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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To direct the Administrator of the Environmental Protection Agency to review the regulations applicable to the approval of State permit programs under section 404 of the Federal Water Pollution Control Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. PATRONIS introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To direct the Administrator of the Environmental Protection Agency to review the regulations applicable to the approval of State permit programs under section 404 of the Federal Water Pollution Control Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring Federalism  
5 in Clean Water Permitting Act”.

1 **SEC. 2. STATE ASSUMPTION OF SECTION 404 PERMIT PRO-**  
2 **GRAM REGULATION REVIEW.**

3 Not later than 180 days after the date of enactment  
4 of this Act, the Administrator of the Environmental Pro-  
5 tection Agency shall complete a review of the regulations  
6 applicable to the approval of State permit programs under  
7 section 404 of the Federal Water Pollution Control Act  
8 (33 U.S.C. 1344) in order to identify revisions to such  
9 regulations necessary to streamline the approval process,  
10 reduce administrative burdens, and encourage additional  
11 States to administer a permit program under such section,  
12 and the Administrator shall implement any such revisions  
13 as appropriate.

14 **SEC. 3. JUDICIAL REVIEW TIMELINE CLARITY.**

15 Section 404 of the Federal Water Pollution Control  
16 Act (33 U.S.C. 1344) is amended—

17 (1) by redesignating subsection (t) as sub-  
18 section (u);

19 (2) in subsection (u), as so redesignated, by  
20 striking “Nothing in the section” and inserting  
21 “SAVINGS PROVISION.—Nothing in this section”;  
22 and

23 (3) by inserting after subsection (s) the fol-  
24 lowing:

25 “(t) JUDICIAL REVIEW.—

1           “(1) STATUTE OF LIMITATIONS.—Notwith-  
2 standing any applicable provision of law relating to  
3 statutes of limitations, an action seeking judicial re-  
4 view of the approval by the Administrator of a State  
5 permit program pursuant to this section shall be  
6 filed not later than the date that is 60 days after the  
7 date on which the approval was issued.

8           “(2) LIMITATION ON COMMENCEMENT OF CER-  
9 TAIN ACTIONS.—Notwithstanding any other provi-  
10 sion of law, no action described in paragraph (1)  
11 may be commenced unless the action—

12                   “(A) is filed by a party that submitted a  
13 comment—

14                           “(i) during the public comment period  
15 for the administrative proceedings related  
16 to such action; and

17                           “(ii) which was sufficiently detailed to  
18 put the Administrator on notice of the  
19 issue upon which the party seeks judicial  
20 review; and

21                   “(B) is related to such comment.

22           “(3) REMEDY.—If a court determines that the  
23 Administrator did not comply with the requirements  
24 of this section in issuing an approval of a State per-  
25 mit program pursuant to this section—

1           “(A) the court shall remand the matter to  
2           the Administrator for further proceedings con-  
3           sistent with the determination of the court; and

4           “(B) the court may not vacate, revoke, en-  
5           join, or otherwise limit the authority of the  
6           State to issue permits under such State permit  
7           program, unless the court finds that activities  
8           authorized under any permit issued under the  
9           program would present an imminent and sub-  
10          stantial danger to human health or the environ-  
11          ment for which there is no other equitable rem-  
12          edy available under the law.

13          “(4) TIMELINE TO ACT ON COURT ORDER.—If  
14          a court remands a matter under paragraph (2), the  
15          court shall set and enforce a reasonable schedule  
16          and deadline, which may not exceed 180 days from  
17          the date on which the court remands such matter,  
18          except as otherwise required by law, for the Admin-  
19          istrator to take such actions as the court may  
20          order.”.