

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

**Prepared for the Katten Environmental Advisory Group**

February 23, 2016

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...

*Full access to Katten Environmental Advisory Group alerts is restricted to members. If you are interested in membership in KEAG, please email [KattenEnvironmentalAdvisoryGroup@katten.com](mailto:KattenEnvironmentalAdvisoryGroup@katten.com).*

---

### CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



**Nancy J. Rich**

+1.312.902.5536

[nancy.rich@katten.com](mailto:nancy.rich@katten.com)

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2025 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at [katten.com/disclaimer](https://katten.com/disclaimer).