

119TH CONGRESS }
1st Session } HOUSE OF REPRESENTATIVES { REPORT
119-

PROMOTING EFFICIENT REVIEW FOR MODERN
INFRASTRUCTURE TODAY ACT

JULY --, 2025.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GRAVES, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

together with

VIEWS

[To accompany H.R. 3898]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 3898) to amend the Federal Water Pol-
lution Control Act to make targeted reforms with respect to waters
of the United States and other matters, and for other purposes,
having considered the same, reports favorably thereon with an
amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Promoting Efficient Review for
Modern Infrastructure Today Act” or the “PERMIT Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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 infrastructure.
- 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.

SEC. 2. WATER QUALITY STANDARDS ATTAINABILITY.

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

(1) in paragraph (1)—

(A) by striking “The Governor of a State” and inserting “(A) The Governor of a State”; and

(B) by striking “Results of such review shall be made available to the Administrator.” and inserting the following:

“(B) Reviews under this paragraph shall include review, for purposes of ensuring that combined sewer overflow controls are cost effective, of any water quality standard applicable to a body of water into which, pursuant to a permit, order, or decree issued pursuant to this Act, a municipal combined storm and sanitary sewer discharges.

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

(2) in paragraph (2)(A)—

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

(B) by striking “, and also taking into consideration” and inserting “; (ii); and

(C) by inserting before the period at the end the following: “; and (iii) the cost and commercial availability in the United States of treatment technologies (including whether the technologies have been demonstrated at an applicable scale) that may be required to be applied to point sources in order to result in compliance with such standards”.

(b) STATE WATER QUALITY CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following new paragraph:

“(10) CONSIDERATION OF TREATMENT TECHNOLOGIES.—In developing or revising water quality criteria under this subsection, the Administrator shall take into consideration the cost and commercial availability in the United States of treatment technologies (including whether the technologies have been demonstrated at an applicable scale) that may be required to be applied to point sources in order to result in compliance with water quality standards adopted or promulgated under section 303.”.

SEC. 3. WATER QUALITY CRITERIA DEVELOPMENT AND TRANSPARENCY.

(a) INFORMATION AND GUIDELINES.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is further amended by adding at the end the following:

“(11) ADMINISTRATIVE PROCEDURE.—After the date of enactment of this paragraph, the Administrator shall issue any new or revised water quality criteria under paragraph (1) or (9) by rule.”.

(b) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Section 509(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1369(b)(1)) is amended—

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

(2) by inserting “and (H) in issuing any criteria for water quality pursuant to section 304(a)(11),” after “strategy under section 304(l),”.

SEC. 4. WATER QUALITY TECHNOLOGY AVAILABILITY.

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

(1) in paragraph (1)(B), by inserting “the commercial availability in the United States of the technology (including whether the technology has been demonstrated at an applicable scale),” before “and such other factors”;

(2) in paragraph (2)(B), by inserting “the commercial availability in the United States of the technology (including whether the technology has been demonstrated at an applicable scale),” before “and such other factors”; and

(3) in paragraph (4)(B), by inserting “the commercial availability in the United States of the technology (including whether the technology has been demonstrated at an applicable scale),” before “and such other factors”.

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

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

(1) in subsection (a)—

(A) in paragraph (1)—

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

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

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

(iv) in the fifth sentence, by striking “act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection” and inserting “grant the request for certification with or without conditions, deny the request for certification, or waive the requirement for certification under this subsection with respect to such Federal application, within a reasonable period of time to be determined by the licensing or permitting agency (which shall not exceed one year) after receipt of such request, the requirement for certification under this subsection”;

(v) in the sixth sentence, by striking “waived as provided in the preceding sentence” and inserting “waived under this paragraph”; and

(vi) by inserting after the fourth sentence the following: “Not later than 30 days after the date of enactment of the PERMIT Act, each State and interstate agency that has authority to give such a certification, and the Administrator, shall publish requirements for certification to demonstrate to such State, such interstate agency, or the Administrator, as the case may be, compliance with the applicable provisions of sections 301, 302, 303, 306, and 307. A decision to grant or deny a request for certification shall be based only on compliance with the applicable provisions of sections 301, 302, 303, 306, and 307, and the grounds for the decision shall be set forth in writing and provided to the applicant. Not later than 90 days after receipt of a request for certification, the State, interstate agency, or Administrator, as the case may be, shall identify in writing all specific additional materials or information necessary for the request for certification to be complete, as described in subsection (g). The State, interstate agency, or the Administrator, as the case may be, may grant a request for certification with or without conditions, deny a request for certification, or waive the requirement for certification under this subsection with respect to such Federal application.”;

(B) in paragraph (2)—

(i) in the second sentence, by striking “notice of application for such Federal license or permit” and inserting “receipt of a notice under the preceding sentence”;

(ii) in the third sentence—

(I) by striking “any water quality requirement in such State” and inserting “any water quality standard in effect for the State under section 303”; and

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

(iii) in the fifth sentence, by striking “insure compliance with applicable water quality requirements.” and inserting “ensure compliance with the applicable provisions of sections 301, 302, 303, 306, and 307.”;

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

(v) by striking the first sentence and inserting “On receipt of a request for certification, the certifying State or interstate agency, as applicable, shall immediately notify the Administrator of the request.”; and

(vi) by inserting after the second sentence the following: “If the Administrator determines under the preceding sentence that such a discharge will not affect the waters of any other State, no such notification is required.”;

(C) in paragraph (3)—

- (i) in the first sentence, by striking “there will be compliance” and inserting “any such discharge will comply”; and
- (ii) in the second sentence, by striking “section” and inserting “any applicable provision of section”;
- (D) in paragraph (4)—
 - (i) in the first sentence—
 - (I) by inserting “directly” before “result in any discharge”; and
 - (II) by striking “applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated” and inserting “no applicable provision of section 301, 302, 303, 306, or 307 will be violated”;
 - (ii) in the second sentence, by striking “will violate applicable effluent limitations or other limitations or other water quality requirements” and inserting “will directly result in a discharge that violates an applicable provision of section 301, 302, 303, 306, or 307,”; and
 - (iii) in the third sentence, by striking “such facility or activity will not violate the applicable provisions” and inserting “operation of such facility or activity will not directly result in a discharge that violates any applicable provision”; and
- (E) in paragraph (5), by striking “the applicable provisions” and inserting “any applicable provision”;
- (2) in subsection (b), by striking “Nothing in this section” and inserting “Except as provided in subsection (e), nothing in this section”;
- (3) in subsection (d), by striking “applicant for a Federal license or permit will comply with any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standard under section 307 of this Act, and with any other appropriate requirement of State law set forth in such certification, and shall become a condition on any Federal license or permit subject to the provisions of this section” and inserting “discharge subject to this section will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, and any such limitations or requirements shall be imposed by the licensing or permitting agency as a condition on any Federal license or permit subject to the provisions of this section”; and
- (4) by adding at the end the following:
 - “(e) Notwithstanding section 505, any condition imposed on a Federal license or permit by a licensing or permitting agency under this section may be enforced only by such licensing or permitting agency.
 - “(f) For purposes of this section, the applicable provisions of sections 301, 302, 303, 306, and 307 are any applicable effluent limitations and other limitations under section 301 or 302, any water quality standard in effect for a State under section 303, any standard of performance under section 306, and any prohibition, effluent standard, or pretreatment standard under section 307.
 - “(g) A request for certification under this section shall be made in writing to the State, interstate agency, or Administrator, as the case may be. A complete request for certification shall consist of the following:
 - “(1) Identification of each applicant for the Federal license or permit with respect to which the certification is requested.
 - “(2) A statement that information included in the request for certification is truthful, accurate, and complete, to the best knowledge of each such applicant.
 - “(3) In the case of a request for certification with respect to an individual permit or license—
 - “(A) identification of the Federal license or permit that is the subject of the application with respect to which the certification is requested;
 - “(B) identification of any activity the conduct of which is subject to such Federal license or permit;
 - “(C) identification of the location and nature of any discharge that may directly result from such activity, and the location of the receiving waters;
 - “(D) a description of means that may be used to monitor, control, or manage any such discharge; and
 - “(E) a list of all other Federal, interstate, Tribal, State, or local agency authorizations required for the conduct of such activity, and any approval or denial of such an authorization already received.
 - “(4) In the case of a request for certification with respect to the issuance of a general license or general permit—

- “(A) identification of the proposed categories of activities to be covered by the general license or general permit for which certification is requested;
- “(B) a description of the proposed general license or general permit, which may include a draft of the proposed general license or permit; and
- “(C) an estimate of the number of discharges expected to result from the proposed general license or general permit annually.”.

SEC. 6. CLARIFYING FEDERAL GENERAL PERMITS.

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

“(6) GENERAL PERMITS.—

“(A) PERMITS AUTHORIZED.—The Administrator may issue general permits under this section on a State, regional, or nationwide basis, or for a delineated area, for discharges associated with any category of activities, which discharges are of similar types and from similar sources.

“(B) PERMIT EXPIRATION NOTIFICATION REQUIREMENT.—If a general permit issued under this section will expire and the Administrator decides not to issue a new general permit for discharges similar to those covered by the expiring general permit, the Administrator shall publish in the Federal Register a notice of such decision at least two years prior to the expiration of the general permit.

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

“(i) IN GENERAL.—If a general permit issued under this section expires and the Administrator has not published a notice in accordance with subparagraph (B), the Administrator shall, until the date described in clause (ii)—

“(I) continue to apply the terms, conditions, and requirements of the expired general permit to any discharge that was covered by the expired general permit; and

“(II) apply such terms, conditions, and requirements to any discharge that would have been covered by the expired general permit (in accordance with any relevant requirements for such coverage) if the discharge had occurred before such expiration.

“(ii) DATE DESCRIBED.—The date described in this clause is the earlier of—

“(I) the date on which the Administrator issues a new general permit for discharges similar to those covered by the expired general permit; or

“(II) the date that is two years after the date on which the Administrator publishes in the Federal Register a notice of a decision not to issue a new general permit for discharges similar to those covered by the expired general permit.”.

SEC. 7. NPDES PERMIT TERMS.

Section 402(b)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)(B)) is amended by striking “five years” and inserting “ten years”.

SEC. 8. CONFIDENCE IN CLEAN WATER PERMITS.

(a) COMPLIANCE WITH PERMITS.—Section 402(k) of the Federal Water Pollution Control Act (33 U.S.C. 1342(k)) is amended—

(1) by striking “(k) Compliance with” and inserting the following:

“(k) COMPLIANCE WITH PERMITS.—

“(1) IN GENERAL.—Subject to paragraph (2), compliance with”; and

(2) by adding at the end the following:

“(2) SCOPE.—For purposes of paragraph (1), compliance with the conditions of a permit issued under this section shall be considered compliance with respect to a discharge of—

“(A) any pollutant for which an effluent limitation is included in the permit; and

“(B) any pollutant for which an effluent limitation is not included in the permit that is—

“(i) specifically identified as controlled or monitored through indicator parameters in the permit, the fact sheet for the permit, or the administrative record relating to the permit;

“(ii) specifically identified during the permit application process as present in discharges to which the permit will apply; or

“(iii) whether or not specifically identified in the permit or during the permit application process—

“(I) present in any waste streams or processes of the point source to which the permit applies, which waste streams or processes are specifically identified during the permit application process; or

“(II) otherwise within the scope of any operations of the point source to which the permit applies, which scope of operations is specifically identified during the permit application process.”.

(b) **EXPRESSION OF WATER QUALITY-BASED EFFLUENT LIMITATIONS.**—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(t) **EXPRESSION OF WATER QUALITY-BASED EFFLUENT LIMITATIONS.**—If the Administrator (or a State, in the case of a permit program approved by the Administrator) determines that a water quality-based limitation on a discharge of a pollutant is necessary to include in a permit under this section in addition to any appropriate technology-based effluent limitations included in such permit, the Administrator (or the State) may include such water quality-based limitation in such permit only in the form of a limitation that—

“(1) specifies the pollutant to which it applies; and

“(2) clearly describes the manner in which compliance with the limitation may be achieved, which shall include—

“(A) a numerical limit on the discharge of such pollutant;

“(B) a narrative description of required actions to be applied to the discharge (including any measures or practices required to be applied); or

“(C) a narrative description of a limitation on the discharge that specifies the level of control to be applied.”.

SEC. 9. FOREST PROTECTION AND WILDLAND FIREFIGHTER SAFETY.

Section 402(l)(3)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)(3)(A)) is amended—

(1) by striking “for a discharge from” and inserting the following: “for—

“(i) a discharge from”;

(2) in clause (i) (as so designated), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(ii) a discharge resulting from the aerial application of a product used for fire control and suppression purposes that appears on the most current Forest Service Qualified Products List (or any successor list).”.

SEC. 10. AGRICULTURAL STORMWATER DISCHARGE.

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

“(4) **AGRICULTURAL STORMWATER DISCHARGE.**—

“(A) **IN GENERAL.**—The Administrator shall not require a permit, nor directly or indirectly require any State to require a permit, under this section for discharges of stormwater, including from subsurface drainage, from agricultural land that occur in direct response to a precipitation event.

“(B) **AGRICULTURAL LAND DEFINED.**—In this paragraph, the term ‘agricultural land’ includes—

“(i) land on which an agricultural input (such as manure and other crop nutrients, crop protection, or seed) is applied;

“(ii) land on which animals (including fish and shellfish), crops (including fruit and nut trees), crop residue, plants, seed, or vegetation are present for purposes of farming or ranching; and

“(iii) land that is—

“(I) immediately adjacent to, and functionally related to, land described in clause (i) or (ii); and

“(II) necessary to support agricultural production, soil conservation, flood control, or water quality.”.

SEC. 11. REDUCING REGULATORY BURDENS.

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

“(u) **DISCHARGES OF PESTICIDES.**—

“(1) **NO PERMIT REQUIREMENT.**—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for

sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel bio-fouling prevention.”.

SEC. 12. REDUCING PERMITTING UNCERTAINTY.

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

(1) by striking “(c) The Administrator” and inserting the following:

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

“(1) IN GENERAL.—The Administrator”;

(2) in paragraph (1), as so designated, by inserting “during the period described in paragraph (2) and” before “after notice and opportunity for public hearings”; and

(3) by adding at the end the following:

“(2) PERIOD OF PROHIBITION.—The period during which the Administrator may prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, or deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, under paragraph (1) shall—

“(A) begin on the date on which an applicant submits all the information required to complete an application for a permit under this section; and

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

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

SEC. 13. NATIONWIDE PERMITTING IMPROVEMENT.

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

(1) by striking “(e)(1) In carrying” and inserting the following:

“(e) GENERAL PERMITS.—

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

(2) in paragraph (2)—

(A) by striking “(2) No general” and inserting the following:

“(2) TERM.—No general”; and

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

(3) by adding at the end the following:

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

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

“(B) shall consider any effects of a discharge of dredged or fill material into less than 3 acres of navigable waters to be a minimal adverse environmental effect; and

“(C) may consider any effects of a discharge of dredged or fill material into 3 acres or more of navigable waters to be a minimal adverse environmental effect.

“(4) NATIONWIDE PERMITS FOR LINEAR PROJECTS.—

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

“(i) linear infrastructure projects that result in a discharge of dredged or fill material into less than 3 acres of navigable waters for each single and complete project; 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, liquescent, gaseous, or slurry substance or supercritical fluid, including oil and gas pipeline facilities.

“(iii) SINGLE AND COMPLETE PROJECT.—The term ‘single and complete project’ has the meaning given that term in section 330.2 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

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

“(A) no consultation with an applicable State pursuant to section 6(a) of the Endangered Species Act of 1973 (16 U.S.C. 1535(a)) is required;

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

“(C) the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall be satisfied by preparing an environmental assessment with respect to such general permit.”.

(b) REGULATORY REVISIONS REQUIRED.—The Secretary of the Army, acting through the Chief of Engineers, shall expeditiously revise the regulations applicable to carrying out section 404(e) of the Federal Water Pollution Control Act (33 U.S.C. 1344) in order to streamline the processes for issuing general permits under such section to promote efficient and consistent implementation of such section.

(c) ADMINISTRATION OF NATIONWIDE PERMIT PROGRAM.—In carrying out section 404(e) of the Federal Water Pollution Control Act (33 U.S.C. 1344), including in revising regulations under subsection (b) of this section, the Secretary of the Army, acting through the Chief of Engineers, may not finalize or implement any modification to—

(1) general condition 15 (relating to single and complete projects), as included in the final rule titled “Reissuance and Modification of Nationwide Permits” and published on January 13, 2021, by the Department of the Army, Corps of Engineers (86 Fed. Reg. 2868);

(2) the definition of the term “single and complete linear project”, as included in such final rule (86 Fed. Reg. 2877); or

(3) the definition of the term “single and complete project”, as included in section 330.2 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 14. DEADLINE FOR REQUEST FOR SUBMISSION OF ADDITIONAL INFORMATION FOR PERMIT PROGRAMS FOR DREDGED OR FILL MATERIAL.

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

(1) in subsection (g)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

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

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

SEC. 15. JUDICIAL REVIEW TIMELINE CLARITY.

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

- (1) by redesignating subsection (t) as subsection (u);
- (2) in subsection (u), as so redesignated, by striking “Nothing in the section” and inserting “SAVINGS PROVISION.—Nothing in this section”; and
- (3) by inserting after subsection (s) the following:

“(t) JUDICIAL REVIEW.—

“(1) STATUTE OF LIMITATIONS.—Notwithstanding any applicable provision of law relating to statutes of limitations—

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

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

“(C) an action seeking judicial review of a verification that an activity involving a discharge of dredged or fill material is authorized by a general permit issued under this section shall be filed not later than the date that is 60 days after the date on which such verification was issued.

“(2) LIMITATION ON COMMENCEMENT OF CERTAIN ACTIONS.—Notwithstanding any other provision of law, no action described in subparagraph (A) or (B) of paragraph (1) may be commenced unless the action—

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

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

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

“(B) is related to such comment.

“(3) REMEDIES.—

“(A) ACTIONS RELATING TO PERMIT PROGRAMS.—If a court determines that the Administrator did not comply with the requirements of this section in issuing an approval of a State permit program pursuant to this section—

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

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

“(B) ACTIONS RELATING TO PERMITS.—If a court determines that the Secretary or the State, as applicable, did not comply with the requirements of this section in issuing an individual or general permit under this section, or in verifying that an activity involving a discharge of dredged or fill material is authorized by a general permit issued under this section, as applicable—

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

“(ii) with respect to a determination regarding the issuance of an individual or general permit under this section, the court may not vacate, revoke, enjoin, or otherwise limit the permit, unless the court finds that activities authorized under the permit would present an imminent and substantial danger to human health or the environment for which there is no other equitable remedy available under the law; and

“(iii) with respect to a determination regarding a verification that an activity involving a discharge of dredged or fill material is authorized by a general permit issued under this section, the court may not enjoin or otherwise limit the discharge unless the court finds that the activity would present an imminent and substantial danger to human health or the environment for which there is no other equitable remedy available under the law.

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

SEC. 16. RESTORING FEDERALISM IN CLEAN WATER PERMITTING.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall complete a review of the regulations applicable to the approval of State permit programs under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) in order to identify revisions to such regulations necessary to streamline the approval process, reduce administrative burdens, and encourage additional States to administer a permit program under such section, and the Administrator shall implement any such revisions as appropriate.

SEC. 17. JURISDICTIONAL DETERMINATION BACKLOG REDUCTION.

Not later than 60 days after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall expedite such procedures and reallocate or augment such personnel and resources of the Corps of Engineers as the Secretary determines necessary to eliminate any backlog existing as of June 5, 2025, of—

- (1) applications for permits under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or
- (2) requests for jurisdictional determinations or wetlands delineations under the jurisdiction of the Secretary.

SEC. 18. DEFINITION OF NAVIGABLE WATERS.

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

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

“(7) **NAVIGABLE WATERS.**—

“(A) **IN GENERAL.**—The term”; and

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

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

“(i) Any component of a waste treatment system, including any lagoon or treatment pond (such as a settling or cooling pond), designed to actively or passively—

“(I) convey or retain wastewater; or

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

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

“(iii) Any area that—

“(I) prior to December 23, 1985, was drained or otherwise manipulated for the purpose, or having the effect, of making production of an agricultural product possible, as determined by the Administrator and the Secretary of the Army, acting through the Chief of Engineers, which determinations shall be consistent with any designations of prior converted cropland made by the Secretary of Agriculture; and

“(II) as determined by the Administrator—

“(aa) at least once in the immediately preceding five years has been used for, or in support of, agricultural purposes, including grazing, haying, idling land for conservation use (such as habitat management, pollinator and wildlife management, water storage and supply management, and flood management), irrigation tailwater storage, farm-raised fish production, cranberry production, nutrient retention, and idling land for soil recovery after natural disasters such as hurricanes and drought; and

“(bb) has not reverted to wetlands (as defined in section 120.2 of title 40, Code of Federal Regulations, as in effect on the date of enactment of this clause).

“(iv) Groundwater.

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

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

Section 1049 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 1361 note) is amended—

(1) in subsection (b)—

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

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

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

(C) in paragraph (3)—

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

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

(ii) in subparagraph (B), by striking “; and” and inserting a period; and

(D) by striking paragraph (4);

(2) in subsection (c)(2)(A)—

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

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

(3) by striking subsection (d).

SEC. 20. COORDINATION WITH FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL.

With respect to any covered project (as defined under section 41001 of the FAST Act (42 U.S.C. 4370m)) for which a certification or permit from a State under section 401, 402, or 404 of the Federal Water Pollution Control Act is required, the State is encouraged to choose to participate, to the maximum extent practicable, in the environmental review and authorization process under section 41003(c) of the FAST Act (42 U.S.C. 4370m–2(c)), pursuant to paragraph (3)(A) of such section.

SEC. 21. SENSE OF CONGRESS ON CHESAPEAKE BAY WATERSHED AGREEMENT.

It is the sense of Congress that the Chesapeake Bay Watershed Agreement is a voluntary, cooperative agreement between the Federal Government, the State of Delaware, the District of Columbia, the State of Maryland, the Commonwealth of Pennsylvania, the State of New York, the Commonwealth of Virginia, and the State of West Virginia. As such, the Federal Government should take a collaborative and cooperative approach to the parties with regard to their compliance with the Chesapeake Bay Total Maximum Daily Load outlined in such agreement.