

113TH CONGRESS
2D SESSION

H. R. 4854

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

JUNE 12, 2014

Mr. GIBBS (for himself, Mr. RAHALL, Mr. BUCSHON, Mrs. CAPITO, Mr. MASSIE, Mr. CRAMER, Mr. PERRY, Mr. RIBBLE, Mrs. LUMMIS, Mr. JONES, Mr. SOUTHERLAND, Mr. MCKINLEY, Mr. HUELSKAMP, and Mr. MARINO) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Regulatory Certainty
3 Act of 2014”.

4 **SEC. 2. PERMITS FOR DREDGED OR FILL MATERIAL.**

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

8 (1) by striking “(c)” and inserting “(c)(1)”;

9 (2) in paragraph (1), as so designated, by in-
10 serting “during the period described in paragraph
11 (2) and” before “after notice and opportunity for
12 public hearings”; and

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

14 “(2)(A) The period during which the Adminis-
15 trator may prohibit the specification (including the
16 withdrawal of specification) of any defined area as
17 a disposal site, or deny or restrict the use of any de-
18 fined area for specification (including the withdrawal
19 of specification) as a disposal site, under paragraph
20 (1) shall—

21 “(i) begin on the date that the Secretary
22 provides notice to the Administrator that the
23 Secretary has completed all procedures for
24 processing an application for a permit under
25 this section relating to the specification and is
26 ready to determine, in accordance with the

1 record and applicable regulations, whether the
2 permit should be issued; and

3 “(ii) end on the date that the Secretary
4 issues the permit.

5 “(B) The Secretary shall ensure that the period
6 described in subparagraph (A) consists of not fewer
7 than 30 consecutive days.

8 “(C) The Secretary may issue a permit under
9 this section only after the Secretary provides notice
10 to the Administrator in accordance with this para-
11 graph.”.

12 (b) APPLICABILITY.—The amendments made by sub-
13 section (a) shall apply to a permit application submitted
14 under section 404(a) of the Federal Water Pollution Con-
15 trol Act (33 U.S.C. 1344(a)) after the date of enactment
16 of this Act.

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