



January 30, 2024

The Honorable Sam Graves
Chairman
U.S. House Committee on
Transportation and Infrastructure
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
U.S. House Committee on
Transportation and Infrastructure
Washington, DC 20515

Chairman Graves, Ranking Member Larsen and Members of the U.S. House Committee on Transportation and Infrastructure:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 23,000 member companies, I write in support of several bills introduced by members of the Water Resources and Environment Subcommittee.

ABC believes that these bills, if enacted, will go a long way toward eliminating unnecessary delays that cause budget overruns in construction. Creating a coordinated, predictable and transparent process to streamline permitting will enable the industry to plan and execute even the most complex projects while safeguarding our communities, maintaining a healthy environment and being good stewards of public funds.

- The Nationwide Permitting Improvement Act seeks to codify longstanding interpretations and practices concerning Nationwide Permits, offering clarity on several contentious areas within the established process. This bill proposes extending the reissuance period for general permit holders from five to 10 years. It also specifies that only categories falling under the Clean Water Act's Section 404 authority are considered when issuing NWPs.
- The Reducing Permitting Uncertainty Act aims to restrict the U.S. Environmental Protection Agency from preemptively vetoing a Clean Water Act Section 404 dredge and fill permit or revoking it after Corps approval without due process. Under this act, the EPA's veto authority is constrained to the period while a permit application is pending through the standard permitting process, aligning with the original intent of the CWA.
- The Judicial Review Timeline Clarity Act proposes reasonable timelines for judicial review of Clean Water Act Section 404 permits, fostering efficiency in project authorization. It mandates that any lawsuit challenging a Section 404 permit must be filed within 60 days of issuance and sets deadlines for compliance in case of remand by the court.
- The Water Quality Criteria Development and Transparency Act intends to establish a more transparent procedure for EPA's development of water quality criteria, crucial for NPDES permits. This bill seeks to enhance public participation and introduce limited judicial review, ensuring stakeholders have a voice in the process and water quality standards are adequately protected.
- The Confidence in Clean Water Permits Act aims to ensure that permits only include clear, objective limits on pollutants or water conditions. It also reinforces the principle

that permit holders are shielded from liability as long as they adhere to the terms of their NPDES permits and provide relevant information during the application process.

ABC urges the committee to report these bills favorably as written to the full House, as they represent the best and most comprehensive federal regulatory permitting and project review reform legislation on the table this Congress.

ABC and our members are committed to building our nation's energy infrastructure projects with the highest standards of safety and quality. ABC members stand ready for the opportunity to build and maintain America's infrastructure to the benefit of the communities that it will serve.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Swearingen". The signature is written in a cursive, flowing style.

Kristen Swearingen
Vice President, Legislative & Political Affairs