

Nos. 15-3751 /3799/ 3817/3820/ 3822/ 3823/ 3831/3837/ 3839/ 3850/ 3853/
3858/3885/3887/3948/4159/4162/4188/4211/4234/4305/4404

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Apr 21, 2016
DEBORAH S. HUNT, Clerk

In re: UNITED STATES DEPARTMENT OF DEFENSE AND
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
FINAL RULE: CLEAN WATER RULE: DEFINITION OF
"WATERS OF THE UNITED STATES," 80 FED. REG. 37,054
(JUNE 29, 2015).

MURRAY ENERGY CORPORATION (15-3751); STATE OF
OHIO, et al. (15-3799); NATIONAL WILDLIFE
FEDERATION (15-3817); NATURAL RESOURCES DEFENSE
COUNCIL, INC. (15-3820); STATE OF OKLAHOMA (15-
3822); CHAMBER OF COMMERCE OF THE UNITED STATES
OF AMERICA, et al. (15-3823); STATE OF NORTH
DAKOTA, et al. (15-3831); WATERKEEPER ALLIANCE
INC., et al. (15-3837); PUGET SOUNDKEEPER ALLIANCE,
et al. (15-3839); AMERICAN FARM BUREAU FEDERATION,
et al. (15-3850); STATE OF TEXAS, et al. (15-3853); UTILITY WATER ACT GROUP
(15-3858); SOUTHEASTERN LEGAL FOUNDATION, INC., et al. (15-3885); STATE
OF GEORGIA, et al. (15-3887); ONE HUNDRED MILES, et al. (15-3948);
SOUTHEAST STORMWATER ASSOCIATION, INC., et al. (15-4159); MICHIGAN
FARM BUREAU (15-4162); WASHINGTON CATTLEMEN'S ASSOCIATION (15-
4188); ASSOCIATION OF AMERICAN RAILROADS, et al. (15-4211); TEXAS
ALLIANCE FOR RESPONSIBLE GROWTH, ENVIRONMENT, AND
TRANSPORTATION (15-4234); AMERICAN EXPLORATION & MINING
ASSOCIATION (15-4305); ARIZONA MINING ASSOCIATION, et al. (15-4404),

Petitioners,

v.

UNITED STATES DEPARTMENT OF DEFENSE, DEPARTMENT
OF THE ARMY CORPS OF ENGINEERS and UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY, et al.,

Respondents.

BEFORE: KEITH, McKEAGUE, and GRIFFIN, Circuit Judges.

The court received six petitions for rehearing en banc. The original panel has reviewed the petitions for rehearing and concludes that the issues raised in the petitions were fully considered upon the original submission and decision of the cases. The petitions then were circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc.

Therefore, the petitions are denied. Judge Keith would grant rehearing for the reasons stated in his dissent.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: April 21, 2016

Mr. Timothy S. Bishop
Ms. Kristy A. N. Bulleit
Mr. Warren W. Harris
Mr. M. Reed Hopper
Mr. Paul Martin Seby
Ms. Jennifer Anne Simon

Re: Case No. 15-3751, et al.
In re: Murray Energy Corporation v. EPA, et al
Originating Case No. : EPA-HQ-OW-2011-0880

Dear Counsel,

The Court issued the enclosed Order today in these cases.

Sincerely yours,

s/Beverly L. Harris
En Banc Coordinator
Direct Dial No. 513-564-7077

cc: Ms. Loren L. AliKhan
Mr. Andrew B. Ayers
Mr. Philip Bein
Ms. Lorelei M Bensel
Mr. Adam Franklin Blalock
Mr. Daniel Paul Bock
Mr. Edward Grant Bohlen
Mr. Andrew Lynn Brasher
Ms. Janette K. Brimmer
Mr. Craig A. Bromby
Ms. Karma B. Brown
Mr. John J. Bursch
Mr. Jeffrey A. Chanay
Ms. Jennifer C. Chavez
Mr. David William Childs
Mr. Douglas M. Conde
Mr. John Michael Connolly
Mr. William Spencer Consovoy
Mr. Christopher Kaltman DeScherer

Ms. Amy J. Dona
Mr. Parker Douglas
Mr. Andrew J. Doyle
Mr. P. Clayton Eubanks
Ms. Jamie Leigh Ewing
Mr. Thomas Molnar Fisher
Mr. Paul Garrahan
Mr. Kevin A. Gaynor
Mr. Jonathan A Glogau
Ms. Britt C. Grant
Ms. Sarah A. Greenwalt
Mr. Burke W. Griggs
Mr. Joel Mitchell Gross
Mr. Dara Andrew Hall
Mr. Sam M Hayes
Ms. Kimberly S. Hermann
Ms. Megan Hinkle
Mr. Andrew J. Hirth
Mr. Richard A. Horder
Mr. Mohammad O Jazil
Mr. Steven Beauregard Jones
Mr. Alan L. Joscelyn
Mr. James Kaste
Ms. Lara Katz
Mr. Scott Allen Keller
Mr. Duncan Stuart Kemp IV
Mr. Michael B. Kimberly
Mr. Scot L. Kline
Mr. Justin D. Lavene
Mr. Ronald Lavigne
Mr. Steven J. Lechner
Mr. Elbert Lin
Mr. Benjamin S. Lippard
Mr. Jon Michael Lipshultz
Mr. John R. Lopez IV
Ms. Martha Mann
Mr. S. Peter Manning
Mr. Jeremy C Marwell
Ms. Elizabeth P. McCarter
Ms. Kerry L. McGrath
Mr. Charles David McGuigan
Mr. John K. McManus
Mr. Matthew Bryan Miller
Mr. Eric E. Murphy
Mr. Joseph Anthony Newberg
Ms. Jessica O'Donnell
Ms. Margaret I. Olson
Mr. Christopher Dominic Peloso
Ms. Lee Ann Rabe
Mr. Peter T. Reed
Mr. Craig W. Richards
Mr. Gregory C. Ridgley
Mr. John Quentin Melcher Riegel
Ms. Kirsten S. P. Rigney
Mr. David Ross
Mr. Lowell Mark Rothschild

Mr. James N. Saul
Mr. Matthias L. Sayer
Mr. Seth Schofield
Ms. Deborah Ann Sivas
Mr. Brooks Meredith Smith
Mr. James Emory Smith Jr.
Ms. Jennifer Ann Sorenson
Mr. Wayne K. Stenehjem
Ms. Alicia E. Thesing
Mr. Misha Tseytlin
Mr. Andrew Turner
Mr. Lawrence VanDyke
Ms. Jennifer L. Verleger
Ms. Catherine Wannamaker
Mr. Justin T. Wong
Ms. Mary Jo Woods
Mr. Frederick Richard Yarger
Ms. Tamara Zakim

Enclosure