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August 30, 2019

EPA Proposes Narrowing of Water Quality Certification Authority Under Clean Water Act

The Environmental Protection Agency has issued a lengthy proposed rule clarifying the substantive and procedural requirements for water quality certifications under Section 401 of the Clean Water Act. EPA Administrator Andrew Wheeler announced that the changes are "intended to increase the predictability and timeliness of Section 401 certification by clarifying timeframes for certification, the scope of certification review and conditions, and related certification requirements and procedures." The proposed rule would significantly narrow the authority of states and Indian tribes when acting on Section 401 certification requests. Our complete report on the proposed changes, by [Jeffrey \(Jeff\) L. Hunter](#), [Marc R. Bruner](#) and [Christian Termyn](#) is available [here](#).