

## HR 1152

Water Quality Certification and Energy Project Improvement Act of 2023

**Congress:** 118 (2023–2025, Ended)

**Chamber:** House

**Policy Area:** Environmental Protection

**Introduced:** Feb 24, 2023

**Current Status:** Placed on the Union Calendar, Calendar No. 5.

**Latest Action:** Placed on the Union Calendar, Calendar No. 5. (Mar 17, 2023)

**Official Text:** <https://www.congress.gov/bill/118th-congress/house-bill/1152>

### Sponsor

**Name:** Rep. Rouzer, David [R-NC-7]

**Party:** Republican • **State:** NC • **Chamber:** House

### Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Graves, Garret [R-LA-6]	R · LA		Feb 24, 2023
Rep. Perry, Scott [R-PA-10]	R · PA		Feb 28, 2023

### Committee Activity

Committee	Chamber	Activity	Date
Transportation and Infrastructure Committee	House	Discharged from	Feb 28, 2023

### Subjects & Policy Tags

#### Policy Area:

Environmental Protection

### Related Bills

Bill	Relationship	Last Action
118 HR 2811	Related bill	<b>May 4, 2023:</b> Committee on the Budget. Hearings held. Hearings printed: S.Hrg. 118-76.
118 HR 1	Related bill	<b>Mar 30, 2023:</b> The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1.
118 S 947	Related bill	<b>Mar 22, 2023:</b> Read twice and referred to the Committee on Energy and Natural Resources.

## Water Quality Certification and Energy Project Improvement Act of 2023

This bill revises the water quality certification process under Section 401 of the Clean Water Act (CWA) for any activity that requires a federal license or permit and may result in a discharge of pollutants into waters of the United States. Activities that require such federal licenses or permits include hydropower, natural gas pipeline, or mining projects.

Under the existing Section 401, an applicant for a federal license or permit to conduct such activities must provide the federal licensing or permitting agency with a certification. The certification must attest that the discharge will comply with enumerated sections of the CWA (i.e., Sections 301, 302, 303, 306, and 307) and with any other appropriate requirement of state law set forth in the certification. The certifying authority—usually the state in which the discharge originates, but sometimes an Indian tribe or the Environmental Protection Agency (EPA)—may grant, grant with conditions, deny, or waive certification of a proposed federal license or permit.

This bill limits the scope of the certification process by eliminating the requirement that the discharge comply with appropriate state law set forth in the certification. It also requires decisions to grant or deny a request for certification to be based only on the enumerated sections of the CWA and provisions of state law that implement water quality criteria under Section 303. In addition, it also limits the certification process to activities that may directly result in a discharge into waters of the United States.

In addition, the bill requires certifying authorities to identify all materials or information that are necessary to grant or deny the request within 90 days of receiving a request for certification. They must also publish requirements for their water quality certifications.

### Actions Timeline

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- **Mar 17, 2023:** Reported by the Committee on Transportation and Infrastructure. H. Rept. 118-10.
- **Mar 17, 2023:** Placed on the Union Calendar, Calendar No. 5.
- **Feb 28, 2023:** Subcommittee on Water Resources and Environment Discharged.
- **Feb 28, 2023:** Committee Consideration and Mark-up Session Held.
- **Feb 28, 2023:** Ordered to be Reported by Voice Vote.
- **Feb 27, 2023:** Referred to the Subcommittee on Water Resources and Environment.
- **Feb 24, 2023:** Introduced in House
- **Feb 24, 2023:** Referred to the House Committee on Transportation and Infrastructure.