



July 1, 2025

The Honorable Sam Graves
Chairman
House Committee on Transportation &
Infrastructure
Washington, D.C., 20515

The Honorable Rick Larsen
Ranking Member
House Committee on Transportation &
Infrastructure
Washington, D.C., 20515

Dear Chairman Graves and Ranking Member Larsen:

The Essential Minerals Association (EMA) proudly supports H.R. 3898, the *Promoting Efficient Review for Modern Infrastructure Today (PERMIT) Act*, which will introduce much needed reforms to the implementation of the Clean Water Act (CWA).

EMA is the representative voice of approximately 100 companies that extract, process, and support a vital and beneficial group of metal/nonmetal minerals that are the essential ingredients for many of the products used in everyday life. Our companies and the people they employ are proud of their industry and the socially responsible methods they use to deliver these beneficial resources.

We support reasonable and appropriate measures to protect important water resources, but in recent years, we have seen federal agencies like the Environmental Protection Agency (EPA) and Army Corps of Engineers (ACOE) grossly overreach beyond their authorities to impose increasingly burdensome regulatory regimes. These regulations unduly hinder our members' ability to operate domestically, and thus, increase our dependence on foreign hostile nations like China and Russia for our essential mineral resources. From permit processes that are excessively slow and complex to the imposition of standards that are technically and practically unachievable, as well as the weaponization of the statute to hinder due process, the current implementation of the CWA is a far cry from what Congress originally intended when it enacted the statute.

It is time for Congress to reign in these excesses, and H.R. 3898 is an important step in the right direction. Its provisions will provide real and necessary reforms that will ensure clarity, efficiency, predictability, and adherence to the law for EMA members and other stakeholders seeking permits under the CWA.

In particular, EMA supports the following provisions contained within the PERMIT Act:

- *The Reducing Permitting Uncertainty Act* (H.R. 3935) – introduced by Rep. Pete Stauber (R-MN). This bill prevents the EPA from vetoing a Section 404 dredge and fill permit before a permit application has been filed or after a permit has already been issued by the ACOE. The bill clarifies that the EPA's veto authority may only be used while an application for a dredge and fill permit is pending through the

normal permitting process, as originally intended under the CWA. This is a crucial step in safeguarding due process protections for mining operators seeking permits and will prevent weaponization of Section 404 by the agencies.

- *The Water Quality Technology Availability Act* (H.R. 3900) – introduced by Water Resources and Environment Subcommittee Chairman Mike Collins (R-GA). This bill protects EMA members from overburdensome regulation by ensuring that technologies they are required to use to comply with effluent limitation guidelines (ELGs) for wastewater discharges are commercially available in the United States, therefore making ELGs compliance reasonably obtainable.
- *The Nationwide Permitting Improvement Act* (H.R. 3927) – introduced by Rep. David Rouzer (R-NC). This bill codifies longstanding, historical interpretation and practice around the Nationwide Permit (NWP) process and provides clarity regarding several areas where challenges have risen against the well-established process. Longer, more predictable permits and processes to ensure fair and reasonable regulatory parameters are crucial for EMA members' ability to make the long-term investments needed to conduct mining operations. This bill will help provide that certainty.
- *The Jurisdictional Determination Backlog Reduction Act* (H.R. 3901) – introduced by Rep. Jeff Hurd (R-CO). This bill requires the ACOE to implement expedited procedures and allocate necessary resources to eliminate the existing backlog of jurisdictional determinations, as well as pending applications for Clean Water Act (CWA) Section 404 dredge and fill permits. EMA members and others in the mining industry rely on timely jurisdictional determinations and 404 permitting. The need for expedited permitting for domestic mineral resources is more urgent than ever, and H.R. 3901 will streamline those processes by addressing the ACOE's current backlog of more than 3,500 pending jurisdictional determinations.
- H.R. 3898's codification of longstanding Waters of the United States (WOTUS) exclusions for water treatment systems, ephemeral features, groundwater, and prior converted cropland that have been included as part of WOTUS regulations. Many EMA members have historically relied on those exemptions, which wisely exempt bodies of water that are not WOTUS and should not be regulated as such. These exemptions enable EMA members to operate without excessive permits or restrictions that are inappropriate for those bodies of water. This measure will ensure the permanence of these vital exclusions and provide certainty into the future.

Overall, the measures included in the PERMIT Act will increase efficiency and transparency to CWA permitting processes while also ensuring that agencies are operating within the actual scope of their authority. H.R. 3898 will also protect EMA members and others in the regulated communities from unjust weaponization and manipulation of the CWA statute and regulations by agencies seeking to stifle industries like ours. These reforms are sorely overdue, and their passage into law will allow EMA member companies to continue their existing operations as well as open new facilities with the certainty that they can do so in a just, reasonable, and legally

sound regulatory environment that still provides necessary protections for water resources. This in turn will facilitate the growth of the domestic essential mineral sector and reduce our dependence on foreign hostile nations like China and Russia for minerals that are vital to our national security, economy, and everyday life.

EMA appreciates the Transportation and Infrastructure Committee's focus on these important issues, and we urge the passage of the PERMIT Act by the full House of Representatives as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Greissing". The signature is fluid and cursive, with the first name "Chris" being more legible than the last name "Greissing".

Chris Greissing
President
Essential Minerals Association