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Rule Defining “Waters of the United States” under the CWA Stayed on Nationwide Basis

As previously reported by Crowley Fleck PLLP, a North Dakota Federal Court issued a preliminary injunction on August 27, 2015 enjoining the implementation of the new Clean Water Act rule jointly promulgated by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers that purports to define “waters of the United States.”

After the issuance of the preliminary injunction, there was some question as to whether it applied nationwide. That question was rendered moot today by the issuance of a nationwide injunction prohibiting enforcement of the rule by the United States Court of Appeals for the Sixth Circuit.

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