

[Blogs](#)

September 03, 2019

Court Decision Compounds Confusion Over Scope of Clean Water Act Jurisdiction

A decision by the U.S. District Court for the Southern District of Georgia issued on August 21, 2019, highlights the continuing confusion over the definition of "waters of the United States" under the Clean Water Act. The decision declared the Obama administration's 2015 "Clean Water Rule" to be an impermissible construction of the statutory language and remanded the matter to the Environmental Protection Agency and Army Corps of Engineers for further rulemaking proceedings. The case is one of numerous challenges to the 2015 Rule moving through courts across the country. The result is a muddled patchwork under which the 2015 Rule has been prevented from taking effect in 27 states but applies in 22 other states and the District of Columbia. For detailed background on the current quandary, the importance of the Georgia district court's decision and the implications for what comes next, please see our [Update](#) by [Marc R. Bruner](#), [Christian Termyn](#) and [Rachael Rutkowski](#).

