

Executive Order on Promoting Energy Infrastructure and Economic Growth: Section 401 Clean Water Act Certification Process



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The White House issued an Executive Order titled:

Executive Order on Promoting Energy Infrastructure and Economic Growth (“EO”)

Section 3 of the EO addresses Section 401 Clean Water Act certifications.

Section 401 of the Clean Water Act requires an applicant of a federal license or permit to provide a certification that any discharges from the facility will comply with applicable state water quality standards. If not provided, the federal permit or license may not be granted. Further, states can impose certain conditions upon federal permits or licenses as a prerequisite to granting the permit license.

The EO requires EPA, along with other federal and state agencies, to review applicable regulations and guidance to determine whether they should be addressed in view of Section 2 of the EO . Section 2 requires the promotion of the United States Energy Infrastructure through actions such as increasing regulatory certainty (regarding development of new energy infrastructure) and development of a more efficient permitting process.

A copy the EO can be found [here](#).