

ENERGY INFRASTRUCTURE STAKEHOLDERS URGE ADOPTION OF NEW CWA SECTION 401 RULES

October 8, 2019

Hon. Andrew Wheeler, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**RE: Proposed Rule re Implementation of Clean Water Act Section 401 Water Quality Certification;
Docket ID No. EPA-HQ-OW-2019-0405**

Dear Administrator Wheeler:

The undersigned organizations represent a broad spectrum of industry sectors and workers that build and supply equipment, materials and services for infrastructure essential to natural gas production, transmission, consumption and export. The infrastructure we build provides and enables millions of good American jobs, a healthy environment and climate, a robust economy, affordable and reliable energy for consumers and businesses, and a quality of life that is the envy of the world.

We strongly support the Proposed Rule and its provisions that clarify requirements for state and tribal implementation of Section 401 of the Clean Water Act. The Rule is needed to provide clarity, consistency and certainty in the process for certification that energy and other infrastructure construction projects comply with applicable water quality standards.

In the absence of definitive boundaries, some states have taken advantage of ambiguity in Section 401 to deny certification on grounds outside the Section's purposes and intent. This has resulted in delay or cancellation of vitally needed energy infrastructure projects that would otherwise have provided consumers and our environment the tremendous benefits of increased access to affordable clean energy.

For our industries and trades, denial or delay of certification of critical energy infrastructure projects on grounds beyond those intended by the statute has resulted in large-scale loss of work, stranded investments in equipment and materials, and inability of our businesses and workforce to plan for efficient deployment and utilization of both human and capital assets. This has deprived our families, communities and the economy of the very substantial benefits that construction and operation of the affected projects would otherwise have driven.

The Proposed Rule would provide clarity, consistency and regulatory certainty in the process for state and tribal execution of their authority under Section 401 by establishing standards for timely reviews of applications, focusing their scope to areas intended by the Clean Water Act, and setting clear and uniform standards for implementation. With these needed improvements, the Rule would continue to ensure effective protection of our water resources.

We applaud your initiative in proposing this badly needed clarification of Section 401 and encourage its adoption and implementation as soon as possible.

Sincerely,



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



American Rental Association
Tony Conant, Chief Executive Officer



Brian P. McGuire
Associated Equipment Distributors
Brian P. McGuire, President & CEO



Dennis Slater
Association of Equipment Manufacturers
Dennis Slater, President & CEO



Robert Darden
Distribution Contractors Association
Robert Darden, Executive Vice President



North America's Building Trades Unions
Sean McGarvey, General President



Marti DeGraaf
Energy Builders Coalition
Marti DeGraaf, Executive Vice President



Energy Equipment and Infrastructure Alliance
Toby Mack, President & CEO



Martin J. Durbin

Global Energy Institute, U.S. Chamber
Martin J. Durbin, President



Joel Moxley

GPA Midstream Association
Joel Moxley, President and CEO



Barry Russel

Independent Petroleum
Association of America
Barry Russel, President & CEO



Mark J. Ellis

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Mark Ellis, President



Eric Dean

International Association of Bridge, Structural,
Ornamental and Reinforcing Iron Workers
Eric Dean, General President



Jason McFarland

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Newton B. Jones

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Newton B. Jones, International President



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International Brotherhood
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Lonnie R. Stephenson, International President



United Association of
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Mark McManus, General President



James P. Hoffa

International Brotherhood of Teamsters
James P. Hoffa, General President



International Union of Operating Engineers
James T. Callahan, General President

LIUNA!

Terry O'Sullivan

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



National Association of Manufacturers



National Electrical Contractors Association
David Long, Chief Executive Officer



Michael W. Johnson

National Stone, Sand & Gravel Association
Michael W. Johnson, President & CEO



Doug Kleine

National Utility Contractors Association
Doug Kleine, CEO



Dena E. Wiggins

Natural Gas Supply Association
Dena Wiggins, President & CEO



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