

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**

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CINCINNATI, OHIO 45202-3988

Deborah S. Hunt
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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
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Mr. Justin T. Wong
Ms. Mary Jo Woods
Mr. Frederick Richard Yarger
Ms. Tamara Zakim

Enclosure