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**From:** Rashid G. Hallaway [rhallaway@hhqventures.com]  
**Sent:** 1/31/2018 2:29:40 AM  
**To:** Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, E]  
**Subject:** Re: WOTUS Step 0

Thank you!

Sent from my iPhone

On Jan 30, 2018, at 7:36 PM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Embargoed until noon tomorrow (or potentially sooner but I'll let you know).

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**From:** EPA Press Office [<mailto:press=epa.gov@cmail20.com>] **On Behalf Of** EPA Press Office  
**Sent:** Tuesday, January 30, 2018 6:24 PM  
**To:** Block, Molly <[block.molly@epa.gov](mailto:block.molly@epa.gov)>  
**Subject:** EPA and Army Finalize "Waters of the United States" Applicability Date - Preview

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## EPA and Army Finalize "Waters of the United States" Applicability Date

**WASHINGTON** (January 31, 2018) - Today, the U.S. Environmental Protection Agency (EPA) and U.S. Department of the Army (Army) have finalized a rule adding an applicability date to the 2015 Clean Water Rule (the 2015 Rule). This rule provides clarity and certainty about which definition of "waters of the United States" is applicable nationwide in response to judicial actions that could result in confusion. The new applicability date will be two years after today's action is published in the Federal Register, during which time both agencies will continue the process of reconsidering the 2015 Rule.

"Today's action completes the next step in our plan to provide certainty for our nation's farmers and ranchers," **said EPA Administrator Scott Pruitt**. "In this day and age, it is critical to provide our state, local and tribal partners with clarity regarding federal jurisdiction under the Clean Water Act. I look forward to continuing our meaningful

engagement and dialogue as we work to reconsider the definition of the ‘waters of the United States’ so that Americans receive the clarity they deserve.”

“We are committed to transparency as we execute the Clean Water Act Section 404 regulatory program. The Army and EPA proposed this rule to provide the regulated public clarity and predictability during the rule making process,” **said Acting Assistant Secretary of the Army (Civil Works) Ryan Fisher.**

The 2015 Rule, which redefined the scope of where the Clean Water Act applies, had an effective date of August 28, 2015. The U.S. Court of Appeals for the Sixth Circuit’s nationwide stay halted implementation of the 2015 Rule. But last week the Supreme Court determined that the U.S. Courts of Appeals do not have original jurisdiction to review these challenges and, therefore, the Sixth Circuit lacked authority to issue a stay. Given uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.

Today’s final rule is separate from the two-step process the agencies are currently taking to reconsider the 2015 Rule. The public comment period for the Step 1 rule proposing to rescind the 2015 Rule closed in September 2017, and those comments are currently under review by the agencies. EPA and the Army are also in the process of reviewing input from state, local, and tribal governments and other stakeholders as they work to develop a proposed Step 2 rule that would revise the definition of “waters of the United States.”

### **Background**

On February 28, 2017, President Trump issued Executive Order (EO) 13778, “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.” As EO 13778 stated, it is in the national interest to ensure that the nation’s navigable waters are kept free from pollution, while simultaneously promoting economic growth, minimizing regulatory uncertainty, and respecting the roles of both Congress and States under the Constitution.

Additional information on this final rule: [www.epa.gov/wotus-rule](http://www.epa.gov/wotus-rule)

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