

Trump Administration to Delay Obama-Era WOTUS Rule

The Environmental Protection Agency today announced a [two-year delay of the Obama-era “waters of the United States” \(WOTUS\) rule](#), giving the agency more time to work with the U.S. Army Corps of Engineers and replace it with definitions that provide needed clarity for those regulated by the Clean Water Act.

“This is a decision we have been waiting a long time for,” said NAHB Chairman Randy Noel. “NAHB has provided formal testimony [and explained to agency officials](#) the consequences of this rule’s extreme overreach and the resulting confusion not only among property owners, but the regulators themselves.”

“The 2015 WOTUS rule developed by the Obama administration will not be applicable for the next two years, while we work through the process of providing long-term regulatory certainty across all 50 states about what waters are subject to federal regulation,” EPA Administrator Scott Pruitt said in a [press statement](#).

In 2015, the Obama Administration issued a new definition of WOTUS to determine the scope of federal Clean Water Act jurisdiction. That definition – which would require builders and developers to obtain federal permits for activities in isolated ponds, dry streambeds and most ditches – was immediately met with litigation around the country.

Most recently, the U.S. Supreme Court ruled that the litigation surrounding the 2015 WOTUS rule [must be brought in federal district](#) court, not circuit courts. As a result, a nationwide stay issued by the Sixth Circuit Court of Appeals in October 2015 will soon disappear.

As the Trump Administration continues its [efforts to officially rescind the 2015 WOTUS rule](#), today’s action is an attempt to ensure the 2015 rule does not go into effect after the stay is lifted.

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