

118TH CONGRESS
1ST SESSION

H. R. 1152

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

FEBRUARY 24, 2023

Mr. ROUZER (for himself and Mr. GRAVES of Louisiana) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 “Water Quality Certifi-
5 cation and Energy Project Improvement Act of 2023”.

6 **SEC. 2. CERTIFICATION.**

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

9 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) in the first sentence, by striking
3 “may result” and inserting “may directly
4 result”;

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

7 (iii) in the third sentence, by striking
8 “applications” each place it appears and
9 inserting “requests”;

10 (iv) in the fifth sentence, by striking
11 “act on” and inserting “grant or deny”;
12 and

13 (v) by inserting after the fourth sen-
14 tence the following: “Not later than 30
15 days after the date of enactment of the
16 Water Quality Certification and Energy
17 Project Improvement Act of 2023, each
18 State and interstate agency that has au-
19 thority to give such a certification, and the
20 Administrator, shall publish requirements
21 for certification to demonstrate to such
22 State, such interstate agency, or the Ad-
23 ministrator, as the case may be, compli-
24 ance with the applicable provisions of sec-
25 tions 301, 302, 303, 306, and 307. A deci-

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

13 (B) in paragraph (2)—

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

18 (ii) in the third sentence, by striking
19 “any water quality requirement” and in-
20 sserting “any applicable provision of section
21 301, 302, 303, 306, or 307”;

22 (iii) in the fifth sentence, by striking
23 “insure compliance with applicable water
24 quality requirements.” and inserting “en-
25 sure compliance with the applicable provi-

1 sions of sections 301, 302, 303, 306, and
2 307.”;

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

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

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

13 (D) in paragraph (4)—

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

21 (ii) in the second sentence, by striking
22 “will violate applicable effluent limitations
23 or other limitations or other water quality
24 requirements” and inserting “will directly
25 result in a discharge that violates an appli-

1 cable provision of section 301, 302, 303,
2 306, or 307,”; and

3 (iii) in the third sentence, by striking
4 “such facility or activity will not violate the
5 applicable provisions” and inserting “oper-
6 ation of such facility or activity will not di-
7 rectly result in a discharge that violates
8 any applicable provision”; and

9 (E) in paragraph (5), by striking “the ap-
10 plicable provisions” and inserting “any applica-
11 ble provision”;

12 (2) in subsection (d), by striking “any applica-
13 ble effluent limitations and other limitations, under
14 section 301 or 302 of this Act, standard of perform-
15 ance under section 306 of this Act, or prohibition,
16 effluent standard, or pretreatment standard under
17 section 307 of this Act, and with any other appro-
18 priate requirement of State law set forth in such
19 certification, and” and inserting “the applicable pro-
20 visions of sections 301, 302, 303, 306, and 307, and
21 any such limitations or requirements”; and

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

23 “(e) For purposes of this section, the applicable pro-
24 visions of sections 301, 302, 303, 306, and 307 are any
25 applicable effluent limitations and other limitations, under

1 section 301 or 302, standard of performance under section
2 306, prohibition, effluent standard, or pretreatment stand-
3 ard under section 307, and requirement of State law im-
4 plementing water quality criteria under section 303 nec-
5 essary to support the designated use or uses of the receiv-
6 ing navigable waters.”.

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