



June 24, 2025

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Graves and Ranking Member Larsen,

On behalf of the Interstate Natural Gas Association of America (INGAA), I write in support of the amendment in the nature of a substitute to H.R. 3898, Promoting Efficient Review for Modern Infrastructure Today (PERMIT) Act, which would provide expedited permitting and improve regulatory certainty for gas pipeline infrastructure under the Clean Water Act (CWA).

INGAA's member companies, which remain integral to building needed energy infrastructure, transport most of the natural gas consumed in the United States through a network of approximately 200,000 miles of transmission pipelines. Our members' large capacity, critical infrastructure systems span multiple states and regions and deliver natural gas to local distribution companies, electricity generators, industrial manufacturers, and LNG export facilities.

A pipeline operator must secure a Section 401 CWA permit before construction. Section 401 adopts a "cooperative federalism" approach to regulation by affording each State or Tribe a significant, carefully defined role in regulating discharges into waters of the United States (WOTUS). Natural gas pipeline projects frequently cross WOTUS, and INGAA members' projects often require a Section 401 certification, which has broad applicability to a variety of linear infrastructure projects. When applied appropriately, Section 401 works well, but certain States have misused the law to advance policy not related to water quality and disregarded the one-year time limit on review to burden, delay, or veto certification of critical energy infrastructure projects, namely natural gas pipelines. In so doing, those States disrupt the role of federal and state authorities, undermine the actions of other States and damage cooperative federalism.

To address these problems, the PERMIT Act would restore cooperative federalism by clarifying that Section 401 authorizes States to review discharges into WOTUS, not the entire activity subject to federal authorization (including activities which occur in other states). This clarification would help properly scope State reviews, avoid pursuing unrelated goals, and confirm compliance with intended federally approved water quality criteria under the existing statute. By reaffirming the reasonable period of time, which shall not exceed one year after the federal agency receives the certification, the proposal would also promote efficient reviews.

The U.S. Army Corps of Engineers' Nationwide Permit (NWP) program has also been an essential component of developing natural gas infrastructure networks. Since its inception under Section 404 of the CWA, the program allows streamlined reviews of discharges of dredged or fill material into

WOTUS when effects to the aquatic environment from those discharges are no more than minimal. When the discharge activities meet these specific criteria, NWPs allow the applicant to utilize general permits rather than pursuing the more cumbersome process of obtaining an individual permit. Despite the agency's well-established, effective oversight process, the Corps continues to be subject to litigation over both its Nationwide Permit 12, which addresses utility line activities, including pipelines, and issuance of project-specific nationwide permits. These permitting challenges frustrate linear infrastructure development and maintenance, burden the agency by increasing the need for individual permits for activities that have only minimal impact, and delay service to the public.

Importantly, the PERMIT Act would codify longstanding, historical Corps interpretation and practice of the NWP program for linear infrastructure, clearly define discharge activities within the agency's Section 404 CWA authority and extend the period of reissuance for general permit holders from five to ten years. It would also stipulate that for the reissuance of NWPs, National Environmental Policy Act (NEPA) requirements shall be satisfied by preparing an environmental assessment and confirm, consistent with past Army Corps practice, that Endangered Species Act (ESA) consultation is not required for projects that have no more than minimal environmental impacts. To address litigation, the proposal would also establish reasonable judicial review timelines and make certain that any court challenge of a Section 404 general or individual natural gas infrastructure permit must be filed within 60 days of its issuance.

INGAA and the companies we represent stand ready to work in a bipartisan manner to enact the PERMIT Act, which would promote permitting certainty and predictability under the CWA and enable development of the energy infrastructure necessary to continue delivering the benefits of natural gas to the American people.

Sincerely,

A handwritten signature in blue ink, appearing to read "A Andryszak", written in a cursive style.

Amy Andryszak
President and CEO
Interstate Natural Gas Association of America