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Sixth Circuit Denies Motions to Dismiss Challenges to Waters of the US Rule

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On February 22, 2016, the U.S. Court of Appeals for the Sixth Circuit issued a split opinion finding that the circuit court has jurisdiction under the Clean Water Act (CWA) to review challenges to the Waters of the U.S. Rule (WOTUS Rule), and denying motions to dismiss filed by 16 states and various industry groups. *Murray Energy v. EPA*, No. 15-3751 (6th Cir. Feb. 22, 2016) (Opinion). While settling the jurisdictional issue for challenges filed in the Second, Fifth, Sixth, Eighth, Ninth, Tenth, Eleventh and District of Columbia Circuit Courts consolidated in the Sixth Circuit, the Opinion does little to resolve the question for most district court challenges and the unconsolidated appellate court challenges still...

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