

Rich Nolan
President & CEO

June 24, 2025

The Honorable Sam Graves
Chairman
Committee on Transportation and
Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Rick Larsen
Ranking Member
Committee on Transportation and
Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Graves, Ranking Member Larsen and Members of the committee:

The National Mining Association (NMA) strongly supports the committee's markup of legislation aimed at modernizing and streamlining the Clean Water Act (CWA) permitting process. We thank Subcommittee Chairman Mike Collins (R-Ga.) and other members of the House Transportation and Infrastructure Committee for their leadership and urge the committee to report these bills favorably to the full House.

The NMA is the only national trade organization that serves as the voice of the U.S. mining industry and the hundreds of thousands of American workers it employs before Congress, the federal agencies, the judiciary, and the media, advocating for public policies that will help America fully and responsibly utilize its vast natural resources. We work to ensure America has secure and reliable supply chains, abundant and affordable energy, and the American-sourced materials necessary for U.S. manufacturing, national security, and economic security, all delivered under world-leading environmental, safety, and labor standards. The NMA has a membership of nearly 300 companies and organizations involved in every aspect of mining, from producers and equipment manufacturers to service providers.

These targeted legislative reforms are a welcome step toward streamlining and clarifying the CWA permitting process. We especially support:

- H.R. 3935, the Reducing Permitting Uncertainty Act, introduced by Rep. Pete Stauber (R-Minn.). This bill provides long-needed clarity on the U.S. Environmental Protection Agency's authority under Section 404(c) of the CWA. Specifically, it ensures the EPA may only veto a permit while an application is actively under review—not before it is filed and not after it is issued. These clarifications will help promote investment in U.S. energy, infrastructure and mining operations by restoring predictability to the permitting process. The United States already has one of the longest permitting timelines in the world. These delays carry serious consequences. Unexpected setbacks can reduce a mining project's value by more than one-third, and prolonged permitting risk can cut project value in half before

production even begins. Uncertainty surrounding the EPA's ability to retroactively or preemptively veto a project chills investment and pushes development to foreign markets. This threatens our domestic supply chains and increases U.S. dependence on minerals and materials from adversarial countries. The clear guardrails in H.R. 3935 are a necessary correction to restore confidence in the U.S. permitting system.

- H.R. 3900, the Water Quality Technology Availability Act, introduced by Rep. Mike Collins (R-Ga.), which ensures that effluent limitation guidelines under the CWA are based on treatment technologies that are actually commercially available in the United States. Requiring unattainable technology undermines the integrity of the permitting process and places American operations at a global disadvantage.
- H.R. 3898, the Promoting Efficient Review for Modern Infrastructure Today (PERMIT) Act, also introduced by Rep. Mike Collins (R-Ga.), which codifies long-standing exclusions from the definition of "waters of the United States," including waste treatment systems, ephemeral features, groundwater and prior converted cropland. These exclusions—recognized under both Republican and Democratic administrations—provide regulatory certainty for landowners, miners, energy developers and infrastructure projects nationwide.

In addition, the NMA supports several other important bills under consideration:

- H.R. 3888, the Water Quality Criteria Development and Transparency Act, introduced by Rep. Burgess Owens (R-Utah), which ensures transparency and public participation in the EPA's development of Section 304(a) water quality criteria.
- H.R. 3897, the Confidence in Clean Water Permits Act, introduced by Rep. Dave Taylor (R-Ohio), which codifies the CWA permit shield and provides certainty that compliance with a National Pollutant Discharge Elimination System permit constitutes compliance with the law.
- H.R. 3901, the Jurisdictional Determination Backlog Reduction Act, introduced by Rep. Jeff Hurd (R-Colo.), which directs the U.S. Army Corps of Engineers to eliminate the current backlog of jurisdictional determinations and permit reviews.
- H.R. 3928, the Improving Water Quality Certifications and American Energy Infrastructure Act, introduced by Rep. David Rouzer (R-N.C.), which reforms

Section 401 to ensure certification reviews are limited to water quality impacts of discharges from the permitted activity.

- H.R. 3905, the Judicial Review Timeline Clarity Act, introduced by Rep. Eric Burlison (R-Mo.), which sets reasonable timelines for judicial review of Section 404 permits to ensure timely resolution and limit litigation-based delays.

Together, these bills take meaningful steps to restore fairness, transparency and efficiency to the CWA permitting process—without compromising environmental standards. The mining industry stands ready to meet the nation's energy and supply chain needs, and these reforms will help ensure U.S. projects are permitted responsibly and predictably.

We thank the committee for its continued leadership and urge your support for this critical legislative agenda. The mining industry stands ready to meet the nation's energy and mineral needs and urges your support of these bills that will streamline and provide certainty in the CWA permitting process while protecting our nation's water resources.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rich Nolan", with a long horizontal flourish extending to the right.

Rich Nolan