Waters of the United States/Clean Water Act: U.S. Environmental Protection Agency/Corps of Engineers Announce Upcoming Public Outreach Sessions

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The United States Environmental Protection Agency and Corps of Engineers (collectively "Corps") issued a July 30th news release announcing plans for:

. . . upcoming community engagements to inform their efforts to revise the definition of "waters of the United States" (WOTUS) to better ensure clean and safe water for all.

The Corps in a prior June 9th news release had announced its intent to revise the Clean Water Act definition of WOTUS that had been promulgated during President Trump's administration.

The definition of WOTUS is arguably one of the three critical jurisdictional terms in the Clean Water Act. Its importance is magnified by the fact that it is also relevant to non-National Pollution Discharge Elimination System programs such as:

- Section 404 of the Clean Water Act Wetland Permits
- Section 311 Oil/Hazardous Substances Release Requirements
- Clean Water Act Spill Prevention Control and Countermeasure Regulations

As a result, it is easy to understand why the scope of the definition of WOTUS has been the subject of frequent litigation, legislative oversight, rulemakings and public policy debates since the enactment of the modern version of the Clean Water Act in 1972.

The Corps states that it will undertake two rulemakings to revise the current definition of WOTUS. These include:

- A rule that would restore the regulations defined in WOTUS that existed until 2015
- A rule refining the regulatory foundation and establishing an updated/durable definition of WOTUS

The Corps states that it is announcing a series of "engagement opportunities" to hear various perspective on both referenced rules. This engagement is stated to include:

- Dialogues with State and Tribal co-regulators
- Public meetings

A link to the news release which provides information on submitting written recommendations or to register for the public meetings can be found here.