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The Clean Water Rule

On 29 June 2015, the US Environmental Protection Agency and US Army Corp of Engineers published the Clean Water Rule, which provides a new definition of 'Waters of the United States' ([Hawkins 2015](#)). In this BRIDGES cluster, Laurie Alexander and Robert Adler discuss the scientific evidence and legal doctrine that informed the Rule. Key points include:

- The Rule clarifies what water bodies are within the regulatory jurisdiction of the Clean Water Act given the uncertainty left by three U.S. Supreme Court rulings on the issue ([Adler 2015](#)).
- The Rule provides a regulatory definition of what functions determine whether a waterbody has a 'significant nexus' to a 'navigable water' sufficient to establish Clean Water Act jurisdiction, a legal term introduced but not defined in detail by the U.S. Supreme Court ([Adler 2015](#)).
- The Rule recognizes a clear scientific basis for protecting the full range of stream and wetland functions supported by gradients of connectivity and for considering the cumulative effects of waters in 'significant nexus' determinations ([Alexander 2015](#)).
- Continued improvements in the availability and application of sound science will be needed to protect waters of national and regional importance ([Alexander 2015](#)).
- The Rule became effective in August 2015 but has been stayed by a federal court pending the outcome of litigation, and could result in another decision by the U.S. Supreme Court ([Adler 2015](#)).



A Delmarva bay. Under the Clean Water Rule, 'significant nexus' analysis of Delmarva and Carolina bays must consider the combined downstream effects of all such bays in a watershed. Photograph by Laurie Alexander.

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