

The Supreme Court Update - March 4, 2025

by Ian Blodger, Jessica M. Leano, and Brock Huebner

The Supreme Court of the United States issued one decision today:

City and County of San Francisco v. EPA, No. 23-753: This case concerns the interpretation of the federal Clean Water Act (“CWA”) and its National Pollutant Discharge Elimination System (“NPDES”), which prohibits the discharge of pollutants into the waters of the United States. The NPDES includes a “permit shield” that creates a defense against liability if an entity complies with the specific terms of a permit issued by the EPA and certain state agencies. In this case, the City and County of San Francisco (“San Francisco”) challenged the use of “end-result” requirements in NPDES permits, under which permittees are responsible for the water quality of the body of water into which it discharges pollutants. San Francisco argued that imposing these requirements goes beyond the EPA’s authority under the CWA. In a fractured opinion authored by Justice Alito, the Court agreed with San Francisco. The Court held that the CWA’s text, structure, and context require the EPA to set specific rules for permittees to follow, rather than mandating specific results. Chief Justice Roberts and Justices Thomas and Kavanaugh joined the opinion in full. Justice Gorsuch joined the opinion except for the portion interpreting the CWA’s “effluent limitations” language. Justice Barrett (joined by Justices Sotomayor, Kagan, and Jackson) concurred only in the majority’s interpretation of the CWA’s “effluent limitations” language, but otherwise dissented.

View the Court's [decision](#).

Related People

- Ian Blodger
- Jessica M. Leano
- Brock Huebner

Related Capabilities

- Appellate