

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Quality Certification and Energy Project Improvement Act of 2023”.

SEC. 2. CERTIFICATION.

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

(1) in subsection (a)—

(A) in paragraph (1)—

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

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

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

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

(v) by inserting after the fourth sentence the following: “Not later than 30 days after the date of enactment of the Water Quality Certification and Energy Project Improvement Act of 2023, each State and interstate agency that has authority to give such a certification, and the Administrator, shall publish requirements for certification to demonstrate to such State, such interstate agency, or the Administrator, as the case may be, compliance with the applicable provisions of sections 301, 302, 303, 306, and 307. A decision to grant or deny a request for certification shall be based only on the applicable provisions of sections 301, 302, 303, 306, and 307, and the grounds for the decision shall be set forth in writing and provided to the applicant. Not later than 90 days after receipt of a request for certification, the State, interstate agency, or Administrator, as the case may be, shall identify in writing all specific additional materials or information that are necessary to grant or deny the request.”;

(B) in paragraph (2)—

(i) in the second sentence, by striking “notice of application for such Federal license or permit” and inserting “receipt of a notice under the preceding sentence”;

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

(iii) in the fifth sentence, by striking “insure compliance with applicable water quality requirements.” and inserting “ensure compliance with the applicable provisions of sections 301, 302, 303, 306, and 307.”;

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

(v) by striking the first sentence and inserting “On receipt of a request for certification, the certifying State or interstate agency, as applicable, shall immediately notify the Administrator of the request.”;

(C) in paragraph (3), in the second sentence, by striking “section” and inserting “any applicable provision of section”;

(D) in paragraph (4)—

(i) in the first sentence, by striking “applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated” and inserting “no applicable provision of section 301, 302, 303, 306, or 307 will be violated”;

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

(iii) in the third sentence, by striking “such facility or activity will not violate the applicable provisions” and inserting “operation of such facility or activity will not directly result in a discharge that violates any applicable provision”; and

(E) in paragraph (5), by striking “the applicable provisions” and inserting “any applicable provision”;

(2) in subsection (d), by striking “any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standard under section 307 of this Act, and with any other appropriate requirement of State law set forth in such certification, and” and inserting “the applicable provisions of sections 301, 302, 303, 306, and 307, and any such limitations or requirements”; and

(3) by adding at the end the following:

“(e) For purposes of this section, the applicable provisions of sections 301, 302, 303, 306, and 307 are any applicable effluent limitations and other limitations, under section 301 or 302, standard of performance under section 306, prohibition, effluent standard, or pretreatment standard under section 307, and requirement of State law implementing water quality criteria under section 303 necessary to support the designated use or uses of the receiving navigable waters.”.

