

.....
(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Water Pollution Control Act to make changes with respect to water quality certification, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROUZER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Water Pollution Control Act to make changes with respect to water quality certification, 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 “Improving Water Qual-
5 ity Certifications and American Energy Infrastructure
6 Act”.

1 **SEC. 2. CERTIFICATION.**

2 Section 401 of the Federal Water Pollution Control
3 Act (33 U.S.C. 1341) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in the first sentence, by striking
7 “may result” and inserting “may directly
8 result”;

9 (ii) in the second sentence, by striking
10 “activity” and inserting “discharge”;

11 (iii) in the third sentence, by striking
12 “applications” each place it appears and
13 inserting “requests”;

14 (iv) in the fifth sentence, by striking
15 “act on” and inserting “grant or deny”;
16 and

17 (v) by inserting after the fourth sen-
18 tence the following: “Not later than 30
19 days after the date of enactment of the
20 Improving Water Quality Certifications
21 and American Energy Infrastructure Act,
22 each State and interstate agency that has
23 authority to give such a certification, and
24 the Administrator, shall publish require-
25 ments for certification to demonstrate to
26 such State, such interstate agency, or the

1 Administrator, as the case may be, compli-
2 ance with the applicable provisions of sec-
3 tions 301, 302, 303, 306, and 307. A deci-
4 sion to grant or deny a request for certifi-
5 cation shall be based only on the applicable
6 provisions of sections 301, 302, 303, 306,
7 and 307, and the grounds for the decision
8 shall be set forth in writing and provided
9 to the applicant. Not later than 90 days
10 after receipt of a request for certification,
11 the State, interstate agency, or Adminis-
12 trator, as the case may be, shall identify in
13 writing all specific additional materials or
14 information that are necessary to grant or
15 deny the request.”;

16 (B) in paragraph (2)—

17 (i) in the second sentence, by striking
18 “notice of application for such Federal li-
19 cense or permit” and inserting “receipt of
20 a notice under the preceding sentence”;

21 (ii) in the third sentence, by striking
22 “any water quality requirement” and in-
23 serting “any applicable provision of section
24 301, 302, 303, 306, or 307”;

1 (iii) in the fifth sentence, by striking
2 “insure compliance with applicable water
3 quality requirements.” and inserting “en-
4 sure compliance with the applicable provi-
5 sions of sections 301, 302, 303, 306, and
6 307.”;

7 (iv) in the final sentence, by striking
8 “insure” and inserting “ensure”; and

9 (v) by striking the first sentence and
10 inserting “On receipt of a request for cer-
11 tification, the certifying State or interstate
12 agency, as applicable, shall immediately
13 notify the Administrator of the request.”;

14 (C) in paragraph (3), in the second sen-
15 tence, by striking “section” and inserting “any
16 applicable provision of section”;

17 (D) in paragraph (4)—

18 (i) in the first sentence, by striking
19 “applicable effluent limitations or other
20 limitations or other applicable water qual-
21 ity requirements will not be violated” and
22 inserting “no applicable provision of sec-
23 tion 301, 302, 303, 306, or 307 will be vio-
24 lated”;

1 (ii) in the second sentence, by striking
2 “will violate applicable effluent limitations
3 or other limitations or other water quality
4 requirements” and inserting “will directly
5 result in a discharge that violates an appli-
6 cable provision of section 301, 302, 303,
7 306, or 307,”; and

8 (iii) in the third sentence, by striking
9 “such facility or activity will not violate the
10 applicable provisions” and inserting “oper-
11 ation of such facility or activity will not di-
12 rectly result in a discharge that violates
13 any applicable provision”; and

14 (E) in paragraph (5), by striking “the ap-
15 plicable provisions” and inserting “any applica-
16 ble provision”;

17 (2) in subsection (d), by striking “any applica-
18 ble effluent limitations and other limitations, under
19 section 301 or 302 of this Act, standard of perform-
20 ance under section 306 of this Act, or prohibition,
21 effluent standard, or pretreatment standard under
22 section 307 of this Act, and with any other appro-
23 priate requirement of State law set forth in such
24 certification, and” and inserting “the applicable pro-

1 visions of sections 301, 302, 303, 306, and 307, and
2 any such limitations or requirements”; and

3 (3) by adding at the end the following:

4 “(e) For purposes of this section, the applicable pro-
5 visions of sections 301, 302, 303, 306, and 307 are any
6 applicable effluent limitations and other limitations, under
7 section 301 or 302, standard of performance under section
8 306, prohibition, effluent standard, or pretreatment stand-
9 ard under section 307, and requirement of State law im-
10 plementing water quality criteria under section 303 nec-
11 essary to support the designated use or uses of the receiv-
12 ing navigable waters.”.