



WESTERN STATES WATER COUNCIL

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www.westernstateswater.org

Discussion: Post-Sackett Water Quality Permitting

Wednesday, July 15, 2026 • 9:00-10:00 AM MDT

[Zoom Meeting Registration](#)

1. Welcome/Opening Remarks (5 min) – Michelle Bushman, Deputy Director & General Counsel

Materials:

<https://westernstateswater.org/topical-resources/wotus/post-sackett-wq-permitting/>

2. State Topics/Issues/Questions for Discussion (25 min) – Michelle

Filling the Post-Sackett regulatory gaps: identifying gaps (or absence thereof), creating state programs, seeking additional regulatory authority

- a. State NPDES permitting (OR)
 - i. Oregon is not altering its approach based on its evaluation of state law overlay with federal NPDES delegation.
 - ii. Q: Are any states altering the scope of their NPDES permitting program as a result of Sackett/WOTUS rule revisions?
 - iii. Q: If yes, what are they doing and what specifically prompted those changes?
- b. State Dredge and Fill (WY, CO)
 - i. WYDEQ has issued a state dredge and fill general permit
 - ii. CDPHE is in the process of implementing a state dredge and fill program passed by the CO legislature
 - iii. UT 404 assumption feasibility study

3. Group Open Discussion (20 min)

4. Next Steps (10 min) – Michelle

- a. FY27 WSWC Task Group (advocacy, reports, webinars, further discussion opportunities)
- b. Staff newsletter topics to track