

114TH CONGRESS
1ST SESSION

H. R. 896

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

FEBRUARY 11, 2015

Mr. GIBBS 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 “Regulatory Certainty
5 Act of 2015”.

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 “(c)” and inserting “(c)(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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