

AMENDMENT TO H.R. 5077
OFFERED BY MR. RAHALL OF WEST VIRGINIA

Page 11, line 3, strike the closed quotation mark and final period, and after such line insert the following:

1 “(3) ADMINISTRATION.—Notwithstanding para-
2 graph (2), the Administrator may not disapprove or
3 withdraw approval of a program under this sub-
4 section, or limit Federal financial assistance for such
5 program, on the basis of the following:

6 “(A) The failure of the program to incor-
7 porate or comply with guidance (as defined in
8 subsection (s)(1)).

9 “(B) The implementation of a water qual-
10 ity standard that has been adopted by the State
11 and approved by the Administrator under sec-
12 tion 303(e).”.

Page 11, after line 23, insert the following:

13 (c) SUSPENSION OF FEDERAL PROGRAM.—Section
14 402(c) of the Federal Water Pollution Control Act (33
15 U.S.C. 1342(c)) is amended—

16 (1) by redesignating paragraph (4) as para-
17 graph (5); and

1 (2) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) LIMITATION ON DISAPPROVAL.—Notwith-
4 standing paragraphs (1) through (3), the Administrator
5 may not disapprove or withdraw approval of a State pro-
6 gram under subsection (b), or limit Federal financial as-
7 sistance for the State program, on the basis of the fol-
8 lowing:

9 “(A) The failure of the program to incorporate
10 or comply with guidance (as defined in subsection
11 (s)(1)).

12 “(B) The implementation of a water quality
13 standard that has been adopted by the State and ap-
14 proved by the Administrator under section 303(c).”.

15 (d) NOTIFICATION OF ADMINISTRATOR.—Section
16 402(d)(2) of the Federal Water Pollution Control Act (33
17 U.S.C. 1342(d)(2)) is amended as follows:

18 (1) By striking “(2) No” and all that follows
19 through the end of the first sentence and inserting
20 the following:

21 “(2) OBJECTION BY ADMINISTRATOR.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (C), no permit shall issue if—

24 “(i) not later than 90 days after the
25 date on which the Administrator receives

1 notification under subsection (b)(2)(E), the
2 Administrator objects in writing to the
3 issuance of the permit; or

4 “(ii) not later than 90 days after the
5 date on which the proposed permit of the
6 State is transmitted to the Administrator,
7 the Administrator objects in writing to the
8 issuance of the permit as being outside the
9 requirements of this Act.”

10 (2) In the second sentence, by striking “When-
11 ever the Administrator” and inserting the following:

12 “(B) REQUIREMENTS.—If the Adminis-
13 trator”.

14 (3) By adding at the end the following:

15 “(C) EXCEPTION.—The Administrator
16 may not object to or deny the issuance of a per-
17 mit by a State under subsection (b) or (s)
18 based on the following:

19 “(i) Guidance, as that term is defined
20 in subsection (s)(1).

21 “(ii) The Administrator’s interpreta-
22 tion of a water quality standard that has
23 been adopted by the State and approved by
24 the Administrator under section 303(c).”.

Page 19, after line 17, insert the following:

1 **SEC. 5. LIMITATIONS ON AUTHORITY TO MODIFY STATE**
2 **WATER QUALITY STANDARDS.**

3 (a) STATE WATER QUALITY STANDARDS.—Section
4 303(c)(4) of the Federal Water Pollution Control Act (33
5 U.S.C. 1313(c)(4)) is amended—

6 (1) by redesignating subparagraphs (A) and
7 (B) as clauses (i) and (ii), respectively;

8 (2) by striking “(4)” and inserting “(4)(A)”;

9 (3) by striking “The Administrator shall pro-
10 mulgate” and inserting the following:

11 “(B) The Administrator shall promulgate;” and

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

13 “(C) Notwithstanding subparagraph (A)(ii), the Ad-
14 ministrator may not promulgate a revised or new standard
15 for a pollutant in any case in which the State has sub-
16 mitted to the Administrator and the Administrator has ap-
17 proved a water quality standard for that pollutant, unless
18 the State concurs with the Administrator’s determination
19 that the revised or new standard is necessary to meet the
20 requirements of this Act.”.

21 (b) FEDERAL LICENSES AND PERMITS.—Section
22 401(a) of such Act (33 U.S.C. 1341(a)) is amended by
23 adding at the end the following:

24 “(7) With respect to any discharge, if a State or
25 interstate agency having jurisdiction over the navigable
26 waters at the point where the discharge originates or will

1 originate determines under paragraph (1) that the dis-
2 charge will comply with the applicable provisions of sec-
3 tions 301, 302, 303, 306, and 307, the Administrator may
4 not take any action to supersede the determination.”.

