

## **EPA's Mighty Power**

In *Mingo Logan Coal Company v. EPA*, the D.C. Circuit recently upheld EPA's use of its "veto" authority over an Army Corps of Engineers permit to fill jurisdictional waters for the Spruce Mine in West Virginia. Section 404(c) of the Clean Water Act provides EPA authority to "deny or restrict the use of any defined area for specification (including the withdrawal of specification)." This authority was described by the court in *Mingo Logan* as "a mighty power and its exercise will perhaps inevitably leave a permittee feeling as if the rug has been pulled out from under it." [Click here](#) to read the full article.

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