

118TH CONGRESS
2D SESSION

H. R. 7026

To amend the Federal Water Pollution Control Act to clarify when the Administrator of the Environmental Protection Agency has the authority to prohibit the specification of a defined area, or deny or restrict the use of a defined area for specification, as a disposal site under section 404 of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2024

Mr. STAUBER (for himself and Mr. ROUZER) 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 clarify when the Administrator of the Environmental Protection Agency has the authority to prohibit the specification of a defined area, or deny or restrict the use of a defined area for specification, as a disposal site under section 404 of such Act, 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 “Reducing Permitting
5 Uncertainty Act”.

1 **SEC. 2. PERMITS FOR DREDGED OR FILL MATERIAL.**

2 (a) IN GENERAL.—Section 404(c) of the Federal
3 Water Pollution Control Act (33 U.S.C. 1344(c)) is
4 amended—

5 (1) by striking “(c) The Administrator” and in-
6 serting the following:

7 “(c) SPECIFICATION OR USE OF DEFINED AREA.—

8 “(1) IN GENERAL.—The Administrator”;

9 (2) in paragraph (1), as so designated, by in-
10 serting “during the period described in paragraph
11 (2) and” before “after notice and opportunity for
12 public hearings”; and

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

14 “(2) PERIOD OF PROHIBITION.—

15 “(A) IN GENERAL.—The period during
16 which the Administrator may prohibit the speci-
17 fication (including the withdrawal of specifica-
18 tion) of any defined area as a disposal site, or
19 deny or restrict the use of any defined area for
20 specification (including the withdrawal of speci-
21 fication) as a disposal site, under paragraph (1)
22 shall—

23 “(i) begin on the date that the Sec-
24 retary provides notice to the Administrator
25 that the Secretary has completed all proce-
26 dures for processing an application for a

1 permit under this section relating to the
2 specification and is ready to determine, in
3 accordance with the record and applicable
4 regulations, whether the permit should be
5 issued; and

6 “(ii) end on the date on which the
7 Secretary issues the permit.

8 “(B) MINIMUM PERIOD.—The Secretary
9 shall ensure that the period described in sub-
10 paragraph (A) consists of not fewer than 30
11 consecutive days.

12 “(C) NOTICE.—The Secretary may issue a
13 permit under this section only after the Sec-
14 retary provides notice to the Administrator in
15 accordance with this paragraph.”.

16 (b) APPLICABILITY.—The amendments made by sub-
17 section (a) shall apply to a permit application submitted
18 under section 404(a) of the Federal Water Pollution Con-
19 trol Act (33 U.S.C. 1344(a)) after the date of enactment
20 of this Act.

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