

115TH CONGRESS
2D SESSION

S. 2586

To amend the Federal Water Pollution Control Act to increase the ability of a State to administer a permit program under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2018

Mr. CORNYN (for himself, Mr. HATCH, Mr. SULLIVAN, and Mrs. FISCHER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to increase the ability of a State to administer a permit program under that 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. STATE ADMINISTRATION OF CERTAIN PERMITS**
4 **UNDER FEDERAL WATER POLLUTION CON-**
5 **TROL ACT.**

6 Section 404(g) of the Federal Water Pollution Con-
7 trol Act (33 U.S.C. 1344(g)) is amended—

(1) in paragraph (1), in the second sentence, by striking “In addition, such State” and inserting the following:

“(B) REQUIREMENT.—In submitting a proposal to the Administrator under subparagraph (A), the State”;

(2) by striking the subsection designation and all that follows through “The Governor” in the first sentence of paragraph (1) and inserting the following:

“(g) STATE ADMINISTRATION.—

“(1) STATE PERMIT PROGRAM.—

“(A) IN GENERAL.—The Governor”; and

(3) in paragraph (1), by adding at the end the following:

“(C) APPLICATIONS BY CERTAIN STATE DEPARTMENTS OF TRANSPORTATION.—

“(i) IN GENERAL.—A State department of transportation that has assumed the responsibilities of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the surface transportation project delivery program under section 327 of title 23, United States Code,

1 may apply to the Administrator to admin-
2 ister an individual and general permit pro-
3 gram under subparagraph (A) with respect
4 to highway projects subject to that as-
5 sumption of responsibility.

6 “(ii) TREATMENT.—For the purpose
7 of this subsection, a reference to a State
8 shall be deemed to include a State depart-
9 ment of transportation described in clause
10 (i).”.

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