



COMMITTEE ON  
**TRANSPORTATION  
& INFRASTRUCTURE**  
SAM GRAVES, CHAIRMAN

**H.R. 3898, as amended, the *Promoting Efficient Review for Modern Infrastructure Today (PERMIT) Act***

**Section-by-Section**

*Section 1. Short title; table of contents.*

This section lays out the table of contents for the bill and states that the bill may be referred to as the “*Promoting Efficient Review for Modern Infrastructure Today Act*” or “*PERMIT Act*”.

*Section 2. Water quality standards attainability.*

This section requires water quality standards, developed under *Clean Water Act (CWA)* section 303(c), to consider municipal combined sewer storm and sanitary sewer long-term control plans, as well as the ability of a permit holder to maintain compliance with the standards through commercially available technologies.

*Section 3. Water quality criteria development and transparency.*

This section establishes a more transparent procedure for the development of water quality criteria by the Environmental Protection Agency (EPA) for National Pollutant Discharge Elimination System (NPDES) permits, which provides additional opportunities for public participation and limited judicial review.

*Section 4. Water quality technology availability.*

This section requires that the technology used to develop effluent limitation guidelines wastewater discharges is viably commercially available in the United States.

*Section 5. Improving water quality certifications and American energy infrastructure.*

This section modernizes and clarifies the water quality certification process and scope of review under *CWA* section 401.

*Section 6. Clarifying Federal general permits.*

This section codifies EPA's practice of issuing general permits under *CWA* section 402 and requires EPA to provide a two-year notice if a general permit will not be renewed.

*Section 7. NPDES permit terms.*

This section amends *CWA* section 402 to authorize NPDES permits to be issued for up to ten years

*Section 8. Confidence in clean water permits.*

This section requires NPDES permit writers to use clear limits and terms when writing permits. It also codifies longstanding EPA policy related to when permit holders are shielded from liability.

*Section 9. Forest protection and wildland firefighter safety.*

This section amends *CWA* section 402 to clarify that aerial discharges of fire retardants that appear on the Forest Service Qualified Products List do not require a NPDES permit.

*Section 10. Agricultural stormwater discharge.*

This section amends *CWA* section 402 to clarify that agricultural stormwater discharges do not require a NPDES permit.

*Section 11. Reducing regulatory burdens.*

This section amends *CWA* section 402 to clarify that pesticides regulated under the *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA) do not require a NPDES permit.

*Section 12. Reducing permitting uncertainty.*

This section clarifies that EPA cannot veto a *CWA* section 404 dredge and fill permit before an application is filed or after a permit has been issued by the United States Army Corps of Engineers (Corps).

*Section 13. Nationwide permitting improvement.*

This section codifies and sets standards for Corps-issued Nationwide permits.

*Section 14. Deadline for request for submission of additional information for permit programs for dredged or fill material.*

This section puts in place a timeline for the EPA to adhere to in the event more information from a state seeking authority to administer a *CWA* section 404 dredge and fill permitting program is required.

*Section 15. Judicial review timeline clarity.*

This section sets judicial review timelines for *CWA* section 404 dredge and fill permits, as well as for the EPA's approval of state assumptions of 404 permit programs.

*Section 16. Restoring federalism in clean water permitting.*

This section directs EPA to complete a review of the regulations applicable to state assumption of the *CWA* section 404 dredge and fill permitting program and identify revisions necessary to streamline the process.

*Section 17. Jurisdictional determination backlog reduction.*

This section directs the Corps to reduce the backlog of jurisdictional determinations, wetlands delineations, and permit applications.

*Section 18. Definition of navigable waters.*

This section codifies longstanding exclusions from the definition of "waters of the United States" for waste treatment systems, ephemeral features, prior converted cropland, and groundwater.

*Section 19. Applicability of Spill Prevention, Control, and Countermeasure rule.*

This section increases the aggregate exemption level for oil tanks on certain farms under EPA's Spill Prevention, Control, and Countermeasure Rule under *CWA* section 311.

*Section 20. Coordination with Federal Permitting Improvement Steering Council.*

This section directs the EPA, the Corps, and states, to the maximum extent practicable, to coordinate with the Federal Permitting Improvement Steering Council on the status of permit applications and requests for certification under sections 401, 402, and 404 of the *CWA*.

*Section 21. Sense of Congress on Chesapeake Bay Watershed Agreement.*

This section provides the Sense of Congress that the Chesapeake Bay Watershed Agreement is a voluntary, cooperative agreement.