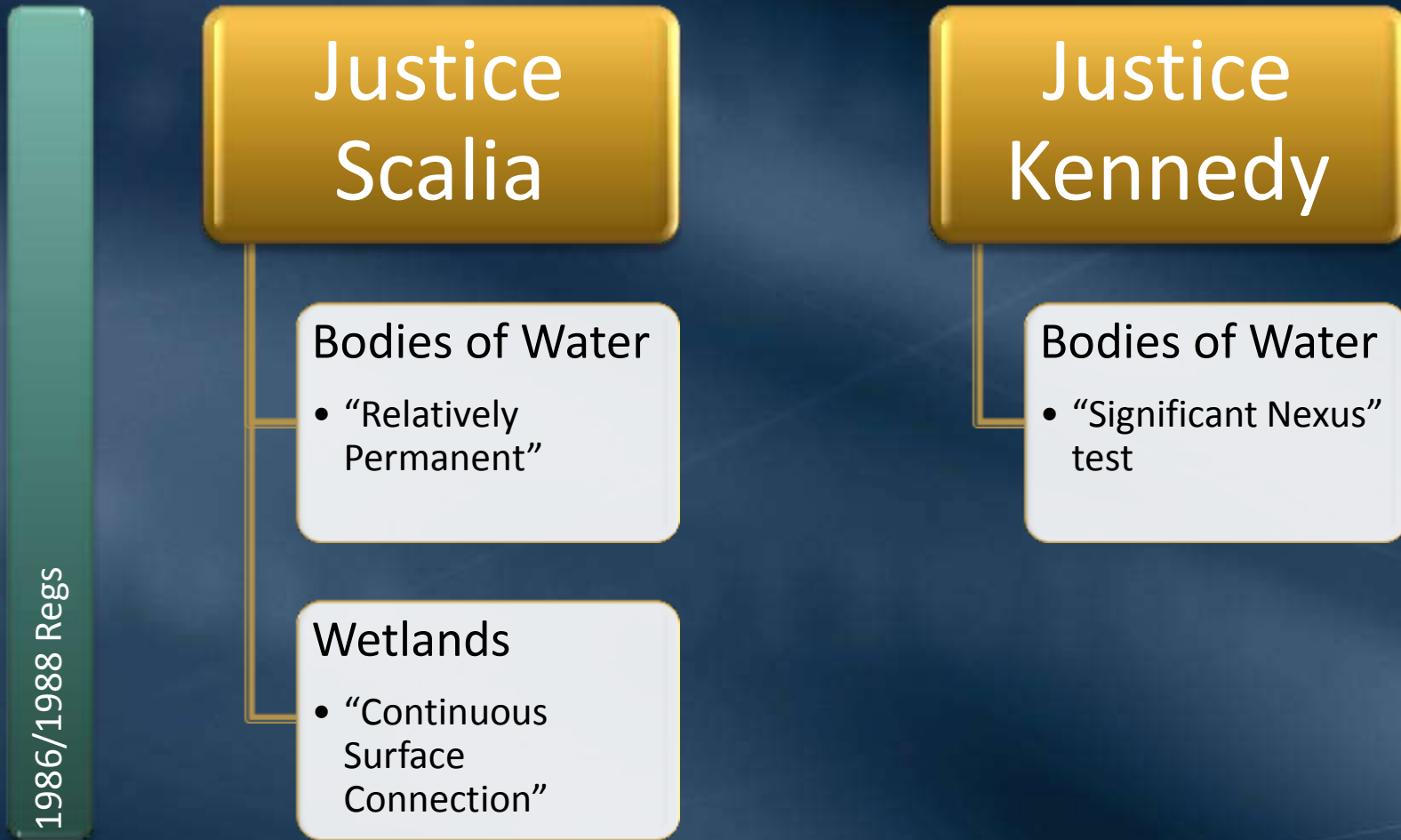
New Definition

New Definition

2 Tracks: Regulatory and Litigation



U.S. Supreme Court: Definition of WOTUS (*Rapanos*)



2 Tracks: Regulatory and Litigation



Clean Water Rule Litigation

2015 Clean Water Rule

District Courts

- 12 Courts
- 17 Cases

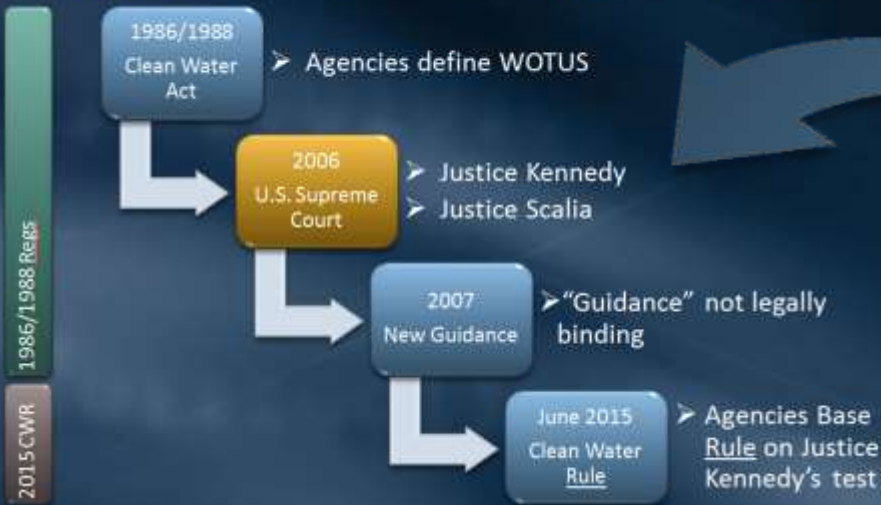
Appellate Courts

- 8 Circuit Courts
- 22 Cases

- Cases consolidated in 6th Circuit

Starting Over

2 Tracks: Regulatory and Litigation



2 Tracks: Regulatory and Litigation



2 Tracks: Regulatory and Litigation



Expected for 2018



Where We Are Today

1986/1988 Regs

2015 Clean Water Rule

New Definition

Stayed

Lawsuits

✓ Jurisdiction

✓ Permits



