

119TH CONGRESS
1ST SESSION

H. R. 3898

AN ACT

To amend the Federal Water Pollution Control Act to make targeted reforms with respect to waters of the United States and other matters, 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,*

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 infrastruc-
 ture.
- 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. Deadline for request for submission of additional information for per-
 mit programs for dredged or fill material.
- Sec. 15. Judicial review timeline clarity.
- Sec. 16. Maintaining cooperative permitting.
- Sec. 17. Restoring federalism in clean water permitting.
- Sec. 18. Revision of framework for compensatory mitigation.
- Sec. 19. Jurisdictional determination backlog reduction.
- Sec. 20. Definition of navigable waters.
- Sec. 21. Applicability of Spill Prevention, Control, and Countermeasure rule.
- Sec. 22. Coordination with Federal Permitting Improvement Steering Council.
- Sec. 23. Sense of Congress on Chesapeake Bay Watershed Agreement.
- Sec. 24. Identification and permitting for water recharge on certain Federal
 lands.
- Sec. 25. State-led permitting efficiency and water quality pilot.
- Sec. 26. International Boundary and Water Commission authority.

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

8 (a) STATE WATER QUALITY STANDARDS.—Section
 9 303(c) (33 U.S.C. 1313(c)) of the Federal Water Pollu-
 10 tion Control Act is amended—

11 (1) in paragraph (1)—

1 (A) by striking “The Governor of a State”
2 and inserting “(A) The Governor of a State”;
3 and

4 (B) by striking “Results of such review
5 shall be made available to the Administrator.”
6 and inserting the following:

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

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

16 (2) in paragraph (2)(A)—

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

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

21 (C) by inserting before the period at the
22 end the following: “; and (iii) the cost and com-
23 mercial availability in the United States of
24 treatment technologies (including whether the
25 technologies have been demonstrated at an ap-

1 plicable scale) that may be required to be ap-
2 plied to point sources in order to result in com-
3 pliance with such standards”.

4 (b) STATE WATER QUALITY CRITERIA.—Section
5 304(a) of the Federal Water Pollution Control Act (33
6 U.S.C. 1314(a)) is amended by adding at the end the fol-
7 lowing new paragraph:

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

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 an applicable 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 an applicable 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 an applicable 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”;

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 necessary for the request for
13 certification to be complete, as described in
14 subsection (g). The State, interstate agen-
15 cy, or the Administrator, as the case may
16 be, may grant a request for certification
17 with or without conditions, deny a request
18 for certification, or waive the requirement
19 for certification under this subsection with
20 respect to such Federal application.”;

21 (B) in paragraph (2)—

22 (i) in the second sentence, by striking
23 “notice of application for such Federal li-
24 cense or permit” and inserting “receipt of
25 a notice under the preceding sentence”;

1 (ii) in the third sentence—

2 (I) by striking “any water quality
3 requirement in such State” and in-
4 serting “any water quality standard in
5 effect for the State under section
6 303”; and

7 (II) by inserting before the pe-
8 riod “at a time that is agreed to by
9 such State and the applicant”;

10 (iii) in the fifth sentence, by striking
11 “insure compliance with applicable water
12 quality requirements.” and inserting “en-
13 sure compliance with the applicable provi-
14 sions of sections 301, 302, 303, 306, and
15 307.”;

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

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

24 (vi) by inserting after the second sen-
25 tence the following: “If the Administrator

determines under the preceding sentence that such a discharge will not affect the waters of any other State, no such notification is required.”;

(C) in paragraph (3)—

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

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

(D) in paragraph (4)—

(i) in the first sentence—

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

(II) 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

1 requirements” and inserting “will directly
2 result in a discharge that violates an appli-
3 cable provision of section 301, 302, 303,
4 306, or 307,”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(B) identification of any activity the con-
15 duct of which is subject to such Federal license
16 or permit;

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

21 “(D) a description of means that may be
22 used to monitor, control, or manage any such
23 discharge; and

24 “(E) a list of all other Federal, interstate,
25 Tribal, State, or local agency authorizations re-

1 quired for the conduct of such activity, and any
2 approval or denial of such an authorization al-
3 ready received.

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

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

11 “(B) a description of the proposed general
12 license or general permit, which may include a
13 draft of the proposed general license or permit;
14 and

15 “(C) an estimate of the number of dis-
16 charges expected to result from the proposed
17 general license or general permit annually.

18 “(h) JUDICIAL REVIEW.—

19 “(1) AFFECTED CERTIFICATION ACTIONS.—

20 This subsection shall apply to any civil action for the
21 review of a certification action with respect to an ap-
22 plicant for a license or permit—

23 “(A) for the construction or operation of
24 facilities for the transmission of electric energy

1 or energy fuels in interstate or foreign com-
2 merce; or

3 “(B) from the Federal Energy Regulatory
4 Commission.

5 “(2) STANDING AND FILING DEADLINE.—Not
6 withstanding any other provision of law, no court
7 shall have jurisdiction to review a civil action under
8 this subsection, except for a civil action filed not
9 later than 30 days after the final action on the cer-
10 tification by—

11 “(A) the applicant; or

12 “(B) a person who has suffered, or likely
13 and imminently will suffer, direct and irrep-
14 arable economic harm from the authorization;
15 provided that an organization or association
16 satisfies this harm requirement only if each
17 member of the organization or association satis-
18 fies the requirement.

19 “(3) EXPEDITED CONSIDERATION.—

20 “(A) The Court shall—

21 “(i) set any petition for review
22 brought under this subsection for expedited
23 consideration; and

24 “(ii) issue a final decision no later
25 than 120 days after the filing of the civil

1 action, unless the court finds extraordinary
 2 circumstances, in which the Court may
 3 take up to 60 additional days to issue a
 4 final decision.

5 “(B) FAILURE TO COMPLY WITH DEAD-
 6 LINE.—If the civil action concerns a certifi-
 7 cation that has been granted, the Court’s fail-
 8 ure to issue a final decision in compliance with
 9 the deadlines in subparagraph (A) shall mean
 10 the civil action is denied with prejudice.”.

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

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

15 “(6) GENERAL PERMITS.—

16 “(A) PERMITS AUTHORIZED.—The Admin-
 17 istrator may issue general permits under this
 18 section on a State, regional, or nationwide
 19 basis, or for a delineated area, for discharges
 20 associated with any category of activities, which
 21 discharges are of similar types and from similar
 22 sources.

23 “(B) PERMIT EXPIRATION NOTIFICATION
 24 REQUIREMENT.—If a general permit issued
 25 under this section will expire and the Adminis-

1 trator decides not to issue a new general permit
2 for discharges similar to those covered by the
3 expiring general permit, the Administrator shall
4 publish in the Federal Register a notice of such
5 decision at least two years prior to the expira-
6 tion of the general permit.

7 “(C) APPLICATION OF PERMIT TERMS OF
8 AN EXPIRED PERMIT.—

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

15 “(I) continue to apply the terms,
16 conditions, and requirements of the
17 expired general permit to any dis-
18 charge that was covered by the ex-
19 pired general permit; and

20 “(II) apply such terms, condi-
21 tions, and requirements to any dis-
22 charge that would have been covered
23 by the expired general permit (in ac-
24 cordance with any relevant require-
25 ments for such coverage) if the dis-

1 charge had occurred before such expi-
2 ration.

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

5 “(I) the date on which the Ad-
6 ministrator issues a new general per-
7 mit for discharges similar to those
8 covered by the expired general permit;
9 or

10 “(II) the date that is two years
11 after the date on which the Adminis-
12 trator publishes in the Federal Reg-
13 ister a notice of a decision not to issue
14 a new general permit for discharges
15 similar to those covered by the expired
16 general permit.”.

17 **SEC. 7. NPDES PERMIT TERMS.**

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

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

22 (a) COMPLIANCE WITH PERMITS.—Section 402(k) of
23 the Federal Water Pollution Control Act (33 U.S.C.
24 1342(k)) is amended—

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

3 “(k) COMPLIANCE WITH PERMITS.—

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

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

7 “(2) SCOPE.—For purposes of paragraph (1),
8 compliance with the conditions of a permit issued
9 under this section shall be considered compliance
10 with respect to a discharge of—

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

13 “(B) any pollutant for which an effluent
14 limitation is not included in the permit that
15 is—

16 “(i) specifically identified as controlled
17 or monitored through indicator parameters
18 in the permit, the fact sheet for the per-
19 mit, or the administrative record relating
20 to the permit;

21 “(ii) specifically identified during the
22 permit application process as present in
23 discharges to which the permit will apply;
24 or

1 “(iii) whether or not specifically iden-
2 tified in the permit or during the permit
3 application process—

4 “(I) present in any waste
5 streams or processes of the point
6 source to which the permit applies,
7 which waste streams or processes are
8 specifically identified during the per-
9 mit application process; or

10 “(II) otherwise within the scope
11 of any operations of the point source
12 to which the permit applies, which
13 scope of operations is specifically iden-
14 tified during the permit application
15 process.”.

16 (b) EXPRESSION OF WATER QUALITY-BASED EF-
17 FLUENT LIMITATIONS.—Section 402 of the Federal Water
18 Pollution Control Act (33 U.S.C. 1342) is amended by
19 adding at the end the following:

20 “(t) EXPRESSION OF WATER QUALITY-BASED EF-
21 FLUENT LIMITATIONS.—If the Administrator (or a State,
22 in the case of a permit program approved by the Adminis-
23 trator) determines that a water quality-based limitation
24 on a discharge of a pollutant is necessary to include in
25 a permit under this section in addition to any appropriate

1 technology-based effluent limitations included in such per-
2 mit, the Administrator (or the State) may include such
3 water quality-based limitation in such permit only in the
4 form of a limitation that—

5 “(1) specifies the pollutant to which it applies;
6 and

7 “(2) clearly describes the manner in which com-
8 pliance with the limitation may be achieved, which
9 shall include—

10 “(A) a numerical limit on the discharge of
11 such pollutant;

12 “(B) a narrative description of required ac-
13 tions to be applied to the discharge (including
14 any measures or practices required to be ap-
15 plied); or

16 “(C) a narrative description of a limitation
17 on the discharge that specifies the level of con-
18 trol to be applied.”.

19 **SEC. 9. FOREST PROTECTION AND WILDLAND FIRE-**
20 **FIGHTER SAFETY.**

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

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

25 “(i) a discharge from”;

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

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

4 “(ii) a discharge resulting from the
5 aerial application of a product used for fire
6 control and suppression purposes that ap-
7 pears on the most current Forest Service
8 Qualified Products List (or any successor
9 list).”.

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

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

14 “(4) AGRICULTURAL STORMWATER DIS-
15 CHARGE.—

16 “(A) IN GENERAL.—The Administrator
17 shall not require a permit, nor directly or indi-
18 rectly require any State to require a permit,
19 under this section for discharges of stormwater,
20 including from subsurface drainage, from agri-
21 cultural land that occur in direct response to a
22 precipitation event.

23 “(B) AGRICULTURAL LAND DEFINED.—In
24 this paragraph, the term ‘agricultural land’ in-
25 cludes—

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

4 “(ii) land on which animals (including
 5 fish and shellfish), crops (including fruit
 6 and nut trees), crop residue, plants, seed,
 7 or vegetation are present for purposes of
 8 farming or ranching; and

9 “(iii) land that is—

10 “(I) immediately adjacent to, and
 11 functionally related to, land described
 12 in clause (i) or (ii); and

13 “(II) necessary to support agri-
 14 cultural production, soil conservation,
 15 flood control, or water quality.”.

16 **SEC. 11. REDUCING REGULATORY BURDENS.**

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

20 “(u) DISCHARGES OF PESTICIDES.—

21 “(1) NO PERMIT REQUIREMENT.—Except as
 22 provided in paragraph (2), a permit shall not be re-
 23 quired by the Administrator or a State under this
 24 Act for a discharge from a point source into navi-
 25 gable waters of a pesticide authorized for sale, dis-

1 tribution, or use under the Federal Insecticide, Fun-
2 gicide, and Rodenticide Act, or the residue of such
3 a pesticide, resulting from the application of such
4 pesticide.

5 “(2) EXCEPTIONS.—Paragraph (1) shall not
6 apply to the following discharges of a pesticide or
7 pesticide residue:

8 “(A) A discharge resulting from the appli-
9 cation of a pesticide in violation of a provision
10 of the Federal Insecticide, Fungicide, and
11 Rodenticide Act that is relevant to protecting
12 water quality, if—

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

15 “(ii) the amount of pesticide or pes-
16 ticide residue in the discharge is greater
17 than would have occurred without the vio-
18 lation.

19 “(B) Stormwater discharges subject to reg-
20 ulation under subsection (p).

21 “(C) The following discharges subject to
22 regulation under this section:

23 “(i) Manufacturing or industrial efflu-
24 ent.

25 “(ii) Treatment works effluent.

1 “(iii) Discharges incidental to the nor-
 2 mal operation of a vessel, including a dis-
 3 charge resulting from ballasting operations
 4 or vessel biofouling prevention.”.

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

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

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

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

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

13 (2) in paragraph (1), as so designated, by in-
 14 serting “during the period described in paragraph
 15 (2) and” before “after notice and opportunity for
 16 public hearings”; and

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

18 “(2) PERIOD OF PROHIBITION.—The period
 19 during which the Administrator may prohibit the
 20 specification (including the withdrawal of specifica-
 21 tion) of any defined area as a disposal site, or deny
 22 or restrict the use of any defined area for specifica-
 23 tion (including the withdrawal of specification) as a
 24 disposal site, under paragraph (1) shall—

1 “(A) begin on the date on which an appli-
 2 cant submits all the information required to
 3 complete an application for a permit under this
 4 section; and

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

7 (b) APPLICABILITY.—The amendments made by sub-
 8 section (a) shall apply to a permit application submitted
 9 under section 404 of the Federal Water Pollution Control
 10 Act (33 U.S.C. 1344) after the date of enactment of this
 11 Act.

12 **SEC. 13. NATIONWIDE PERMITTING IMPROVEMENT.**

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

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

18 “(e) GENERAL PERMITS.—

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

20 (2) in paragraph (2)—

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

23 “(2) TERM.—No general”; and

24 (B) by striking “five years” and inserting
 25 “ten years”; and

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

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

5 “(A) shall consider only the effects of any
6 discharge of dredged or fill material resulting
7 from such activity;

8 “(B) shall consider any effects of a dis-
9 charge of dredged or fill material into less than
10 3 acres of navigable waters to be a minimal ad-
11 verse environmental effect; and

12 “(C) may consider any effects of a dis-
13 charge of dredged or fill material into 3 acres
14 or more of navigable waters to be a minimal ad-
15 verse environmental effect.

16 “(4) NATIONWIDE PERMITS FOR LINEAR
17 PROJECTS.—

18 “(A) IN GENERAL.—Notwithstanding any
19 other provision of this section, the Secretary
20 shall maintain general permits on a nationwide
21 basis for—

22 “(i) linear infrastructure projects that
23 result in a discharge of dredged or fill ma-
24 terial into less than 3 acres of navigable

1 waters for each single and complete
2 project; and

3 “(ii) linear pipeline projects that do
4 not result in the loss of navigable waters in
5 an amount that is greater than 0.5 acres
6 for each single and complete project.

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

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

19 “(ii) LINEAR PIPELINE PROJECT.—
20 The term ‘linear pipeline project’ means a
21 project to carry out any activity required
22 for the construction, expansion, mainte-
23 nance, modification, or removal of infra-
24 structure and associated facilities for the
25 transportation from a point of origin to a

1 terminal point of carbon dioxide, fuel, or
2 hydrocarbons, in the form of a liquid, li-
3 quescent, gaseous, or slurry substance or
4 supercritical fluid, including oil and gas
5 pipeline facilities.

6 “(iii) SINGLE AND COMPLETE
7 PROJECT.—The term ‘single and complete
8 project’ has the meaning given that term
9 in section 330.2 of title 33, Code of Fed-
10 eral Regulations (as in effect on the date
11 of enactment of this paragraph).

12 “(5) REISSUANCE OF NATIONWIDE PERMITS.—

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

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

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

22 “(C) the requirements of section 102(2)(C)
23 of the National Environmental Policy Act of
24 1969 (42 U.S.C. 4332(2)(C)) shall be satisfied

1 by preparing an environmental assessment with
2 respect to such general permit.”.

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

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

18 (1) general condition 15 (relating to single and
19 complete projects), as included in the final rule titled
20 “Reissuance and Modification of Nationwide Per-
21 mits” and published on January 13, 2021, by the
22 Department of the Army, Corps of Engineers (86
23 Fed. Reg. 2868);

1 (2) the definition of the term “single and com-
2 plete linear project”, as included in such final rule
3 (86 Fed. Reg. 2877); or

4 (3) the definition of the term “single and com-
5 plete project”, as included in section 330.2 of title
6 33, Code of Federal Regulations (as in effect on the
7 date of enactment of this Act).

8 **SEC. 14. DEADLINE FOR REQUEST FOR SUBMISSION OF AD-**
9 **DITIONAL INFORMATION FOR PERMIT PRO-**
10 **GRAMS FOR DREDGED OR FILL MATERIAL.**

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

13 (1) in subsection (g)—

14 (A) by redesignating paragraph (3) as
15 paragraph (4); and

16 (B) by inserting after paragraph (2) the
17 following:

18 “(3) If the Administrator determines that additional
19 information is necessary for the description of a program
20 submitted by a State to be full and complete under para-
21 graph (1), the Administrator shall, not later than 45 days
22 after the date of the receipt of the program and statement
23 submitted by the State under such paragraph, submit to
24 the State a written request for all such information.”; and

1 (2) in subsection (h)(1), by striking “paragraph
 2 (1) of this subsection” and inserting “subsection
 3 (g)(1)”.

4 **SEC. 15. JUDICIAL REVIEW TIMELINE CLARITY.**

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

7 (1) by redesignating subsection (t) as sub-
 8 section (u);

9 (2) in subsection (u), as so redesignated, by
 10 striking “Nothing in the section” and inserting
 11 “SAVINGS PROVISION.—Nothing in this section”;
 12 and

13 (3) by inserting after subsection (s) the fol-
 14 lowing:

15 “(t) JUDICIAL REVIEW.—

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

19 “(A) an action seeking judicial review of
 20 the approval by the Administrator of a State
 21 permit program pursuant to this section shall
 22 be filed not later than the date that is 60 days
 23 after the date on which the approval was
 24 issued;

1 “(B) an action seeking judicial review of
2 an individual permit or general permit issued
3 under this section shall be filed not later than
4 the date that is 60 days after the date on which
5 the permit was issued; and

6 “(C) an action seeking judicial review of a
7 verification that an activity involving a dis-
8 charge of dredged or fill material is authorized
9 by a general permit issued under this section
10 shall be filed not later than the date that is 60
11 days after the date on which such verification
12 was issued.

13 “(2) LIMITATION ON COMMENCEMENT OF CER-
14 TAIN ACTIONS.—Notwithstanding any other provi-
15 sion of law, no action described in subparagraph (A)
16 or (B) of paragraph (1) may be commenced unless
17 the action—

18 “(A) is filed by a party that submitted a
19 comment—

20 “(i) during the public comment period
21 for the administrative proceedings related
22 to the action; and

23 “(ii) which was sufficiently detailed to
24 put the Administrator, the Secretary, or
25 the State, as applicable, on notice of the

1 issue upon which the party seeks judicial
2 review; and

3 “(B) is related to such comment.

4 “(3) REMEDIES.—

5 “(A) ACTIONS RELATING TO PERMIT PRO-
6 GRAMS.—If a court determines that the Admin-
7 istrator did not comply with the requirements
8 of this section in issuing an approval of a State
9 permit program pursuant to this section—

10 “(i) the court shall remand the matter
11 to the Administrator for further pro-
12 ceedings consistent with the determination
13 of the court; and

14 “(ii) the court may not vacate, revoke,
15 enjoin, or otherwise limit the authority of
16 the State to issue permits under such
17 State permit program.

18 “(B) ACTIONS RELATING TO PERMITS.—If
19 a court determines that the Secretary or the
20 State, as applicable, did not comply with the re-
21 quirements of this section in issuing an indi-
22 vidual or general permit under this section, or
23 in verifying that an activity involving a dis-
24 charge of dredged or fill material is authorized

1 by a general permit issued under this section,
2 as applicable—

3 “(i) the court shall remand the matter
4 to the Secretary or the State, as applica-
5 ble, for further proceedings consistent with
6 the determination of the court;

7 “(ii) with respect to a determination
8 regarding the issuance of an individual or
9 general permit under this section, the
10 court may not vacate, revoke, enjoin, or
11 otherwise limit the permit, unless the court
12 finds that activities authorized under the
13 permit would present an imminent and
14 substantial danger to human health or the
15 environment for which there is no other eq-
16 uitable remedy available under the law;
17 and

18 “(iii) with respect to a determination
19 regarding a verification that an activity in-
20 volving a discharge of dredged or fill mate-
21 rial is authorized by a general permit
22 issued under this section, the court may
23 not enjoin or otherwise limit the discharge
24 unless the court finds that the activity
25 would present an imminent and substantial

1 danger to human health or the environ-
2 ment for which there is no other equitable
3 remedy available under the law.

4 “(4) **TIMELINE TO ACT ON COURT ORDER.**—If
5 a court remands a matter under paragraph (3), the
6 court shall set and enforce a reasonable schedule
7 and deadline, which may not exceed 180 days from
8 the date on which the court remands such matter,
9 except as otherwise required by law, for the Admin-
10 istrator, the Secretary, or the State, as applicable, to
11 take such actions as the court may order.”.

12 **SEC. 16. MAINTAINING COOPERATIVE PERMITTING.**

13 (a) **WITHDRAWAL OF APPROVAL WITHOUT CON-**
14 **GRESSIONAL AUTHORIZATION PROHIBITED.**—The permit
15 programs described in subsection (b) are ratified, ap-
16 proved, and of full force and effect, and the Administrator
17 of the Environmental Protection Agency (referred to in
18 this section as the “Administrator”) may not withdraw the
19 approval of those permit programs, including through the
20 process described in section 404(i) of the Federal Water
21 Pollution Control Act (33 U.S.C. 1344(i)), unless the
22 withdrawal is expressly authorized by an Act of Congress
23 enacted after the date of enactment of this Act.

24 (b) **PERMIT PROGRAMS DESCRIBED.**—The permit
25 programs referred to in subsection (a) are the following

1 State permit programs for the discharge of dredged or fill
2 material approved under section 404 of the Federal Water
3 Pollution Control Act (33 U.S.C. 1344):

4 (1) The program of the State of Michigan, ap-
5 proved in the notice of the Environmental Protection
6 Agency entitled “Michigan Department of Natural
7 Resources Section 404 Permit Program Approval”
8 (49 Fed. Reg. 38947 (October 2, 1984)) and as de-
9 scribed in section 233.70 of title 40, Code of Federal
10 Regulations (including any updates to the program
11 described in a successor Federal Register notice).

12 (2) The program of the State of New Jersey,
13 approved in the final rule and notice of the Environ-
14 mental Protection Agency entitled “New Jersey De-
15 partment of Environmental Protection and Energy
16 Section 404 Permit Program Approval” (59 Fed.
17 Reg. 9933 (March 2, 1994)) and as described in sec-
18 tion 233.71 of title 40, Code of Federal Regulations
19 (including any updates to the program described in
20 a successor Federal Register notice).

21 (3) The program of the State of Florida, as de-
22 scribed in the notice of the Environmental Protec-
23 tion Agency entitled “EPA’s Approval of Florida’s
24 Clean Water Act Section 404 Assumption Request”
25 (85 Fed. Reg. 83553 (December 22, 2020)) (includ-

1 ing any updates to the program described in a suc-
2 cessor Federal Register notice), including the Pro-
3 grammatic Biological Opinion with Incidental Take
4 Statement associated with the program.

5 (c) PROGRAM TRANSITION PERIOD.—During the 90-
6 day period beginning on the date of enactment of this Act,
7 the Secretary of the Army, acting through the Chief of
8 Engineers (referred to in this section as the “Secretary”),
9 and the State of Florida may both issue permits author-
10 ized under the program described in subsection (b)(3) for
11 the discharge of dredged or fill material into navigable
12 waters (as described in subsection 404(g)(1) of the Fed-
13 eral Water Pollution Control Act (33 U.S.C. 1344(g)(1)))
14 within the jurisdiction of the State of Florida.

15 (d) APPROVAL OF COMPARABLE STATE PRO-
16 GRAMS.—

17 (1) IN GENERAL.—If the Administrator deter-
18 mines that a State program submitted under sub-
19 section (g)(1) of section 404 of the Federal Water
20 Pollution Control Act (33 U.S.C. 1344) is com-
21 parable to a State program described in any of para-
22 graphs (1) through (3) of subsection (b) of this sec-
23 tion, the Administrator shall make the determination
24 described in subsection (h)(2)(A) of such section 404
25 with respect to that program.

1 (2) NOTIFICATION.—On making the determina-
2 tion required under paragraph (1), the Adminis-
3 trator shall notify the Secretary and the applicable
4 State of that determination.

5 (3) SUSPENSION.—On notification from the Ad-
6 ministrator under paragraph (2) and from a State
7 that the State has begun to administer a program
8 approved pursuant to paragraph (1), the Secretary
9 shall suspend the issuance of permits under sub-
10 sections (a) and (e) of section 404 of the Federal
11 Water Pollution Control Act (33 U.S.C. 1344) for
12 activities with respect to which a permit may be
13 issued by the State under that program.

14 **SEC. 17. RESTORING FEDERALISM IN CLEAN WATER PER-**
15 **MITTING.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Administrator of the Environmental Pro-
18 tection Agency shall complete a review of the regulations
19 applicable to the approval of State permit programs under
20 section 404 of the Federal Water Pollution Control Act
21 (33 U.S.C. 1344) in order to identify revisions to such
22 regulations necessary to streamline the approval process,
23 reduce administrative burdens, and encourage additional
24 States to administer a permit program under such section,

1 and the Administrator shall implement any such revisions
2 as appropriate.

3 **SEC. 18. REVISION OF FRAMEWORK FOR COMPENSATORY**
4 **MITIGATION.**

5 (a) REQUIREMENT TO REVISE.—Not later than 180
6 days after the date of enactment of this Act, the Sec-
7 retary, in coordination with the Administrator of the Envi-
8 ronmental Protection Agency, shall publish in the Federal
9 Register a proposed rule, consistent with section 404 of
10 the Federal Water Pollution Control Act (33 U.S.C.
11 1344), to revise the regulations issued in the final rule
12 of the Department of Defense and the Environmental Pro-
13 tection Agency titled “Compensatory Mitigation for
14 Losses of Aquatic Resources” and published in the Fed-
15 eral Register on April 10, 2008 (73 Fed. Reg. 19594).

16 (b) SCOPE OF REVISIONS.—In carrying out sub-
17 section (a), the Secretary shall—

18 (1) incorporate lessons learned since the imple-
19 mentation of the final rule described in subsection
20 (a) and reflect advances in science, restoration prac-
21 tices, and regulatory efficiency;

22 (2) promote equivalency and flexibility among
23 mitigation options, including mitigation banking, in-
24 lieu fee programs, and permittee-responsible mitiga-
25 tion;

1 (3) expedite the approval of plans that use miti-
2 gation banks, in-lieu fee programs, and permittee-re-
3 sponsible mitigation;

4 (4) support regional watershed approaches, in-
5 cluding by—

6 (A) encouraging compensatory mitigation
7 credit generation and sales across primary, sec-
8 ondary, and tertiary service areas; and

9 (B) implementing mitigation requirements,
10 policies, and guidance that are consistent, pre-
11 dictable, and transparent;

12 (5) ensure timely coordination between Corps of
13 Engineers district offices and Interagency Review
14 Teams;

15 (6) ensure that, for projects involving tem-
16 porary impacts to aquatic resources, including min-
17 ing and other energy or infrastructure projects with
18 approved reclamation plans, the revised regula-
19 tions—

20 (A) take into account the temporary na-
21 ture of such impacts;

22 (B) recognize activities carried out under
23 an approved reclamation plan as a form of
24 minimization of such impacts, consistent with
25 the guidelines developed under section

1 404(b)(1) of the Federal Water Pollution Con-
2 trol Act;

3 (C) consider financial assurances already
4 required under applicable regulatory programs
5 (including instruments such as surety bonds,
6 collateral bonds, letters of credit, insurance,
7 trust funds, and, where permitted, self-bonding)
8 when determining the need for additional finan-
9 cial assurances; and

10 (D) allow the use, transfer, or sale of sur-
11 plus compensatory mitigation credits generated
12 through activities carried out under an ap-
13 proved reclamation plan, if such credits meet
14 applicable environmental performance stand-
15 ards;

16 (7) encourage the use of off-site and out-of-kind
17 mitigation options where appropriate; and

18 (8) include any other revisions determined ap-
19 propriate by the Secretary.

20 (c) GUIDANCE.—After issuing a final rule under this
21 section, the Secretary shall issue guidance establishing ob-
22 jective, measurable success criteria for activities carried
23 out under an approved reclamation plan for purposes of
24 generating compensatory mitigation credits, and a phased

1 credit release schedule tied to milestones for such activi-
2 ties.

3 (d) DEFINITIONS.—In this section:

4 (1) APPROVED RECLAMATION PLAN.—The term
5 “approved reclamation plan”—

6 (A) means—

7 (i) a reclamation plan approved pur-
8 suant to section 510 of the Surface Mining
9 Control and Reclamation Act of 1977 (30
10 U.S.C. 1260);

11 (ii) a reclamation plan, plan of oper-
12 ations, or other similar plan approved by
13 the Secretary of Agriculture or the Sec-
14 retary of the Interior with respect to the
15 mining or related operations of—

16 (I) minerals subject to location
17 under the general mining laws;

18 (II) minerals subject to leasing
19 under the mineral leasing laws; or

20 (III) mineral materials subject to
21 disposition under the Act of July 31,
22 1947, commonly known as the Mate-
23 rials Act of 1947 (30 U.S.C. 601 et
24 seq.);

1 (iii) a surface use plan of operations
2 approved pursuant to subpart 3162 of title
3 43, Code of Federal Regulations (or a suc-
4 cessor regulation);

5 (iv) a plan of operations or utilization
6 plan approved pursuant to subpart 3200 of
7 title 43, Code of Federal Regulations (or a
8 successor regulation); and

9 (v) a plan of development approved
10 pursuant to subpart 2805 of title 43, Code
11 of Federal Regulations (or a successor reg-
12 ulation) that includes enforceable reclama-
13 tion or surface restoration requirements;
14 and

15 (B) includes a plan of operations approved
16 under—

17 (i) subpart 3809 of title 43, Code of
18 Federal Regulations (or a successor regula-
19 tion); or

20 (ii) part 228 of title 36, Code of Fed-
21 eral Regulations (or a successor regula-
22 tion).

23 (2) SECRETARY.—The term “Secretary” means
24 the Secretary of the Army, acting through the Chief
25 of Engineers.

1 **SEC. 19. JURISDICTIONAL DETERMINATION BACKLOG RE-**
2 **DUCTION.**

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

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

12 (2) requests for jurisdictional determinations or
13 wetlands delineations under the jurisdiction of the
14 Secretary.

15 **SEC. 20. DEFINITION OF NAVIGABLE WATERS.**

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

18 (1) by striking “(7) The term” and inserting
19 the following:

20 “(7) NAVIGABLE WATERS.—

21 “(A) IN GENERAL.—The term”; and

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

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

25 “(i) Any component of a waste treat-
26 ment system, including any lagoon or

1 treatment pond (such as a settling or cool-
2 ing pond), designed to actively or pas-
3 sively—

4 “(I) convey or retain wastewater;

5 or

6 “(II) concentrate, settle, reduce,

7 or remove pollutants from wastewater.

8 “(ii) Ephemeral features that flow
9 only in direct response to precipitation.

10 “(iii) Any area that—

11 “(I) prior to December 23, 1985,

12 was drained or otherwise manipulated

13 for the purpose, or having the effect,

14 of making production of an agricul-

15 tural product possible, as determined

16 by the Administrator and the Sec-

17 retary of the Army, acting through

18 the Chief of Engineers, which deter-

19 minations shall be consistent with any

20 designations of prior converted crop-

21 land made by the Secretary of Agri-

22 culture; and

23 “(II) as determined by the Ad-

24 ministrator—

1 “(aa) at least once in the
2 immediately preceding ten years
3 has been used for, or in support
4 of, agricultural purposes, includ-
5 ing grazing, haying, idling land
6 for conservation use (such as
7 habitat management, pollinator
8 and wildlife management, water
9 storage and supply management,
10 and flood management), irriga-
11 tion tailwater storage, farm-
12 raised fish production, cranberry
13 production, nutrient retention,
14 and idling land for soil recovery
15 after natural disasters such as
16 hurricanes and drought; and

17 “(bb) has not reverted to
18 wetlands (as defined in section
19 120.2 of title 40, Code of Federal
20 Regulations, as in effect on the
21 date of enactment of this clause).

22 “(iv) Groundwater.

23 “(v) Any other features determined to
24 be excluded by the Administrator and the

1 Secretary of the Army, acting through the
2 Chief of Engineers.”.

3 **SEC. 21. APPLICABILITY OF SPILL PREVENTION, CONTROL,**
4 **AND COUNTERMEASURE RULE.**

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

8 (1) in subsection (b)—

9 (A) in paragraph (1)(B), by striking
10 “20,000” and inserting “42,000”;

11 (B) by amending paragraph (2)(A) to read
12 as follows:

13 “(A) an aggregate aboveground storage ca-
14 pacity greater than 10,000 gallons but less than
15 42,000 gallons; and”;

16 (C) in paragraph (3)—

17 (i) by amending subparagraph (A) to
18 read as follows:

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

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

24 (D) by striking paragraph (4);

25 (2) in subsection (c)(2)(A)—

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

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

5 (3) by striking subsection (d).

6 **SEC. 22. COORDINATION WITH FEDERAL PERMITTING IM-**
7 **PROVEMENT STEERING COUNCIL.**

8 With respect to any covered project (as defined under
9 section 41001 of the FAST Act (42 U.S.C. 4370m)) for
10 which a certification or permit from a State under section
11 401, 402, or 404 of the Federal Water Pollution Control
12 Act is required, the State is encouraged to choose to par-
13 ticipate, to the maximum extent practicable, in the envi-
14 ronmental review and authorization process under section
15 41003(c) of the FAST Act (42 U.S.C. 4370m–2(c)), pur-
16 suant to paragraph (3)(A) of such section.

17 **SEC. 23. SENSE OF CONGRESS ON CHESAPEAKE BAY WA-**
18 **TERSHERD AGREEMENT.**

19 It is the sense of Congress that the Chesapeake Bay
20 Watershed Agreement is a voluntary, cooperative agree-
21 ment between the Federal Government, the State of Dela-
22 ware, the District of Columbia, the State of Maryland, the
23 Commonwealth of Pennsylvania, the State of New York,
24 the Commonwealth of Virginia, and the State of West Vir-
25 ginia. As such, the Federal Government should take a col-

1 laborative and cooperative approach to the parties with re-
2 gard to their compliance with the Chesapeake Bay Total
3 Maximum Daily Load outlined in such agreement.

4 **SEC. 24. IDENTIFICATION AND PERMITTING FOR WATER**
5 **RECHARGE ON CERTAIN FEDERAL LANDS.**

6 (a) REVIEW AND IDENTIFICATION.—Not later than
7 1 year after the date of enactment of this Act, the Sec-
8 retary of the Army, acting through the Chief of Engineers,
9 shall review lands under the jurisdiction of the Secretary
10 to identify parcels of such lands that are hydrologically
11 and geologically well-suited for water recharge efforts, in-
12 cluding aquifer recharge, surface water infiltration, or
13 managed aquifer recharge projects, taking into consider-
14 ation factors such as soil permeability, proximity to water
15 sources, and minimal environmental impact.

16 (b) STREAMLINED PERMITTING PROCESS.—The Sec-
17 retary, in consultation with the Administrator of the Envi-
18 ronmental Protection Agency and each relevant State
19 water resource agency, shall—

20 (1) establish clear and simple permitting proc-
21 esses for water recharge projects on parcels of land
22 identified by the Secretary under subsection (a), in-
23 cluding a process to facilitate (to the extent prac-
24 ticable)—

1 (A) the actions of the Secretary under sec-
2 tion 17 applicable to such projects; and

3 (B) the expedited issuance of a permit
4 under section 404 of the Federal Water Pollu-
5 tion Control Act (33 U.S.C. 1344), as amended
6 by this Act, relating to such projects; and

7 (2) ensure, to the extent practicable, that each
8 process established under paragraph (1) minimizes
9 regulatory burdens, provides for categorical exclu-
10 sions or streamlined environmental assessments, and
11 promotes collaboration with State and local entities
12 to expand water recharge efforts.

13 (c) REPORT TO CONGRESS.—Not later than 18
14 months after the date of enactment of this Act, the Sec-
15 retary shall submit to Congress a report detailing the par-
16 cels identified under subsection (a) and each permitting
17 process established under subsection (b).

18 **SEC. 25. STATE-LED PERMITTING EFFICIENCY AND WATER**
19 **QUALITY PILOT.**

20 (a) IN GENERAL.—The Administrator of the Envi-
21 ronmental Protection Agency shall establish a voluntary
22 pilot program to support State-led water quality improve-
23 ments in waters listed as impaired for nitrogen or phos-
24 phorus under section 303(d) of the Federal Water Pollu-
25 tion Control Act (33 U.S.C. 1313(d)).

1 (b) VOLUNTARY PARTICIPATION.—Participation by
2 agricultural producers in the program established under
3 this section shall be voluntary.

4 (c) SAVINGS CLAUSE.—Nothing in this section may
5 be construed to authorize the regulation of nonpoint
6 sources or expand Federal jurisdiction.

7 **SEC. 26. INTERNATIONAL BOUNDARY AND WATER COMMIS-**
8 **SION AUTHORITY.**

9 (a) AUTHORIZATION.—The Commission is authorized
10 to accept funds from a Federal or non-Federal entity, in-
11 cluding through a grant or funding agreement, to study,
12 design, construct, operate, or maintain wastewater treat-
13 ment works, water conservation projects, or flood control
14 works, and related structures, consistent with the func-
15 tions of the Commission.

16 (b) DEPOSIT.—Any funds accepted by the Commis-
17 sion under this section shall be—

18 (1) deposited into the account in the Treasury
19 of the United States entitled “International Bound-
20 ary and Water Commission, United States and Mex-
21 ico”; and

22 (2) subject to the availability of appropriations,
23 available until expended to carry out the activities
24 described in subsection (a).

25 (c) LIMITATIONS.—

1 (1) LIMIT ON REIMBURSEMENT.—The Commis-
2 sion may not provide credit towards the non-Federal
3 share of the cost of a project, or reimbursement, to
4 non-Federal entities for funds accepted under this
5 section in an amount that exceeds a total of
6 \$5,000,000 in any fiscal year.

7 (2) SOURCE OF FUNDS.—The Commission may
8 not accept funds under this section from any non-
9 Federal entity—

10 (A) that is domiciled in, headquartered in,
11 or organized under the laws of, or the principal
12 place of business of which is located in, a for-
13 eign country of concern; or

14 (B) that has in place any agreement with
15 a foreign country of concern.

16 (d) REPORT.—Not later than the last day of each fis-
17 cal year, the Commission shall submit to the Committee
18 on Foreign Relations of the Senate and the Committee
19 on Transportation and Infrastructure of the House of
20 Representatives a report on the funds accepted under this
21 section that includes a description of—

22 (1) the activities carried out with such funds;
23 and

24 (2) costs associated with such activities.

25 (e) DEFINITIONS.—In this section:

1 (1) The term “Commission” means the United
2 States Section of the International Boundary and
3 Water Commission, United States and Mexico.

4 (2) The term “foreign country of concern” has
5 the meaning given that term in section 10638 of the
6 Research and Development, Competition, and Inno-
7 vation Act (42 U.S.C. 19237).

Passed the House of Representatives December 11,
2025.

Attest:

Clerk.

119TH CONGRESS
1ST SESSION

H. R. 3898

AN ACT

To amend the Federal Water Pollution Control Act to make targeted reforms with respect to waters of the United States and other matters, and for other purposes.