116TH CONGRESS 1ST SESSION

H.R.843

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

IN THE HOUSE OF REPRESENTATIVES

January 29, 2019

Mr. Gibbs (for himself, Mr. Chabot, and Mr. Rouzer) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Reforming EPA Per-
- 5 mitting Authority Act" or the "Reform EPA Act".

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

2	(a) In General.—Section 404(c) of the Federal
3	Water Pollution Control Act (33 U.S.C. 1344(c)) is
4	amended—
5	(1) by striking "(e)" and inserting "(e)(1)";
6	(2) in paragraph (1), as so designated, by in-
7	serting "during the period described in paragraph
8	(2) and" before "after notice and opportunity for
9	public hearings"; and
10	(3) by adding at the end the following:
11	"(2)(A) The period during which the Adminis-
12	trator may prohibit the specification (including the
13	withdrawal of specification) of any defined area as
14	a disposal site, or deny or restrict the use of any de-
15	fined area for specification (including the withdrawal
16	of specification) as a disposal site, under paragraph
17	(1) shall—
18	"(i) begin on the date that the Secretary
19	provides notice to the Administrator that the
20	Secretary has completed all procedures for
21	processing an application for a permit under
22	this section relating to the specification and is
23	ready to determine, in accordance with the
24	record and applicable regulations, whether the
25	permit should be issued; and

1	"(ii) end on the date that the Secretary
2	issues the permit.
3	"(B) The Secretary shall ensure that the period
4	described in subparagraph (A) consists of not fewer
5	than 30 consecutive days.
6	"(C) The Secretary may issue a permit under
7	this section only after the Secretary provides notice
8	to the Administrator in accordance with this para-
9	graph.".
10	(b) APPLICABILITY.—The amendments made by sub-
11	section (a) shall apply to a permit application submitted
12	under section 404(a) of the Federal Water Pollution Con-
13	trol Act (33 U.S.C. 1344(a)) after the date of enactment
14	of this Act.

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