

# Union Calendar No. 453

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4854

[Report No. 113-609]

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2014

Mr. GIBBS (for himself, Mr. RAHALL, Mr. BUCSHON, Mrs. CAPITO, Mr. MASSIE, Mr. CRAMER, Mr. PERRY, Mr. RIBBLE, Mrs. LUMMIS, Mr. JONES, Mr. SOUTHERLAND, Mr. MCKINLEY, Mr. HUELSKAMP, and Mr. MARINO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

NOVEMBER 12, 2014

Additional sponsors: Mr. COTTON, Mr. ROKITA, Mr. JOLLY, Mr. GOSAR, Mr. RODNEY DAVIS of Illinois, Mr. BARLETTA, and Mr. TIPTON

NOVEMBER 12, 2014

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

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

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Regulatory Certainty  
5 Act of 2014”.

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

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

10            (1) by striking “(c)” and inserting “(c)(1)”;

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

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

16            “(2)(A) The period during which the Adminis-  
17 trator may prohibit the specification (including the  
18 withdrawal of specification) of any defined area as  
19 a disposal site, or deny or restrict the use of any de-  
20 fined area for specification (including the withdrawal  
21 of specification) as a disposal site, under paragraph  
22 (1) shall—

23            “(i) begin on the date that the Secretary  
24 provides notice to the Administrator that the  
25 Secretary has completed all procedures for

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

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

8 “(B) The Secretary shall ensure that the period  
9 described in subparagraph (A) consists of not fewer  
10 than 30 consecutive days.

11 “(C) The Secretary may issue a permit under  
12 this section only after the Secretary provides notice  
13 to the Administrator in accordance with this para-  
14 graph.”.

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



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