



March 19, 2024

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 23,000 members, I write today in support of H.R. 7023, "Creating Confidence in Clean Water Permitting Act." H.R. 7023 includes provisions from five stand-alone, ABC-supported bills that passed out of the U.S. House Committee on Transportation and Infrastructure on Jan. 31, including:

- The Nationwide Permitting Improvement Act that seeks to codify longstanding interpretations and practices concerning nationwide permits, offering clarity on several contentious areas within the established process. This bill proposes extending the reissuance period for general permit holders from five to 10 years. It also specifies that only categories falling under the Clean Water Act's Section 404 authority are considered when issuing NWP's.
- The Reducing Permitting Uncertainty Act, aimed at restricting the U.S. Environmental Protection Agency from preemptively vetoing a Clean Water Act Section 404 dredge and fill permit or revoking it after U.S. Army Corps of Engineers' approval without due process. Under this act, the EPA's veto authority is constrained to the period while a permit application is pending through the standard permitting process, aligning with the original intent of the CWA.
- The Judicial Review Timeline Clarity Act proposes reasonable timelines for judicial review of CWA Section 404 permits, fostering efficiency in project authorization. It mandates that any lawsuit challenging a Section 404 permit must be filed within 60 days of issuance and sets deadlines for compliance in case of remand by the court.
- The Water Quality Criteria Development and Transparency Act intends to establish a more transparent procedure for the EPA's development of water quality criteria, crucial for National Pollutant Discharge Elimination System permits. This bill seeks to enhance public participation and introduce limited judicial review, ensuring stakeholders have a voice in the process and water quality standards are adequately protected.
- The Confidence in Clean Water Permits Act aims to ensure that permits only include clear, objective limits on pollutants or water conditions. It also reinforces the principle that permit holders are shielded from liability as long as they adhere to the terms of their NPDES permits and provide relevant information during the application process.

ABC believes that this bill, if enacted, will go a long way toward eliminating unnecessary delays that cause budget overruns in construction. Creating a coordinated, predictable and transparent process to streamline permitting will enable the industry to plan and execute even the most complex projects while safeguarding our communities, maintaining a healthy environment and being good stewards of public funds. ABC urges you to support this bill as it represents the best and most comprehensive federal regulatory permitting and project review reform legislation on the table this Congress.

ABC and our members are committed to building our nation's energy infrastructure projects with the highest standards of safety and quality. ABC members stand ready for the opportunity to build and maintain America's infrastructure to the benefit of the communities that it will serve.

Sincerely,

Kristen Swearingen
Vice President, Legislative & Political Affairs