The EPA, along with the Army and the Army Corps of Engineers announced its intent to make changes to the Clean Water Rule and return the definition of “waters of the United States” (WOTUS) back to what it was prior to the 2015 rule change.

The definition of WOTUS has been at the point of contention between regulators, industry and environmental groups since the Clean Water Act was amended in 2015. The definition has been at the heart of a number of legal battles and an item of regulatory enforcement uncertainty. The rules containing it were in a state of stay by the Supreme Court.

Today’s announcement will turn back the definition of WOTUS to what it was prior to 2015 with a published proposed rule announcement in the Federal Register, along with a public comment period. Next, the agencies will work to review and revise the definition to replace the approach of the 2015 Clean Water Rule.

EPA’s announcement emphasized the redefinition is intended to “...provide regulatory certainty in a way that is thoughtful, transparent, and collaborative with other agencies and the public.”