

117TH CONGRESS
1ST SESSION

H. R. 1820

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

MARCH 11, 2021

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 “Revoking EPA’s Ty-
5 rannical Ruling Over Approved Commercial Tasks Involv-

1 ing no Violations of Environmental Policy Act” or the
2 “RETROACTIVE Policy Act”.

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

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

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

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

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

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

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