

Published on *The National Law Review* <https://natlawreview.com>

---

# Corps and EPA Solicit Public Comment on Restoring Pre-Clean Water Rule Regulations

Article By:

S. Keith Garner

James Rusk

---

On July 27, 2017, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers published their [proposed rule](#) to rescind the Clean Water Rule. This is the same rule that was released in pre-publication form in June, which we described in a [previous entry](#).

The rule is the first step in the two-step process the agencies announced in implementing the Presidential [Executive Order](#) on “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule” that was issued on February 28, 2017. The second step involves proposing a new definition of waters of the United States based on Justice Scalia’s plurality decision outlined in *Rapanos v. United States*, 547 U.S. 715 (2006).

The agencies seek comment on whether, as an interim step, to restore the pre-Clean Water Rule definitions and regulations. The comment period ends on August 28, 2017. Comments on the definition of waters of the United States will be sought in a second, subsequent rulemaking.

Copyright © 2025, Sheppard Mullin Richter & Hampton LLP.

---

National Law Review, Volume VII, Number 209

Source URL: <https://natlawreview.com/article/corps-and-epa-solicit-public-comment-restoring-pre-clean-water-rule-regulations>