

Waters of the United States

- Interstate commerce, interstate, and tidal waters (“interstate water”)
- Waters that affect those waters as:
 - Tributaries
 - Adjacent waters
 - Isolated waters with significant nexus
 - Floodplain waters with significant nexus



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Excluded Waters

- Waste treatment systems
- Prior converted cropland
- Certain ditches
- Certain artificially constructed or irrigated areas
- Groundwater
- Stormwater control features in dry land
- Wastewater recycling features in dry land



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Tributary

“Water that contributes flow, either directly or through another water . . . , to [an interstate water] that is characterized by the presence of the physical indicators of a bed and banks and an ordinary high water mark.”



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Significant Nexus

“Means that a water, including wetlands, either alone or in combination with other similarly situated waters in the region, significantly affects the chemical, physical, or biological integrity of [an interstate water].”



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Significant Nexus Assessment

“A water has a significant nexus when any single function or combination of functions performed by the water, alone or together with similarly situated waters in the region, contributes significantly to the chemical, physical, or biological integrity of the nearest [interstate water].



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Significant Nexus Functions

- Sediment trapping
- Nutrient recycling
- Pollutant transport or reduction
- Flood water control
- Runoff storage
- Contribution of flow
- Export of organic matter or food resources
- Provision of aquatic habitat for a species located in an interstate water

