

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3898  
OFFERED BY MR. COLLINS OF GEORGIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Promoting Efficient Review for Modern Infrastructure  
4 Today Act” or the “PERMIT Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for  
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Water quality standards attainability.
- Sec. 3. Water quality criteria development and transparency.
- Sec. 4. Water quality technology availability.
- Sec. 5. Improving water quality certifications and American energy infrastructure.
- Sec. 6. Clarifying Federal general permits.
- Sec. 7. NPDES permit terms.
- Sec. 8. Confidence in clean water permits.
- Sec. 9. Forest protection and wildland firefighter safety.
- Sec. 10. Agricultural stormwater discharge.
- Sec. 11. Reducing regulatory burdens.
- Sec. 12. Reducing permitting uncertainty.
- Sec. 13. Nationwide permitting improvement.
- Sec. 14. Judicial review timeline clarity.
- Sec. 15. Restoring federalism in clean water permitting.
- Sec. 16. Jurisdictional determination backlog reduction.
- Sec. 17. Definition of navigable waters.
- Sec. 18. Applicability of Spill Prevention, Control, and Countermeasure rule.
- Sec. 19. Coordination with Federal Permitting Improvement Steering Council.

1 **SEC. 2. WATER QUALITY STANDARDS ATTAINABILITY.**

2 (a) STATE WATER QUALITY STANDARDS.—Section  
3 303(c) (33 U.S.C. 1313(c)) of the Federal Water Pollu-  
4 tion Control Act is amended—

5 (1) in paragraph (1)—

6 (A) by striking “The Governor of a State”  
7 and inserting “(A)The Governor of a State”;  
8 and

9 (B) by striking “Results of such review  
10 shall be made available to the Administrator.”  
11 and inserting the following:

12 “(B) Reviews under this paragraph shall include re-  
13 view, for purposes of ensuring that combined sewer over-  
14 flow controls are cost effective, of any water quality stand-  
15 ard applicable to a body of water into which, pursuant  
16 to a permit, order, or decree issued pursuant to this Act,  
17 a municipal combined storm and sanitary sewer dis-  
18 charges.

19 “(C) Results of each review under this paragraph  
20 shall be made available to the Administrator.”; and

21 (2) in paragraph (2)(A)—

22 (A) by inserting “(i)” before “their use  
23 and value for public water supplies”;

24 (B) by striking “, and also taking into con-  
25 sideration” and inserting “; (ii)”;

1 (C) by inserting before the period at the  
2 end the following: “; and (iii) the cost and com-  
3 mercial availability in the United States of  
4 treatment technologies that may be required to  
5 be applied to point sources in order to result in  
6 compliance with such standards”.

7 (b) STATE WATER QUALITY CRITERIA.—Section  
8 304(a) of the Federal Water Pollution Control Act (33  
9 U.S.C. 1314(a)) is amended by adding at the end the fol-  
10 lowing new paragraph:

11 “(10) CONSIDERATION OF TREATMENT TECH-  
12 NOLOGIES.—In developing or revising water quality  
13 criteria under this subsection, the Administrator  
14 shall take into consideration the cost and commer-  
15 cial availability of treatment technologies that may  
16 be required to be applied to point sources in order  
17 to result in compliance with water quality standards  
18 adopted or promulgated under section 303.”.

19 **SEC. 3. WATER QUALITY CRITERIA DEVELOPMENT AND**  
20 **TRANSPARENCY.**

21 (a) INFORMATION AND GUIDELINES.—Section  
22 304(a) of the Federal Water Pollution Control Act (33  
23 U.S.C. 1314(a)) is further amended by adding at the end  
24 the following:

1           “(11) ADMINISTRATIVE PROCEDURE.—After  
2           the date of enactment of this paragraph, the Admin-  
3           istrator shall issue any new or revised water quality  
4           criteria under paragraph (1) or (9) by rule.”.

5           (b) ADMINISTRATIVE PROCEDURE AND JUDICIAL  
6 REVIEW.—Section 509(b)(1) of the Federal Water Pollu-  
7 tion Control Act (33 U.S.C. 1369(b)(1)) is amended—

8           (1) by striking “section 402, and” and inserting  
9           “section 402,”; and

10          (2) by inserting “and (H) in issuing any cri-  
11          teria for water quality pursuant to section  
12          304(a)(11),” after “strategy under section 304(l),”.

13 **SEC. 4. WATER QUALITY TECHNOLOGY AVAILABILITY.**

14          Section 304(b) of the Federal Water Pollution Con-  
15 trol Act (33 U.S.C. 1314(b)) is amended—

16          (1) in paragraph (1)(B), by inserting “the com-  
17          mercial availability in the United States of the tech-  
18          nology (including whether the technology has been  
19          demonstrated at comparable scale),” before “and  
20          such other factors”;

21          (2) in paragraph (2)(B), by inserting “the com-  
22          mercial availability in the United States of the tech-  
23          nology (including whether the technology has been  
24          demonstrated at comparable scale),” before “and  
25          such other factors”; and

1           (3) in paragraph (4)(B), by inserting “the com-  
2           mercial availability in the United States of the tech-  
3           nology (including whether the technology has been  
4           demonstrated at comparable scale),” before “and  
5           such other factors”.

6   **SEC. 5. IMPROVING WATER QUALITY CERTIFICATIONS AND**  
7           **AMERICAN ENERGY INFRASTRUCTURE.**

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

10           (1) in subsection (a)—

11                   (A) in paragraph (1)—

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

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

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

20                           (iv) in the fifth sentence, by striking  
21                           “act on a request for certification, within  
22                           a reasonable period of time (which shall  
23                           not exceed one year) after receipt of such  
24                           request, the certification requirements of  
25                           this subsection” and inserting “grant the

1 request for certification with or without  
2 conditions, deny the request for certifi-  
3 cation, or waive the requirement for certifi-  
4 cation under this subsection with respect  
5 to such Federal application, within a rea-  
6 sonable period of time to be determined by  
7 the licensing or permitting agency (which  
8 shall not exceed one year) after receipt of  
9 such request, the requirement for certifi-  
10 cation under this subsection”;

11 (v) in the sixth sentence, by striking  
12 “waived as provided in the preceding sen-  
13 tence” and inserting “waived under this  
14 paragraph”; and

15 (vi) by inserting after the fourth sen-  
16 tence the following: “Not later than 30  
17 days after the date of enactment of the  
18 PERMIT Act, each State and interstate  
19 agency that has authority to give such a  
20 certification, and the Administrator, shall  
21 publish requirements for certification to  
22 demonstrate to such State, such interstate  
23 agency, or the Administrator, as the case  
24 may be, compliance with the applicable  
25 provisions of sections 301, 302, 303, 306,

1 and 307. A decision to grant or deny a re-  
2 quest for certification shall be based only  
3 on compliance with the applicable provi-  
4 sions of sections 301, 302, 303, 306, and  
5 307 and the grounds for the decision shall  
6 be set forth in writing and provided to the  
7 applicant. Not later than 90 days after re-  
8 ceipt of a request for certification, the  
9 State, interstate agency, or Administrator,  
10 as the case may be, shall identify in writ-  
11 ing all specific additional materials or in-  
12 formation that are necessary for the re-  
13 quest for certification to be complete, as  
14 described in subsection (g). The State,  
15 interstate agency, or the Administrator, as  
16 the case may be, may grant a request for  
17 certification with or without conditions,  
18 deny a request for certification, or waive  
19 the requirement for certification under this  
20 subsection with respect to such Federal ap-  
21 plication.”;

22 (B) in paragraph (2)—

23 (i) in the second sentence, by striking  
24 “notice of application for such Federal li-

1 cense or permit” and inserting “receipt of  
2 a notice under the preceding sentence”;

3 (ii) in the third sentence, by striking  
4 “any water quality requirement in such  
5 State” and inserting “any water quality  
6 standard in effect for the State under sec-  
7 tion 303”;

8 (iii) in the fifth sentence, by striking  
9 “insure compliance with applicable water  
10 quality requirements.” and inserting “en-  
11 sure compliance with the applicable provi-  
12 sions of sections 301, 302, 303, 306, and  
13 307.”;

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

16 (v) by striking the first sentence and  
17 inserting “On receipt of a request for cer-  
18 tification, the certifying State or interstate  
19 agency, as applicable, shall immediately  
20 notify the Administrator of the request.”;  
21 and

22 (vi) by inserting after the second sen-  
23 tence the following: “If the Administrator  
24 determines under the preceding sentence  
25 that such a discharge will not affect the



1                   waters of any other State, no such notifica-  
2                   tion is required.”;

3                   (C) in paragraph (3)—

4                   (i) in the first sentence, by striking  
5                   “there will be compliance” and inserting  
6                   “any such discharge will comply”; and

7                   (ii) in the second sentence, by striking  
8                   “section” and inserting “any applicable  
9                   provision of section”;

10                  (D) in paragraph (4)—

11                  (i) in the first sentence—

12                   (I) by inserting “directly” before  
13                   “result in any discharge”; and

14                   (II) by striking “applicable efflu-  
15                   ent limitations or other limitations or  
16                   other applicable water quality require-  
17                   ments will not be violated” and insert-  
18                   ing “no applicable provision of section  
19                   301, 302, 303, 306, or 307 will be  
20                   violated”;

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 (b), by striking “Nothing in  
13 this section” and inserting “Except as provided in  
14 subsection (e), nothing in this section”;

15 (3) in subsection (d), by striking “applicant for  
16 a Federal license or permit will comply with any ap-  
17 plicable effluent limitations and other limitations,  
18 under section 301 or 302 of this Act, standard of  
19 performance under section 306 of this Act, or prohi-  
20 bition, effluent standard, or pretreatment standard  
21 under section 307 of this Act, and with any other  
22 appropriate requirement of State law set forth in  
23 such certification, and shall become a condition on  
24 any Federal license or permit subject to the provi-  
25 sions of this section” and inserting “discharge sub-

1       ject to this section will comply with the applicable  
2       provisions of sections 301, 302, 303, 306, and 307,  
3       and any such limitations or requirements shall be  
4       imposed by the licensing or permitting agency as a  
5       condition on any Federal license or permit subject to  
6       the provisions of this section”; and

7               (4) by adding at the end the following:

8       “(e) Notwithstanding section 505, any condition im-  
9       posed on a Federal license or permit by a licensing or per-  
10      mitting agency under this section may be enforced only  
11      by such licensing or permitting agency.

12      “(f) For purposes of this section, the applicable provi-  
13      sions of sections 301, 302, 303, 306, and 307 are any  
14      applicable effluent limitations and other limitations under  
15      section 301 or 302, any water quality standard in effect  
16      for a State under section 303, any standard of perform-  
17      ance under section 306, and any prohibition, effluent  
18      standard, or pretreatment standard under section 307.

19      “(g) A request for certification under this section  
20      shall be made in writing to the State, interstate agency,  
21      or Administrator, as the case may be. A complete request  
22      for certification shall consist of the following:

23              “(1) Identification of each applicant for the  
24      Federal license or permit with respect to which the  
25      certification is requested.

1           “(2) A statement that information included in  
2           the request for certification is truthful, accurate,  
3           and complete, to the best knowledge of each such  
4           applicant.

5           “(3) In the case of a request for certification  
6           with respect to an individual permit or license—

7                   “(A) identification of the Federal license or  
8                   permit that is the subject of the application  
9                   with respect to which the certification is re-  
10                  quested;

11                  “(B) identification of any activity the con-  
12                  duct of which is subject to such Federal license  
13                  or permit;

14                  “(C) identification of the location and na-  
15                  ture of any discharge that may directly result  
16                  from such activity, and the location of the re-  
17                  ceiving waters;

18                  “(D) a description of means that may be  
19                  used to monitor, control, or manage any such  
20                  discharge; and

21                  “(E) a list of all other Federal, interstate,  
22                  Tribal, State, or local agency authorizations re-  
23                  quired for the conduct of such activity, and any  
24                  approval or denial of such an authorization al-  
25                  ready received.

1 “(4) In the case of a request for certification  
2 with respect to the issuance of a general license or  
3 general permit—

4 “(A) identification of the proposed cat-  
5 egories of activities to be covered by the general  
6 license or general permit for which certification  
7 is requested;

8 “(B) a description of the proposed general  
9 license or general permit, which may include a  
10 draft of the proposed general license or permit;  
11 and

12 “(C) an estimate of the number of dis-  
13 charges expected to result from the proposed  
14 general license or general permit annually.”.

15 **SEC. 6. CLARIFYING FEDERAL GENERAL PERMITS.**

16 Section 402(a) of the Federal Water Pollution Con-  
17 trol Act (33 U.S.C. 1342(a)) is amended by adding at the  
18 end the following:

19 “(6) GENERAL PERMITS.—

20 “(A) PERMITS AUTHORIZED.—The Admin-  
21 istrator may issue general permits under this  
22 section on a State, regional, or nationwide  
23 basis, or for a delineated area, for discharges  
24 associated with any category of activities, which

1 discharges are of similar types and from similar  
2 sources.

3 “(B) PERMIT EXPIRATION NOTIFICATION  
4 REQUIREMENT.—If a general permit issued  
5 under this section will expire and the Adminis-  
6 trator decides not to issue a new general permit  
7 for discharges similar to those covered by the  
8 expiring general permit, the Administrator shall  
9 publish in the Federal Register a notice of such  
10 decision at least two years prior to the expira-  
11 tion of the general permit.

12 “(C) APPLICATION OF PERMIT TERMS OF  
13 AN EXPIRED PERMIT.—

14 “(i) IN GENERAL.—If a general per-  
15 mit issued under this section expires and  
16 the Administrator has not published a no-  
17 tice in accordance with subparagraph (B),  
18 the Administrator shall, until the date de-  
19 scribed in clause (ii)—

20 “(I) continue to apply the terms,  
21 conditions, and requirements of the  
22 expired general permit to any dis-  
23 charge that was covered by the ex-  
24 pired general permit; and

1 “(II) apply such terms, condi-  
2 tions, and requirements to any dis-  
3 charge that would have been covered  
4 by the expired general permit (in ac-  
5 cordance with any relevant require-  
6 ments for such coverage) if the dis-  
7 charge had occurred before such expi-  
8 ration.

9 “(ii) DATE DESCRIBED.—The date de-  
10 scribed in this clause is the earlier of—

11 “(I) the date on which the Ad-  
12 ministrator issues a new general per-  
13 mit for discharges similar to those  
14 covered by the expired general permit;  
15 or

16 “(II) the date that is 2 years  
17 after the date on which the Adminis-  
18 trator publishes in the Federal Reg-  
19 ister a notice of a decision not to issue  
20 a new general permit for discharges  
21 similar to those covered by the expired  
22 general permit.”.

1 **SEC. 7. NPDES PERMIT TERMS.**

2 Section 402(b)(1)(B) of the Federal Water Pollution  
3 Control Act (33 U.S.C. 1342(b)(1)(B)) is amended by  
4 striking “five years” and inserting “ten years”.

5 **SEC. 8. CONFIDENCE IN CLEAN WATER PERMITS.**

6 (a) COMPLIANCE WITH PERMITS.—Section 402(k) of  
7 the Federal Water Pollution Control Act (33 U.S.C.  
8 1342(k)) is amended—

9 (1) by striking “(k) Compliance with” and in-  
10 serting the following:

11 “(k) COMPLIANCE WITH PERMITS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),  
13 compliance with”; and

14 (2) by adding at the end the following:

15 “(2) SCOPE.—For purposes of paragraph (1),  
16 compliance with the conditions of a permit issued  
17 under this section shall be considered compliance  
18 with respect to a discharge of—

19 “(A) any pollutant for which an effluent  
20 limitation is included in the permit; and

21 “(B) any pollutant for which an effluent  
22 limitation is not included in the permit that  
23 is—

24 “(i) specifically identified as controlled  
25 or monitored through indicator parameters  
26 in the permit, the fact sheet for the per-



1 mit, or the administrative record relating  
2 to the permit;

3 “(ii) specifically identified during the  
4 permit application process as present in  
5 discharges to which the permit will apply;  
6 or

7 “(iii) whether or not specifically iden-  
8 tified in the permit or during the permit  
9 application process—

10 “(I) present in any waste  
11 streams or processes of the point  
12 source to which the permit applies,  
13 which waste streams or processes are  
14 specifically identified during the per-  
15 mit application process; or

16 “(II) otherwise within the scope  
17 of any operations of the point source  
18 to which the permit applies, which  
19 scope of operations is specifically iden-  
20 tified during the permit application  
21 process.”.

22 (b) EXPRESSION OF WATER QUALITY-BASED EFFLU-  
23 ENT LIMITATIONS.—Section 402 of the Federal Water  
24 Pollution Control Act (33 U.S.C. 1342) is amended by  
25 adding at the end the following:

1       “(t) EXPRESSION OF WATER QUALITY-BASED EF-  
2 FLUENT LIMITATIONS.—If the Administrator (or a State,  
3 in the case of a permit program approved by the Adminis-  
4 trator) determines that a water quality-based limitation  
5 on a discharge of a pollutant is necessary to include in  
6 a permit under this section in addition to any appropriate  
7 technology-based effluent limitations included in such per-  
8 mit, the Administrator (or the State) may include such  
9 water quality-based limitation in such permit only in the  
10 form of a limitation that—

11           “(1) specifies the pollutant to which it applies;  
12       and

13           “(2) clearly describes the manner in which com-  
14 pliance with the limitation may be achieved, which  
15 shall include—

16           “(A) a numerical limit on the discharge of  
17 such pollutant;

18           “(B) a narrative description of required ac-  
19 tions to be applied to the discharge (including  
20 any measures or practices required to be ap-  
21 plied); or

22           “(C) a narrative description of a limitation  
23 on the discharge that specifies the level of con-  
24 trol to be applied.”.

1 **SEC. 9. FOREST PROTECTION AND WILDLAND FIRE-**  
2 **FIGHTER SAFETY.**

3 Section 402(l)(3)(A) of the Federal Water Pollution  
4 Control Act (33 U.S.C. 1342(l)(3)(A)) is amended—

5 (1) by striking “for a discharge from” and in-  
6 serting the following: “for—

7 “(i) a discharge from”;

8 (2) in clause (i) (as so designated), by striking  
9 the period at the end and inserting “; or”; and

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

11 “(ii) a discharge resulting from the  
12 aerial application of a product used for fire  
13 control and suppression purposes that ap-  
14 pears on the most current Forest Service  
15 Qualified Products List (or any successor  
16 list).”.

17 **SEC. 10. AGRICULTURAL STORMWATER DISCHARGE.**

18 Section 402(l) of the Federal Water Pollution Control  
19 Act (33 U.S.C. 1342(l)) is amended by adding at the end  
20 the following:

21 “(4) AGRICULTURAL STORMWATER DIS-  
22 CHARGE.—

23 “(A) IN GENERAL.—The Administrator  
24 shall not require a permit, nor directly or indi-  
25 rectly require any State to require a permit,  
26 under this section for discharges of stormwater,

1 including from subsurface drainage, from agri-  
2 cultural land that occur in direct response to a  
3 precipitation event.

4 “(B) AGRICULTURAL LAND DEFINED.—In  
5 this paragraph, the term ‘agricultural land’ in-  
6 cludes—

7 “(i) land on which an agricultural  
8 input (such as manure and other crop nu-  
9 trients, crop protection, or seed) is applied;

10 “(ii) land on which animals (including  
11 fish and shellfish), crops (including fruit  
12 and nut trees), crop residue, plants, seed,  
13 or vegetation are present for purposes of  
14 farming or ranching; and

15 “(iii) land that is—

16 “(I) immediately adjacent to, and  
17 functionally related to, land described  
18 in clause (i) or (ii); and

19 “(II) necessary to support agri-  
20 cultural production, soil conservation,  
21 flood control, or water quality.”.

22 **SEC. 11. REDUCING REGULATORY BURDENS.**

23 Section 402 of the Federal Water Pollution Control  
24 Act (33 U.S.C. 1342) is further amended by adding at  
25 the end the following:

1 “(u) DISCHARGES OF PESTICIDES.—

2 “(1) NO PERMIT REQUIREMENT.—Except as  
3 provided in paragraph (2), a permit shall not be re-  
4 quired by the Administrator or a State under this  
5 Act for a discharge from a point source into navi-  
6 gable waters of a pesticide authorized for sale, dis-  
7 tribution, or use under the Federal Insecticide, Fun-  
8 gicide, and Rodenticide Act, or the residue of such  
9 a pesticide, resulting from the application of such  
10 pesticide.

11 “(2) EXCEPTIONS.—Paragraph (1) shall not  
12 apply to the following discharges of a pesticide or  
13 pesticide residue:

14 “(A) A discharge resulting from the appli-  
15 cation of a pesticide in violation of a provision  
16 of the Federal Insecticide, Fungicide, and  
17 Rodenticide Act that is relevant to protecting  
18 water quality, if—

19 “(i) the discharge would not have oc-  
20 curred but for the violation; or

21 “(ii) the amount of pesticide or pes-  
22 ticide residue in the discharge is greater  
23 than would have occurred without the vio-  
24 lation.

1 “(B) Stormwater discharges subject to reg-  
2 ulation under subsection (p).

3 “(C) The following discharges subject to  
4 regulation under this section:

5 “(i) Manufacturing or industrial efflu-  
6 ent.

7 “(ii) Treatment works effluent.

8 “(iii) Discharges incidental to the nor-  
9 mal operation of a vessel, including a dis-  
10 charge resulting from ballasting operations  
11 or vessel biofouling prevention.”.

12 **SEC. 12. REDUCING PERMITTING UNCERTAINTY.**

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

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

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

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

20 (2) in paragraph (1), as so designated, by in-  
21 serting “during the period described in paragraph  
22 (2) and” before “after notice and opportunity for  
23 public hearings”; and

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

1           “(2) PERIOD OF PROHIBITION.—The period  
2           during which the Administrator may prohibit the  
3           specification (including the withdrawal of specifica-  
4           tion) of any defined area as a disposal site, or deny  
5           or restrict the use of any defined area for specifica-  
6           tion (including the withdrawal of specification) as a  
7           disposal site, under paragraph (1) shall—

8                   “(A) begin on the date on which an appli-  
9                   cant submits all the information required to  
10                  complete an application for a permit under this  
11                  section; and

12                   “(B) end on the date on which the Sec-  
13                  retary issues the permit.”.

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

19   **SEC. 13. NATIONWIDE PERMITTING IMPROVEMENT.**

20           (a) IN GENERAL.—Section 404(e) of the Federal  
21           Water Pollution Control Act (33 U.S.C. 1344) is amend-  
22           ed—

23                   (1) by striking “(e)(1) In carrying” and insert-  
24                   ing the following:

25                   “(e) GENERAL PERMITS.—

1 “(1) PERMITS AUTHORIZED.—In carrying”;

2 (2) in paragraph (2)—

3 (A) by striking “(2) No general” and in-  
4 serting the following:

5 “(2) TERM.—No general”; and

6 (B) by striking “five years” and inserting  
7 “ten years”; and

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

9 “(3) CONSIDERATIONS.—In determining the en-  
10 vironmental effects of an activity under paragraph  
11 (1) or (2), the Secretary—

12 “(A) shall consider only the effects of any  
13 discharge of dredged or fill material resulting  
14 from such activity;

15 “(B) shall consider any effects of a dis-  
16 charge of dredged or fill material into less than  
17 3 acres of navigable waters to be a minimal ad-  
18 verse environmental effect; and

19 “(C) may consider any effects of a dis-  
20 charge of dredged or fill material into 3 acres  
21 or more of navigable waters to be a minimal ad-  
22 verse environmental effect.

23 “(4) NATIONWIDE PERMITS FOR LINEAR  
24 PROJECTS.—



1           “(A) IN GENERAL.—Notwithstanding any  
2           other provision of this section, the Secretary  
3           shall maintain general permits on a nationwide  
4           basis for—

5                   “(i) linear infrastructure projects that  
6                   result in a discharge of dredged or fill ma-  
7                   terial into less than 3 acres of navigable  
8                   waters for each single and complete  
9                   project; and

10                   “(ii) linear pipeline projects that do  
11                   not result in the loss of navigable waters in  
12                   an amount that is greater than 0.5 acres  
13                   for each single and complete project.

14           “(B) DEFINITIONS.—In this paragraph:

15                   “(i)        LINEAR        INFRASTRUCTURE  
16                   PROJECT.—The term ‘linear infrastructure  
17                   project’ means a project to carry out any  
18                   activity required for the construction, ex-  
19                   pansion, maintenance, modification, or re-  
20                   moval of infrastructure and associated fa-  
21                   cilities for the transmission from a point of  
22                   origin to a terminal point of communica-  
23                   tions or electricity, or for the transpor-  
24                   tation from a point of origin to a terminal  
25                   point of people, water, or wastewater.

1 “(ii) LINEAR PIPELINE PROJECT.—

2 The term ‘linear pipeline project’ means a  
3 project to carry out any activity required  
4 for the construction, expansion, mainte-  
5 nance, modification, or removal of infra-  
6 structure and associated facilities for the  
7 transportation from a point of origin to a  
8 terminal point of carbon dioxide, fuel, or  
9 hydrocarbons, in the form of a liquid, li-  
10 quescent, gaseous, or slurry substance or  
11 supercritical fluid, including oil and gas  
12 pipeline facilities.

13 “(iii) SINGLE AND COMPLETE  
14 PROJECT.—The term ‘single and complete  
15 project’ has the meaning given that term  
16 in section 330.2 of title 33, Code of Fed-  
17 eral Regulations (as in effect on the date  
18 of enactment of this paragraph).

19 “(5) REISSUANCE OF NATIONWIDE PERMITS.—

20 In determining whether to reissue a general permit  
21 issued under this subsection on a nationwide basis—

22 “(A) no consultation with an applicable  
23 State pursuant to section 6(a) of the Endan-  
24 gered Species Act of 1973 (16 U.S.C. 1535(a))  
25 is required;

1           “(B) no consultation with a Federal agen-  
2           cy pursuant to section 7(a)(2) of such Act (16  
3           U.S.C. 1536(a)(2)) is required; and

4           “(C) the requirements of section 102(2)(C)  
5           of the National Environmental Policy Act of  
6           1969 (42 U.S.C. 4332(2)(C)) shall be satisfied  
7           by preparing an environmental assessment with  
8           respect to such general permit.”.

9           (b) REGULATORY REVISIONS REQUIRED.—The Sec-  
10          retary of the Army, acting through the Chief of Engineers,  
11          shall expeditiously revise the regulations applicable to car-  
12          rying out section 404(e) of the Federal Water Pollution  
13          Control Act (33 U.S.C. 1344) in order to streamline the  
14          processes for issuing general permits under such section  
15          to promote efficient and consistent implementation of such  
16          section.

17          (c) ADMINISTRATION OF NATIONWIDE PERMIT PRO-  
18          GRAM.—In carrying out section 404(e) of the Federal  
19          Water Pollution Control Act (33 U.S.C. 1344), including  
20          in revising regulations under subsection (b) of this section,  
21          the Secretary of the Army, acting through the Chief of  
22          Engineers, may not finalize or implement any modification  
23          to—

24                 (1) general condition 15 (relating to single and  
25                 complete projects), as included in the final rule titled

1 “Reissuance and Modification of Nationwide Per-  
2 mits” and published on January 13, 2021, by the  
3 Department of the Army, Corps of Engineers (86  
4 Fed. Reg. 2868);

5 (2) the definition of the term “single and com-  
6 plete linear project”, as included in such final rule  
7 (86 Fed. Reg. 2877); or

8 (3) the definition of the term “single and com-  
9 plete project”, as included in section 330.2 of title  
10 33, Code of Federal Regulations (as in effect on the  
11 date of enactment of this Act).

12 **SEC. 14. JUDICIAL REVIEW TIMELINE CLARITY.**

13 Section 404 of the Federal Water Pollution Control  
14 Act (33 U.S.C. 1344) is amended—

15 (1) by redesignating subsection (t) as sub-  
16 section (u);

17 (2) in subsection (u), as so redesignated, by  
18 striking “Nothing in the section” and inserting  
19 “SAVINGS PROVISION.—Nothing in this section”;  
20 and

21 (3) by inserting after subsection (s) the fol-  
22 lowing:

23 “(t) JUDICIAL REVIEW.—

1           “(1) STATUTE OF LIMITATIONS.—Notwith-  
2           standing any applicable provision of law relating to  
3           statutes of limitations—

4                   “(A) an action seeking judicial review of  
5           the approval by the Administrator of a State  
6           permit program pursuant to this section shall  
7           be filed not later than the date that is 60 days  
8           after the date on which the approval was  
9           issued;

10                   “(B) an action seeking judicial review of  
11           an individual permit or general permit issued  
12           under this section shall be filed not later than  
13           the date that is 60 days after the date on which  
14           the permit was issued; and

15                   “(C) an action seeking judicial review of a  
16           verification that an activity involving a dis-  
17           charge of dredged or fill material is authorized  
18           by a general permit issued under this section  
19           shall be filed not later than the date that is 60  
20           days after the date on which such verification  
21           was issued.

22           “(2) LIMITATION ON COMMENCEMENT OF CER-  
23           TAIN ACTIONS.—Notwithstanding any other provi-  
24           sion of law, no action described in subparagraph (A)

1 or (B) of paragraph (1) may be commenced unless  
2 the action—

3 “(A) is filed by a party that submitted a  
4 comment—

5 “(i) during the public comment period  
6 for the administrative proceedings related  
7 to the action; and

8 “(ii) which was sufficiently detailed to  
9 put the Administrator, the Secretary, or  
10 the State, as applicable, on notice of the  
11 issue upon which the party seeks judicial  
12 review; and

13 “(B) is related to such comment.

14 “(3) REMEDIES.—

15 “(A) ACTIONS RELATING TO PERMIT PRO-  
16 GRAMS.—If a court determines that the Admin-  
17 istrator did not comply with the requirements  
18 of this section in issuing an approval of a State  
19 permit program pursuant to this section—

20 “(i) the court shall remand the matter  
21 to the Administrator for further pro-  
22 ceedings consistent with the determination  
23 of the court; and

24 “(ii) the court may not vacate, revoke,  
25 enjoin, or otherwise limit the authority of

1           the State to issue permits under such  
2           State permit program.

3           “(B) ACTIONS RELATING TO PERMITS.—If  
4           a court determines that the Secretary or the  
5           State, as applicable, did not comply with the re-  
6           quirements of this section in issuing an indi-  
7           vidual or general permit under this section, or  
8           in verifying that an activity involving a dis-  
9           charge of dredged or fill material is authorized  
10          by a general permit issued under this section,  
11          as applicable—

12                 “(i) the court shall remand the matter  
13                 to the Secretary or the State, as applica-  
14                 ble, for further proceedings consistent with  
15                 the determination of the court;

16                 “(ii) with respect to a determination  
17                 regarding the issuance of an individual or  
18                 general permit under this section, the  
19                 court may not vacate, revoke, enjoin, or  
20                 otherwise limit the permit, unless the court  
21                 finds that activities authorized under the  
22                 permit would present an imminent and  
23                 substantial danger to human health or the  
24                 environment for which there is no other eq-

1           uitable remedy available under the law;  
2           and

3           “(iii) with respect to a determination  
4           regarding a verification that an activity in-  
5           volving a discharge of dredged or fill mate-  
6           rial is authorized by a general permit  
7           issued under this section, the court may  
8           not enjoin or otherwise limit the discharge  
9           unless the court finds that the activity  
10          would present an imminent and substantial  
11          danger to human health or the environ-  
12          ment for which there is no other equitable  
13          remedy available under the law.

14          “(4) **TIMELINE TO ACT ON COURT ORDER.**—If  
15          a court remands a matter under paragraph (3), the  
16          court shall set and enforce a reasonable schedule  
17          and deadline, which may not exceed 180 days from  
18          the date on which the court remands such matter,  
19          except as otherwise required by law, for the Admin-  
20          istrator, the Secretary, or the State, as applicable, to  
21          take such actions as the court may order.”.

22   **SEC. 15. RESTORING FEDERALISM IN CLEAN WATER PER-**  
23   **MITTING.**

24          Not later than 180 days after the date of enactment  
25   of this Act, the Administrator of the Environmental Pro-



1 tection Agency shall complete a review of the regulations  
2 applicable to the approval of State permit programs under  
3 section 404 of the Federal Water Pollution Control Act  
4 (33 U.S.C. 1344) in order to identify revisions to such  
5 regulations necessary to streamline the approval process,  
6 reduce administrative burdens, and encourage additional  
7 States to administer a permit program under such section,  
8 and the Administrator shall implement any such revisions  
9 as appropriate.

10 **SEC. 16. JURISDICTIONAL DETERMINATION BACKLOG RE-**  
11 **DUCTION.**

12 Not later than 60 days after the date of enactment  
13 of this Act, the Secretary of the Army, acting through the  
14 Chief of Engineers, shall expedite such procedures and re-  
15 allocate or augment such personnel and resources of the  
16 Corps of Engineers as the Secretary determines necessary  
17 to eliminate any backlog existing as of June 5, 2025, of—

18 (1) applications for permits under section 404  
19 of the Federal Water Pollution Control Act (33  
20 U.S.C. 1344); or

21 (2) requests for jurisdictional determinations or  
22 wetlands delineations under the jurisdiction of the  
23 Secretary.

1 **SEC. 17. DEFINITION OF NAVIGABLE WATERS.**

2 Section 502(7) of the Federal Water Pollution Con-  
3 trol Act (33 U.S.C. 1362(7)) is amended—

4 (1) by striking “(7) The term” and inserting  
5 the following:

6 “(7) NAVIGABLE WATERS.—

7 “(A) IN GENERAL.—The term”; and

8 (2) by adding at the end the following:

9 “(B) EXCLUSIONS.—The term ‘navigable  
10 waters’ does not include the following:

11 “(i) Any component of a waste treat-  
12 ment system, including any lagoon or  
13 treatment pond (such as a settling or cool-  
14 ing pond), designed to actively or pas-  
15 sively—

16 “(I) convey or retain wastewater;  
17 or

18 “(II) concentrate, settle, reduce,  
19 or remove pollutants from wastewater.

20 “(ii) Ephemeral features that flow  
21 only in direct response to precipitation.

22 “(iii) Any area that—

23 “(I) prior to December 23, 1985,  
24 was drained or otherwise manipulated  
25 for the purpose, or having the effect,  
26 of making production of an agricul-

1 tural product possible, as determined  
2 by the Administrator and the Sec-  
3 retary of the Army, acting through  
4 the Chief of Engineers, which deter-  
5 minations shall be consistent with any  
6 designations of prior converted crop-  
7 land made by the Secretary of Agri-  
8 culture; and

9 “(II) as determined by the Ad-  
10 ministrator—

11 “(aa) at least once in the  
12 immediately preceding five years  
13 has been used for, or in support  
14 of, agricultural purposes, includ-  
15 ing grazing, haying, idling land  
16 for conservation use (such as  
17 habitat management, pollinator  
18 and wildlife management, water  
19 storage and supply management,  
20 and flood management), irriga-  
21 tion tailwater storage, farm-  
22 raised fish production, cranberry  
23 production, nutrient retention,  
24 and idling land for soil recovery

1 after natural disasters such as  
2 hurricanes and drought; and

3 “(bb) has not reverted to  
4 wetlands (as defined in section  
5 120.2 of title 40, Code of Federal  
6 Regulations, as in effect on the  
7 date of enactment of this clause).

8 “(iv) Groundwater.

9 “(v) Any other features determined to  
10 be excluded by the Administrator and the  
11 Secretary of the Army, acting through the  
12 Chief of Engineers.”.

13 **SEC. 18. APPLICABILITY OF SPILL PREVENTION, CONTROL,**  
14 **AND COUNTERMEASURE RULE.**

15 Section 1049 of the Water Resources Reform and De-  
16 velopment Act of 2014 (33 U.S.C. 1361 note) is amend-  
17 ed—

18 (1) in subsection (b)—

19 (A) in paragraph (1)(B), by striking  
20 “20,000” and inserting “42,000”;

21 (B) by amending paragraph (2)(A) to read  
22 as follows:

23 “(A) an aggregate aboveground storage ca-  
24 pacity greater than 10,000 gallons but less than  
25 42,000 gallons; and”;

1 (C) in paragraph (3)—

2 (i) by amending subparagraph (A) to  
3 read as follows:

4 “(A) with an aggregate aboveground stor-  
5 age capacity of less than or equal to 10,000  
6 gallons; and”; and

7 (ii) in subparagraph (B), by striking  
8 “; and” and inserting a period; and

9 (D) by striking paragraph (4);

10 (2) in subsection (c)(2)(A)—

11 (A) in clause (i), by striking “1,000” and  
12 inserting “1,320”; and

13 (B) in clause (ii), by striking “2,500” and  
14 inserting “3,000”; and

15 (3) by striking subsection (d).

16 **SEC. 19. COORDINATION WITH FEDERAL PERMITTING IM-**  
17 **PROVEMENT STEERING COUNCIL.**

18 To the maximum extent practicable, the Adminis-  
19 trator of the Environmental Protection Agency, the Sec-  
20 retary of the Army, acting through the Chief of Engineers,  
21 and States authorized to administer programs under sec-  
22 tions 402 or 404 of the Federal Water Pollution Control  
23 Act, or act on a request for certification under section 401  
24 of such Act, are encouraged to coordinate and cooperate  
25 with the Executive Director of the Federal Permitting Im-

1 provement Steering Council, pursuant to section  
2 41003(c)(3)(A) of the FAST Act (42 U.S.C. 4370m–  
3 2(c)(3)(A)), with respect to covered projects, as defined  
4 under section 41001 of the FAST Act (42 U.S.C. 4370m).

