

Message

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Sent: 1/26/2018 4:46:42 PM
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Subject: Fwd: EPA sends WOTUS delay rule for White House review

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From: "POLITICO Pro" <politicoemail@politico.com>
Date: January 26, 2018 at 11:36:37 AM EST
To: <bennett.tate@epa.gov>
Subject: EPA sends WOTUS delay rule for White House review
Reply-To: "POLITICO subscriptions" <reply-fe8e13737764017472-1162770_HTML-791699120-1376319-0@politicoemail.com>

By Annie Snider

01/26/2018 11:34 AM EDT

EPA has sent the final version of its regulation to delay implementation of the Obama administration's Waters of the U.S. rule to the White House for review.

The administration needs to move quickly to finalize its delay of the controversial 2015 rule if it wants to prevent it from going into effect after Monday's Supreme Court ruling that will require lifting a stay issued by the 6th Circuit Court of Appeals, which the court said did not have jurisdiction in the first place. Without a delay from EPA, the regulation would go into effect in 37 states that aren't covered by a hold put in place by a North Dakota district court.

The delay rule was sent to the White House Thursday. EPA's water chief, David Ross, told POLITICO that it would be finalized within a month. The Supreme Court ruling could be finalized and sent to the 6th Circuit as soon as 25 days after the decision.

The delay rule would be the Trump administration's first official move in its bid to kill the Obama rule and replace it with one of its own writing. The agency has said it expects to finalize its rule to withdraw the Obama-era rule in April and has been collecting comments from states, industry groups and other stakeholders on what a rewrite should look like.

WHAT'S NEXT: The White House will review the delay rule, after which it can be finalized. Challenges to the rule from environmental groups and Democratic states are expected.

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