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119TH CONGRESS
1ST SESSION

H. R. 3898

[Report No. 119–180]

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2025

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

JULY 2, 2025

Additional sponsors: Mr. LAMALFA, Mr. ROUZER, Mr. HURD of Colorado, Mr. OWENS, Mr. STAUBER, Mr. CRAWFORD, and Mr. TAYLOR

JULY 2, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 11, 2025]

A BILL

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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Pro-*
 5 *moting Efficient Review for Modern Infrastructure Today*
 6 *Act” or the “PERMIT Act”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *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 permit
programs for dredged or fill material.

Sec. 15. Judicial review timeline clarity.

Sec. 16. Restoring federalism in clean water permitting.

Sec. 17. Jurisdictional determination backlog reduction.

Sec. 18. Definition of navigable waters.

Sec. 19. Applicability of Spill Prevention, Control, and Countermeasure rule.

Sec. 20. Coordination with Federal Permitting Improvement Steering Council.

Sec. 21. Sense of Congress on Chesapeake Bay Watershed Agreement.

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

10 (a) *STATE WATER QUALITY STANDARDS.*—*Section*
 11 *303(c) (33 U.S.C. 1313(c)) of the Federal Water Pollution*
 12 *Control Act is amended—*

13 (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 shall
5 be made available to the Administrator.” and in-
6 serting the following:

7 “(B) Reviews under this paragraph shall include re-
8 view, for purposes of ensuring that combined sewer overflow
9 controls are cost effective, of any water quality standard
10 applicable to a body of water into which, pursuant to a
11 permit, order, or decree issued pursuant to this Act, a mu-
12 nicipal combined storm and sanitary sewer discharges.

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

15 (2) in paragraph (2)(A)—

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

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

20 (C) by inserting before the period at the end
21 the following: “; and (iii) the cost and commer-
22 cial availability in the United States of treat-
23 ment technologies (including whether the tech-
24 nologies have been demonstrated at an applicable
25 scale) that may be required to be applied to

1 *point sources in order to result in compliance*
2 *with such standards”.*

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

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

17 **SEC. 3. WATER QUALITY CRITERIA DEVELOPMENT AND**
18 **TRANSPARENCY.**

19 **(a) INFORMATION AND GUIDELINES.**—*Section 304(a)*
20 *of the Federal Water Pollution Control Act (33 U.S.C.*
21 *1314(a)) is further amended by adding at the end the fol-*
22 *lowing:*

23 **“(11) ADMINISTRATIVE PROCEDURE.**—*After the*
24 *date of enactment of this paragraph, the Adminis-*

1 *trator shall issue any new or revised water quality*
 2 *criteria under paragraph (1) or (9) by rule.”.*

3 *(b) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-*
 4 *VIEW.—Section 509(b)(1) of the Federal Water Pollution*
 5 *Control Act (33 U.S.C. 1369(b)(1)) is amended—*

6 *(1) by striking “section 402, and” and inserting*
 7 *“section 402,”; and*

8 *(2) by inserting “and (H) in issuing any cri-*
 9 *teria for water quality pursuant to section*
 10 *304(a)(11),” after “strategy under section 304(l),”.*

11 **SEC. 4. WATER QUALITY TECHNOLOGY AVAILABILITY.**

12 *Section 304(b) of the Federal Water Pollution Control*
 13 *Act (33 U.S.C. 1314(b)) is amended—*

14 *(1) in paragraph (1)(B), by inserting “the com-*
 15 *mercial availability in the United States of the tech-*
 16 *nology (including whether the technology has been*
 17 *demonstrated at an applicable scale),” before “and*
 18 *such other factors”;*

19 *(2) in paragraph (2)(B), by inserting “the com-*
 20 *mercial availability in the United States of the tech-*
 21 *nology (including whether the technology has been*
 22 *demonstrated at an applicable scale),” before “and*
 23 *such other factors”;* and

24 *(3) in paragraph (4)(B), by inserting “the com-*
 25 *mercial availability in the United States of the tech-*

1 *nology (including whether the technology has been*
 2 *demonstrated at an applicable scale),” before “and*
 3 *such other factors”.*

4 **SEC. 5. IMPROVING WATER QUALITY CERTIFICATIONS AND**
 5 **AMERICAN ENERGY INFRASTRUCTURE.**

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

8 *(1) in subsection (a)—*

9 *(A) in paragraph (1)—*

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

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

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

18 *(iv) in the fifth sentence, by striking*
 19 *“act on a request for certification, within a*
 20 *reasonable period of time (which shall not*
 21 *exceed one year) after receipt of such re-*
 22 *quest, the certification requirements of this*
 23 *subsection” and inserting “grant the request*
 24 *for certification with or without conditions,*
 25 *deny the request for certification, or waive*

1 *the requirement for certification under this*
2 *subsection with respect to such Federal ap-*
3 *plication, within a reasonable period of*
4 *time to be determined by the licensing or*
5 *permitting agency (which shall not exceed*
6 *one year) after receipt of such request, the*
7 *requirement for certification under this sub-*
8 *section”;*

9 *(v) in the sixth sentence, by striking*
10 *“waived as provided in the preceding sen-*
11 *tence” and inserting “waived under this*
12 *paragraph”; and*

13 *(vi) by inserting after the fourth sen-*
14 *tence the following: “Not later than 30 days*
15 *after the date of enactment of the PERMIT*
16 *Act, each State and interstate agency that*
17 *has authority to give such a certification,*
18 *and the Administrator, shall publish re-*
19 *quirements for certification to demonstrate*
20 *to such State, such interstate agency, or the*
21 *Administrator, as the case may be, compli-*
22 *ance with the applicable provisions of sec-*
23 *tions 301, 302, 303, 306, and 307. A deci-*
24 *sion to grant or deny a request for certifi-*
25 *cation shall be based only on compliance*

1 *with the applicable provisions of sections*
2 *301, 302, 303, 306, and 307, and the*
3 *grounds for the decision shall be set forth in*
4 *writing and provided to the applicant. Not*
5 *later than 90 days after receipt of a request*
6 *for certification, the State, interstate agen-*
7 *cy, or Administrator, as the case may be,*
8 *shall identify in writing all specific addi-*
9 *tional materials or information necessary*
10 *for the request for certification to be com-*
11 *plete, as described in subsection (g). The*
12 *State, interstate agency, or the Adminis-*
13 *trator, as the case may be, may grant a re-*
14 *quest for certification with or without con-*
15 *ditions, deny a request for certification, or*
16 *waive the requirement for certification*
17 *under this subsection with respect to such*
18 *Federal application.”;*

19 *(B) in paragraph (2)—*

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

24 *(ii) in the third sentence—*

1 (I) by striking “any water quality
2 requirement in such State” and insert-
3 ing “any water quality standard in ef-
4 fect for the State under section 303”;
5 and

6 (II) by inserting before the period
7 “at a time that is agreed to by such
8 State and the applicant”;

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

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

17 (v) by striking the first sentence and
18 inserting “On receipt of a request for cer-
19 tification, the certifying State or interstate
20 agency, as applicable, shall immediately no-
21 tify the Administrator of the request.”; and

22 (vi) by inserting after the second sen-
23 tence the following: “If the Administrator
24 determines under the preceding sentence
25 that such a discharge will not affect the

1 *waters of any other State, no such notifica-*
2 *tion is required.”;*

3 *(C) in paragraph (3)—*

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

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

10 *(D) in paragraph (4)—*

11 *(i) in the first sentence—*

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

14 *(II) by striking “applicable efflu-*
15 *ent limitations or other limitations or*
16 *other applicable water quality require-*
17 *ments will not be violated” and insert-*
18 *ing “no applicable provision of section*
19 *301, 302, 303, 306, or 307 will be vio-*
20 *lated”;*

21 *(ii) in the second sentence, by striking*
22 *“will violate applicable effluent limitations*
23 *or other limitations or other water quality*
24 *requirements” and inserting “will directly*
25 *result in a discharge that violates an appli-*

1 *cable provision of section 301, 302, 303,*
2 *306, or 307,”; and*

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

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

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

15 *(3) in subsection (d), by striking “applicant for*
16 *a Federal license or permit will comply with any ap-*
17 *plicable effluent limitations and other limitations,*
18 *under section 301 or 302 of this Act, standard of per-*
19 *formance under section 306 of this Act, or prohibi-*
20 *tion, effluent standard, or pretreatment standard*
21 *under section 307 of this Act, and with any other ap-*
22 *propriate requirement of State law set forth in such*
23 *certification, and shall become a condition on any*
24 *Federal license or permit subject to the provisions of*
25 *this section” and inserting “discharge subject to this*

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

7 *(4) by adding at the end the following:*

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

12 *“(f) For purposes of this section, the applicable provi-*
13 *sions of sections 301, 302, 303, 306, and 307 are any appli-*
14 *cable effluent limitations and other limitations under sec-*
15 *tion 301 or 302, any water quality standard in effect for*
16 *a State under section 303, any standard of performance*
17 *under section 306, and any prohibition, effluent standard,*
18 *or pretreatment standard under section 307.*

19 *“(g) A request for certification under this section shall*
20 *be made in writing to the State, interstate agency, or Ad-*
21 *ministrator, as the case may be. A complete request for cer-*
22 *tification shall consist of the following:*

23 *“(1) Identification of each applicant for the Fed-*
24 *eral license or permit with respect to which the cer-*
25 *tification is requested.*

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

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

6 “(A) *identification of the Federal license or*
7 *permit that is the subject of the application with*
8 *respect to which the certification is requested;*

9 “(B) *identification of any activity the con-*
10 *duct of which is subject to such Federal license*
11 *or permit;*

12 “(C) *identification of the location and na-*
13 *ture of any discharge that may directly result*
14 *from such activity, and the location of the receiv-*
15 *ing waters;*

16 “(D) *a description of means that may be*
17 *used to monitor, control, or manage any such*
18 *discharge; and*

19 “(E) *a list of all other Federal, interstate,*
20 *Tribal, State, or local agency authorizations re-*
21 *quired for the conduct of such activity, and any*
22 *approval or denial of such an authorization al-*
23 *ready received.*

1 “(4) *In the case of a request for certification*
 2 *with respect to the issuance of a general license or*
 3 *general permit—*

4 “(A) *identification of the proposed cat-*
 5 *egories of activities to be covered by the general*
 6 *license or general permit for which certification*
 7 *is requested;*

8 “(B) *a description of the proposed general*
 9 *license or general permit, which may include a*
 10 *draft of the proposed general license or permit;*
 11 *and*

12 “(C) *an estimate of the number of dis-*
 13 *charges expected to result from the proposed gen-*
 14 *eral license or general permit annually.”.*

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

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

19 “(6) **GENERAL PERMITS.**—

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

1 “(B) *PERMIT EXPIRATION NOTIFICATION*
 2 *REQUIREMENT.—If a general permit issued*
 3 *under this section will expire and the Adminis-*
 4 *trator decides not to issue a new general permit*
 5 *for discharges similar to those covered by the ex-*
 6 *piring general permit, the Administrator shall*
 7 *publish in the Federal Register a notice of such*
 8 *decision at least two years prior to the expira-*
 9 *tion of the general permit.*

10 “(C) *APPLICATION OF PERMIT TERMS OF AN*
 11 *EXPIRED PERMIT.—*

12 “(i) *IN GENERAL.—If a general permit*
 13 *issued under this section expires and the*
 14 *Administrator has not published a notice in*
 15 *accordance with subparagraph (B), the Ad-*
 16 *ministrator shall, until the date described*
 17 *in clause (ii)—*

18 “(I) *continue to apply the terms,*
 19 *conditions, and requirements of the ex-*
 20 *pired general permit to any discharge*
 21 *that was covered by the expired general*
 22 *permit; and*

23 “(II) *apply such terms, condi-*
 24 *tions, and requirements to any dis-*
 25 *charge that would have been covered by*

1 the expired general permit (in accord-
 2 ance with any relevant requirements
 3 for such coverage) if the discharge had
 4 occurred before such expiration.

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

7 “(I) the date on which the Admin-
 8 istrator issues a new general permit
 9 for discharges similar to those covered
 10 by the expired general permit; or

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

18 **SEC. 7. NPDES PERMIT TERMS.**

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

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

23 (a) *COMPLIANCE WITH PERMITS.*—Section 402(k) of
 24 the *Federal Water Pollution Control Act* (33 U.S.C.
 25 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 with*
10 *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 permit,*
19 *or the administrative record relating to the*
20 *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 streams
 5 or processes of the point source to
 6 which the permit applies, which waste
 7 streams or processes are specifically
 8 identified during the permit applica-
 9 tion process; or

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

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

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

1 *nology-based effluent limitations included in such permit,*
 2 *the Administrator (or the State) may include such water*
 3 *quality-based limitation in such permit only in the form*
 4 *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 control*
 18 *to be applied.”.*

19 **SEC. 9. FOREST PROTECTION AND WILDLAND FIREFIGHTER**
 20 **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, or
 7 vegetation are present for purposes of farm-
 8 ing 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 agricul-
 14 tural production, soil conservation,
 15 flood control, or water quality.”.

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

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

20 “(u) **DISCHARGES OF PESTICIDES.**—

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

1 or use under the Federal Insecticide, Fungicide, and
2 Rodenticide Act, or the residue of such a pesticide, re-
3 sulting from the application of such pesticide.

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

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

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

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

18 “(B) Stormwater discharges subject to regu-
19 lation under subsection (p).

20 “(C) The following discharges subject to reg-
21 ulation under this section:

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

24 “(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 Water
 7 *Pollution Control Act (33 U.S.C. 1344(c)) is amended—*

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

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

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

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

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

17 “(2) *PERIOD OF PROHIBITION.*—*The period dur-*
 18 *ing which the Administrator may prohibit the speci-*
 19 *fication (including the withdrawal of specification) of*
 20 *any defined area as a disposal site, or deny or re-*
 21 *strict the use of any defined area for specification (in-*
 22 *cluding the withdrawal of specification) as a disposal*
 23 *site, under paragraph (1) shall—*

24 “(A) *begin on the date on which an appli-*
 25 *cant submits all the information required to*

1 *complete an application for a permit under this*
 2 *section; and*

3 *“(B) end on the date on which the Secretary*
 4 *issues the permit.”.*

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

10 **SEC. 13. NATIONWIDE PERMITTING IMPROVEMENT.**

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

13 *(1) by striking “(e)(1) In carrying” and insert-*
 14 *ing the following:*

15 **“(e) GENERAL PERMITS.**—

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

17 *(2) in paragraph (2)—*

18 *(A) by striking “(2) No general” and insert-*
 19 *ing the following:*

20 **“(2) TERM.**—*No general”;* and

21 *(B) by striking “five years” and inserting*
 22 *“ten years”;* and

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

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

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

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

11 “(C) *may consider any effects of a discharge*
12 *of dredged or fill material into 3 acres or more*
13 *of navigable waters to be a minimal adverse en-*
14 *vironmental effect.*

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

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

21 “(i) *linear infrastructure projects that*
22 *result in a discharge of dredged or fill mate-*
23 *rial into less than 3 acres of navigable*
24 *waters for each single and complete project;*
25 *and*

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

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

“(i) *LINEAR INFRASTRUCTURE PROJECT.—The term ‘linear infrastructure project’ means a project to carry out any activity required for the construction, expansion, maintenance, modification, or removal of infrastructure and associated facilities for the transmission from a point of origin to a terminal point of communications or electricity, or for the transportation from a point of origin to a terminal point of people, water, or wastewater.*

“(ii) *LINEAR PIPELINE PROJECT.—The term ‘linear pipeline project’ means a project to carry out any activity required for the construction, expansion, maintenance, modification, or removal of infrastructure and associated facilities for the transportation from a point of origin to a terminal point of carbon dioxide, fuel, or hydrocarbons, in the form of a liquid, li-*

1 *quescent, gaseous, or slurry substance or*
 2 *supercritical fluid, including oil and gas*
 3 *pipeline facilities.*

4 “(iii) *SINGLE AND COMPLETE*
 5 *PROJECT.—The term ‘single and complete*
 6 *project’ has the meaning given that term in*
 7 *section 330.2 of title 33, Code of Federal*
 8 *Regulations (as in effect on the date of en-*
 9 *actment of this paragraph).*

10 “(5) *REISSUANCE OF NATIONWIDE PERMITS.—In*
 11 *determining whether to reissue a general permit*
 12 *issued under this subsection on a nationwide basis—*

13 “(A) *no consultation with an applicable*
 14 *State pursuant to section 6(a) of the Endangered*
 15 *Species Act of 1973 (16 U.S.C. 1535(a)) is re-*
 16 *quired;*

17 “(B) *no consultation with a Federal agency*
 18 *pursuant to section 7(a)(2) of such Act (16*
 19 *U.S.C. 1536(a)(2)) is required; and*

20 “(C) *the requirements of section 102(2)(C)*
 21 *of the National Environmental Policy Act of*
 22 *1969 (42 U.S.C. 4332(2)(C)) shall be satisfied by*
 23 *preparing an environmental assessment with re-*
 24 *spect to such general permit.”.*

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

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

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

21 (2) *the definition of the term “single and com-*
 22 *plete linear project”, as included in such final rule*
 23 *(86 Fed. Reg. 2877); or*

24 (3) *the definition of the term “single and com-*
 25 *plete project”, as included in section 330.2 of title 33,*

1 *Code of Federal Regulations (as in effect on the date*
 2 *of enactment of this Act).*

3 **SEC. 14. DEADLINE FOR REQUEST FOR SUBMISSION OF AD-**
 4 **DITIONAL INFORMATION FOR PERMIT PRO-**
 5 **GRAMS FOR DREDGED OR FILL MATERIAL.**

6 *Section 404 of the Federal Water Pollution Control Act*
 7 *(33 U.S.C. 1344) is amended—*

8 *(1) in subsection (g)—*

9 *(A) by redesignating paragraph (3) as*
 10 *paragraph (4); and*

11 *(B) by inserting after paragraph (2) the fol-*
 12 *lowing:*

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

20 *(2) in subsection (h)(1), by striking “paragraph*
 21 *(1) of this subsection” and inserting “subsection*
 22 *(g)(1)”.*

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

24 *Section 404 of the Federal Water Pollution Control Act*
 25 *(33 U.S.C. 1344) is amended—*

1 (1) *by redesignating subsection (t) as subsection*
 2 (u);

3 (2) *in subsection (u), as so redesignated, by*
 4 *striking “Nothing in the section” and inserting “SAV-*
 5 *INGS PROVISION.—Nothing in this section”;* and

6 (3) *by inserting after subsection (s) the following:*
 7 “(t) *JUDICIAL REVIEW.—*

8 “(1) *STATUTE OF LIMITATIONS.—Notwith-*
 9 *standing any applicable provision of law relating to*
 10 *statutes of limitations—*

11 “(A) *an action seeking judicial review of the*
 12 *approval by the Administrator of a State permit*
 13 *program pursuant to this section shall be filed*
 14 *not later than the date that is 60 days after the*
 15 *date on which the approval was issued;*

16 “(B) *an action seeking judicial review of an*
 17 *individual permit or general permit issued*
 18 *under this section shall be filed not later than*
 19 *the date that is 60 days after the date on which*
 20 *the permit was issued; and*

21 “(C) *an action seeking judicial review of a*
 22 *verification that an activity involving a dis-*
 23 *charge of dredged or fill material is authorized*
 24 *by a general permit issued under this section*
 25 *shall be filed not later than the date that is 60*

1 *days after the date on which such verification*
 2 *was issued.*

3 “(2) *LIMITATION ON COMMENCEMENT OF CER-*
 4 *TAIN ACTIONS.*—*Notwithstanding any other provision*
 5 *of law, no action described in subparagraph (A) or*
 6 *(B) of paragraph (1) may be commenced unless the*
 7 *action—*

8 *“(A) is filed by a party that submitted a*
 9 *comment—*

10 *“(i) during the public comment period*
 11 *for the administrative proceedings related to*
 12 *the action; and*

13 *“(ii) which was sufficiently detailed to*
 14 *put the Administrator, the Secretary, or the*
 15 *State, as applicable, on notice of the issue*
 16 *upon which the party seeks judicial review;*
 17 *and*

18 *“(B) is related to such comment.*

19 “(3) *REMEDIES.*—

20 *“(A) ACTIONS RELATING TO PERMIT PRO-*
 21 *GRAMS.*—*If a court determines that the Adminis-*
 22 *trator did not comply with the requirements of*
 23 *this section in issuing an approval of a State*
 24 *permit program pursuant to this section—*

1 “(i) the court shall remand the matter
2 to the Administrator for further proceedings
3 consistent with the determination of the
4 court; and

5 “(ii) the court may not vacate, revoke,
6 enjoin, or otherwise limit the authority of
7 the State to issue permits under such State
8 permit program.

9 “(B) ACTIONS RELATING TO PERMITS.—If a
10 court determines that the Secretary or the State,
11 as applicable, did not comply with the require-
12 ments of this section in issuing an individual or
13 general permit under this section, or in verifying
14 that an activity involving a discharge of dredged
15 or fill material is authorized by a general permit
16 issued under this section, as applicable—

17 “(i) the court shall remand the matter
18 to the Secretary or the State, as applicable,
19 for further proceedings consistent with the
20 determination of the court;

21 “(ii) with respect to a determination
22 regarding the issuance of an individual or
23 general permit under this section, the court
24 may not vacate, revoke, enjoin, or otherwise
25 limit the permit, unless the court finds that

1 *activities authorized under the permit*
2 *would present an imminent and substantial*
3 *danger to human health or the environment*
4 *for which there is no other equitable remedy*
5 *available under the law; and*

6 “(iii) *with respect to a determination*
7 *regarding a verification that an activity in-*
8 *volving a discharge of dredged or fill mate-*
9 *rial is authorized by a general permit*
10 *issued under this section, the court may not*
11 *enjoin or otherwise limit the discharge un-*
12 *less the court finds that the activity would*
13 *present an imminent and substantial dan-*
14 *ger to human health or the environment for*
15 *which there is no other equitable remedy*
16 *available under the law.*

17 “(4) *TIMELINE TO ACT ON COURT ORDER.—If a*
18 *court remands a matter under paragraph (3), the*
19 *court shall set and enforce a reasonable schedule and*
20 *deadline, which may not exceed 180 days from the*
21 *date on which the court remands such matter, except*
22 *as otherwise required by law, for the Administrator,*
23 *the Secretary, or the State, as applicable, to take such*
24 *actions as the court may order.”.*

1 **SEC. 16. RESTORING FEDERALISM IN CLEAN WATER PER-**
2 **MITTING.**

3 *Not later than 180 days after the date of enactment*
4 *of this Act, the Administrator of the Environmental Protec-*
5 *tion Agency shall complete a review of the regulations ap-*
6 *plicable to the approval of State permit programs under*
7 *section 404 of the Federal Water Pollution Control Act (33*
8 *U.S.C. 1344) in order to identify revisions to such regula-*
9 *tions necessary to streamline the approval process, reduce*
10 *administrative burdens, and encourage additional States to*
11 *administer a permit program under such section, and the*
12 *Administrator shall implement any such revisions as ap-*
13 *propriate.*

14 **SEC. 17. JURISDICTIONAL DETERMINATION BACKLOG RE-**
15 **DUCTION.**

16 *Not later than 60 days after the date of enactment of*
17 *this Act, the Secretary of the Army, acting through the Chief*
18 *of Engineers, shall expedite such procedures and reallocate*
19 *or augment such personnel and resources of the Corps of*
20 *Engineers as the Secretary determines necessary to elimi-*
21 *nate any backlog existing as of June 5, 2025, of—*

22 *(1) applications for permits under section 404 of*
23 *the Federal Water Pollution Control Act (33 U.S.C.*
24 *1344); or*

1 (2) requests for jurisdictional determinations or
 2 wetlands delineations under the jurisdiction of the
 3 Secretary.

4 **SEC. 18. DEFINITION OF NAVIGABLE WATERS.**

5 Section 502(7) of the Federal Water Pollution Control
 6 Act (33 U.S.C. 1362(7)) is amended—

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

9 “(7) NAVIGABLE WATERS.—

10 “(A) IN GENERAL.—The term”; and

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

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

14 “(i) Any component of a waste treat-
 15 ment system, including any lagoon or treat-
 16 ment pond (such as a settling or cooling
 17 pond), designed to actively or passively—

18 “(I) convey or retain wastewater;

19 or

20 “(II) concentrate, settle, reduce, or
 21 remove pollutants from wastewater.

22 “(ii) Ephemeral features that flow only
 23 in direct response to precipitation.

24 “(iii) Any area that—

1 “(I) prior to December 23, 1985,
2 was drained or otherwise manipulated
3 for the purpose, or having the effect, of
4 making production of an agricultural
5 product possible, as determined by the
6 Administrator and the Secretary of the
7 Army, acting through the Chief of En-
8 gineers, which determinations shall be
9 consistent with any designations of
10 prior converted cropland made by the
11 Secretary of Agriculture; and

12 “(II) as determined by the Ad-
13 ministrator—

14 “(aa) at least once in the im-
15 mediately preceding five years has
16 been used for, or in support of,
17 agricultural purposes, including
18 grazing, haying, idling land for
19 conservation use (such as habitat
20 management, pollinator and wild-
21 life management, water storage
22 and supply management, and
23 flood management), irrigation
24 tailwater storage, farm-raised fish
25 production, cranberry production,

1 *nutrient retention, and idling*
 2 *land for soil recovery after nat-*
 3 *ural disasters such as hurricanes*
 4 *and drought; and*

5 *“(bb) has not reverted to wet-*
 6 *lands (as defined in section 120.2*
 7 *of title 40, Code of Federal Regu-*
 8 *lations, as in effect on the date of*
 9 *enactment of this clause).*

10 *“(iv) Groundwater.*

11 *“(v) Any other features determined to*
 12 *be excluded by the Administrator and the*
 13 *Secretary of the Army, acting through the*
 14 *Chief of Engineers.”.*

15 **SEC. 19. APPLICABILITY OF SPILL PREVENTION, CONTROL,**
 16 **AND COUNTERMEASURE RULE.**

17 *Section 1049 of the Water Resources Reform and De-*
 18 *velopment Act of 2014 (33 U.S.C. 1361 note) is amended—*

19 *(1) in subsection (b)—*

20 *(A) in paragraph (1)(B), by striking*
 21 *“20,000” and inserting “42,000”;*

22 *(B) by amending paragraph (2)(A) to read*
 23 *as follows:*

1 “(A) an aggregate aboveground storage ca-
 2 capacity greater than 10,000 gallons but less than
 3 42,000 gallons; and”;

4 (C) in paragraph (3)—

5 (i) by amending subparagraph (A) to
 6 read as follows:

7 “(A) with an aggregate aboveground storage
 8 capacity of less than or equal to 10,000 gallons;
 9 and”;

10 (ii) in subparagraph (B), by striking

11 “; and” and inserting a period; and

12 (D) by striking paragraph (4);

13 (2) in subsection (c)(2)(A)—

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

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

18 (3) by striking subsection (d).

19 **SEC. 20. COORDINATION WITH FEDERAL PERMITTING IM-**
 20 **PROVEMENT STEERING COUNCIL.**

21 With respect to any covered project (as defined under
 22 section 41001 of the FAST Act (42 U.S.C. 4370m)) for
 23 which a certification or permit from a State under section
 24 401, 402, or 404 of the Federal Water Pollution Control
 25 Act is required, the State is encouraged to choose to partici-

1 *pate, to the maximum extent practicable, in the environ-*
2 *mental review and authorization process under section*
3 *41003(c) of the FAST Act (42 U.S.C. 4370m-2(c)), pursu-*
4 *ant to paragraph (3)(A) of such section.*

5 **SEC. 21. SENSE OF CONGRESS ON CHESAPEAKE BAY WA-**
6 **TERSHERD AGREEMENT.**

7 *It is the sense of Congress that the Chesapeake Bay*
8 *Watershed Agreement is a voluntary, cooperative agreement*
9 *between the Federal Government, the State of Delaware, the*
10 *District of Columbia, the State of Maryland, the Common-*
11 *wealth of Pennsylvania, the State of New York, the Com-*
12 *monwealth of Virginia, and the State of West Virginia. As*
13 *such, the Federal Government should take a collaborative*
14 *and cooperative approach to the parties with regard to their*
15 *compliance with the Chesapeake Bay Total Maximum*
16 *Daily Load outlined in such agreement.*

Union Calendar No. 145

119TH CONGRESS
1ST Session

H. R. 3898

[Report No. 119-180]

A BILL

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.

JULY 2, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed