

The Supreme Court Update - May 28, 2024

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

Today, the Supreme Court of the United States granted certiorari in one case:

San Francisco v. EPA, No. 23-753: This case involves interpretation of the federal Clean Water Act (CWA) and its National Pollutant Discharge Elimination System (NPDES) program. Under that program, the U.S. Environmental Protection Agency (EPA) and authorized states may issue permits for discharge of certain pollutants subject to conditions. The circuits are divided on whether those permits may contain generic prohibitions against violating water quality standards, or whether they must include specific pollutant limits. The question presented is: Whether the CWA allows the EPA (or an authorized state) to impose generic prohibitions in NPDES permits that subject permit-holders to enforcement for violating water quality standards without identifying specific limits to which their discharges must conform.

Related People

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Related Capabilities

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