

## Union Calendar No. 5

118TH CONGRESS  
1ST SESSION

# H. R. 1152

**[Report No. 118–10]**

To amend the Federal Water Pollution Control Act to make changes with respect to water quality certification, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. ROUZER (for himself and Mr. GRAVES of Louisiana) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MARCH 17, 2023

Additional sponsor: Mr. PERRY

MARCH 17, 2023

Reported from the Committee on Transportation and Infrastructure; 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 make changes with respect to water quality certification, 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 “Water Quality Certifi-  
5 cation and Energy Project Improvement Act of 2023”.

6 **SEC. 2. CERTIFICATION.**

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

9            (1) in subsection (a)—

10                    (A) in paragraph (1)—

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

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

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

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

22                            (v) by inserting after the fourth sen-  
23 tence the following: “Not later than 30  
24 days after the date of enactment of the  
25 Water Quality Certification and Energy

1 Project Improvement Act of 2023, each  
2 State and interstate agency that has au-  
3 thority to give such a certification, and the  
4 Administrator, shall publish requirements  
5 for certification to demonstrate to such  
6 State, such interstate agency, or the Ad-  
7 ministrator, as the case may be, compli-  
8 ance with the applicable provisions of sec-  
9 tions 301, 302, 303, 306, and 307. A deci-  
10 sion to grant or deny a request for certifi-  
11 cation shall be based only on the applicable  
12 provisions of sections 301, 302, 303, 306,  
13 and 307, and the grounds for the decision  
14 shall be set forth in writing and provided  
15 to the applicant. Not later than 90 days  
16 after receipt of a request for certification,  
17 the State, interstate agency, or Adminis-  
18 trator, as the case may be, shall identify in  
19 writing all specific additional materials or  
20 information that are necessary to grant or  
21 deny the request.”;

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” and in-  
5 serting “any applicable provision of section  
6 301, 302, 303, 306, or 307”;

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

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

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

20 (C) in paragraph (3), in the second sen-  
21 tence, by striking “section” and inserting “any  
22 applicable provision of section”;

23 (D) in paragraph (4)—

24 (i) in the first sentence, by striking  
25 “applicable effluent limitations or other

1 limitations or other applicable water qual-  
2 ity requirements will not be violated” and  
3 inserting “no applicable provision of sec-  
4 tion 301, 302, 303, 306, or 307 will be vio-  
5 lated”;

6 (ii) in the second sentence, by striking  
7 “will violate applicable effluent limitations  
8 or other limitations or other water quality  
9 requirements” and inserting “will directly  
10 result in a discharge that violates an appli-  
11 cable provision of section 301, 302, 303,  
12 306, or 307,”; and

13 (iii) in the third sentence, by striking  
14 “such facility or activity will not violate the  
15 applicable provisions” and inserting “oper-  
16 ation of such facility or activity will not di-  
17 rectly result in a discharge that violates  
18 any applicable provision”; and

19 (E) in paragraph (5), by striking “the ap-  
20 plicable provisions” and inserting “any applica-  
21 ble provision”;

22 (2) in subsection (d), by striking “any applica-  
23 ble effluent limitations and other limitations, under  
24 section 301 or 302 of this Act, standard of perform-  
25 ance under section 306 of this Act, or prohibition,

1 effluent standard, or pretreatment standard under  
2 section 307 of this Act, and with any other appro-  
3 priate requirement of State law set forth in such  
4 certification, and” and inserting “the applicable pro-  
5 visions of sections 301, 302, 303, 306, and 307, and  
6 any such limitations or requirements”; and

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

8 “(e) For purposes of this section, the applicable pro-  
9 visions of sections 301, 302, 303, 306, and 307 are any  
10 applicable effluent limitations and other limitations, under  
11 section 301 or 302, standard of performance under section  
12 306, prohibition, effluent standard, or pretreatment stand-  
13 ard under section 307, and requirement of State law im-  
14 plementing water quality criteria under section 303 nec-  
15 essary to support the designated use or uses of the receiv-  
16 ing navigable waters.”.

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