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ADVISORY

Sixth Circuit Will Not Rehear WOTUS Jurisdiction Case

Prepared for the Katten Environmental Advisory Group

April 22, 2016

On April 21, 2016, the U.S. Court of Appeals for the Sixth Circuit (Court) issued an Order denying six petitions for rehearing of a decision previously issued by a three-judge panel on February 22nd that found, in a split decision, that the Court has jurisdiction under the Clean Water Act (CWA) to review challenges to the joint US EPA and US Army Corps of Engineers' controversial amendment to the definition of “waters of the United States” (WOTUS Rule). *Murray Energy v. EPA*, No. 15-3751 (6th Cir. Apr. 21, 2016) (Order). The Court's February Opinion also....

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