

August 13, 2018

Senator John Barrasso, Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Thomas Carper, Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Water Quality Certification Improvement Act of 2018 (S. 3303)

Dear Chairman Barrasso and Ranking Member Carper,

The undersigned trade organizations represent businesses and workers who build infrastructure and provide equipment, materials, supplies and services to energy projects and operations, including upstream production and midstream transmission infrastructure. The projects they build and the operations they support ensure safe, reliable and efficient production, transmission and delivery of America's energy to consumers, businesses and industry.

In anticipation of your hearing scheduled for August 16, we are writing in support of the recently-introduced Water Quality Certification Improvement Act of 2018 (S. 3303) clarifying provisions of Section 401 of the Clean Water Act relating to requests by developers of federally-permitted projects for state water quality certifications needed for final federal project approval.

We especially applaud the proposed Act's amendments requiring that states grant or deny those requests in a timely manner and that states inform applicants within 90 days as to whether any additional information is needed to complete the review of a water quality certification. We also appreciate the clarification that state water quality certification decisions under Section 401 be based exclusively upon matters associated with water quality criteria.

Some states have chosen to exercise their authority under Section 401 in ways that exceed the bounds of the statute. When this happens, it damages the cooperative federalism envisioned when the Clean Water Act was enacted decades ago, and creates conflict between not only a state and the federal government, but also between the offending state and multiple other states affected by its action. Action to clarify the appropriate role for a state under Section 401, as proposed in S. 3303, would restore the intended cooperative federalism.

We endorse S. 3303 and believe that its proposed clarifications of Section 401 of the Clean Water Act will ensure that the law is interpreted and implemented as originally intended. We look forward to your consideration of these points during your Committee hearing and urge the Committee and the Senate to act affirmatively on this important reform.

Sincerely,



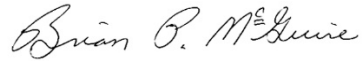
American Council of Engineering Companies
Linda Bauer Darr, President & CEO



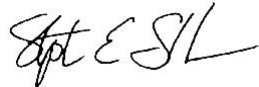
American Petroleum Institute
Mike Sommers, President & CEO



American Road and Transportation Builders Association
Pete Ruane, President & CEO



Associated Equipment Distributors
Brian P. McGuire, President & CEO



Associated General Contractors of America
Stephen Sandherr, Chief Executive Officer



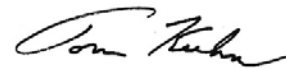
Association of Equipment Manufacturers
Dennis Slater, President & CEO



Distribution Contractors Association
Robert Darden, President & CEO



Edison Electric
INSTITUTE



Edison Electric Institute
Tom Kuhn, President & CEO



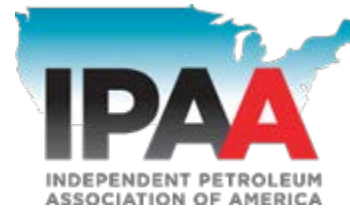
Energy Equipment and Infrastructure Alliance
Toby Mack, President & CEO



Global Energy Institute
Karen Harbert, President & CEO



GPA Midstream Association
Mark Sutton, President & CEO



Independent Petroleum Association of America
Barry Russell, President & CEO



Industrial Minerals Association - North America
Mark Ellis, President



The INGAA Foundation, Inc.

The INGAA Foundation, Inc.
Donald F. Santa, President



International Association of Drilling Contractors
Jason McFarland, President



Laborers International Union of North America
Terry O'Sullivan, General President



M. Robert Weidner III

Metals Service Center Institute
M. Robert Weidner III, President & CEO



National Electrical Contractors Association
John Grau, Chief Executive Officer



Mark J. Ellis

National Industrial Sand Association
Mark Ellis, President



Bill Hillman

National Utility Contractors Association
Bill Hillman, President & CEO



Dena Wiggins

Natural Gas Supply Association
Dena Wiggins, President & CEO



Elizabeth Worrell

Pipe Line Contractors Association
Elizabeth Worrell, Executive Director



Tony Radoszewski

Plastic Pipe Institute
Tony Radoszewski, President



United Association of Plumbers and Pipefitters
Mark McManus, General President

Copies to: Members of the Senate Environment and Public Works Committee