



Construction Industry Round Table

Legislative News

A force for positive change in the design / construction industry

05/27/2015 – EPA/Corps Release Early Version of Final Rule on "Waters of the U.S."

EPA and the Army Corps of Engineers released a pre-publication copy of their final rule defining "*waters of the United States*" subject to regulation under the Clean Water Act (CWA). In what critics have sighted as an expansive reading of the statute and an over-reach of regulatory authority – the agencies define "adjacent" waters as jurisdictional under the CWA, based on whether these waters neighbor other jurisdictional waters. However, waters not meeting this definition may *still* be determined to be covered on a case-by-case basis. Moreover, the agencies also identify a number of additional types of waters that may be deemed jurisdictional based on a case-by-case analysis, which amounts to a "back-door" open ended grant of authority. [[Read CIRT's initial comment in opposition to the expansive definition for details](#)].