



**National Conference of State Legislatures  
Office of State-Federal Relations**

**Environmental Protection Agency Finalizes Two-Year Delay of Clean Water Rule**

On Feb. 6, the Environmental Protection Agency (EPA) [finalized](#) a two-year extension until Feb. 6, 2020, of the applicability date for its 2015 Clean Water Final Rule, more commonly known as Waters of the United States (WOTUS). The rule that sought to define which waters fall under federal jurisdiction, will now become applicable on Jan. 31, 2020. While the rule faced multiple injunctions shortly after being finalized, preventing it from taking effect, the injunctions are likely to be removed in the very near future following the U.S. Supreme Court's [ruling](#) that challenges to the rule belong in federal district courts, not circuit level federal courts. Shortly after finalization, the action was formally challenged in a [lawsuit](#) filed in U.S. district court by the attorneys general of California, Connecticut, Maryland, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia.

Simultaneously, EPA is also in the process of formally repealing the 2015 rule, although they wanted to ensure that the rule did not take effect in any part of the nation, following the court ruling, until the repeal process is complete.

For more information on the draft proposed plan or future steps, please contact NCSL staff [Kristen Hildreth](#) or [Ben Husch](#).