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AOPL APPLAUDS SUPREME COURT BACK TO WORK ORDER

WASHINGTON, DC – Today, the Association of Oil Pipe Lines (AOPL) applauded the Supreme Court's unanimous order allowing pipeline construction projects across the nation to resume use of the Nationwide Permit program for projects with minimal environmental impacts. While the Supreme Court's action does not extend to Keystone XL, the focus of the original lawsuit, thousands of American workers can now go back to work on other projects supplying good-paying energy infrastructure jobs.

"The Supreme Court is saying we can get back to work providing good-paying jobs for American workers and projects delivering affordable energy to American consumers," said Andy Black, AOPL President and CEO.

AOPL is part of a coalition of pipeline operators and other energy groups, which intervened in litigation to defend this program vital to pipeline construction projects. Congress amended the Clean Water Act in 1977 to authorize a nationwide permit (NWP) program for activities that "will cause only minimal adverse environmental effects." Congress recognized the system of individual wetlands permits it had created just a few short years before was not only overwhelming the USACE with many thousands of reviews for projects with little impact on the environment, it was also distracting precious USACE resources away from projects with truly significant impacts. Thus, a Democratic president signed a bill enacted by a Democratic Congress to provide a reasonable level of review for projects of minimal impact.

The bipartisan nature of the program continued through 2017 with the USACE under presidents of both parties reissuing the NWPs every five years culminating with President Obama's administration reissuing the current set of NWPs. President Obama's administration knew the Clean Water Act's statutory requirement would allow projects with only "minimal adverse environmental effects" and the program's General Condition would ensure at the project level that "no activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species."

AOPL supports the USACE's continued use and reissuance of the NWPs. In addition to offering appropriate protections for projects of minimally adverse impacts, the USACE's nationwide permit program is essential for the timely completion of infrastructure development and maintenance projects and other important activities that have minimal environmental impacts. Nationwide permits provide certainty and uniformity that benefit the American public and project developers through robust national terms and conditions for eligible activities which ensure the protection of waters and wetlands.

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