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May 23, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**Re. Clean Water Act Section 401 Water Quality Certification Pre-proposal  
Recommendations (Docket ID No. EPA-HQ-OW-2018-0855)**

Dear Administrator Wheeler:

The Global Energy Institute, an affiliate of the U.S. Chamber of Commerce, is writing in support of the President's April 10, 2019, Executive Order directing the Environmental Protection Agency's (EPA) to provide clarity, regulatory predictability, and certainty to the Clean Water Act Section 401 (CWA 401) permitting process. We are pleased that EPA is taking on this important task.

We respect that Congress designed the CWA 401 permit process to reflect their commitment to the concept of cooperative federalism and the balance between federal and state authorities. Through this model, the Clean Water Act fostered a partnership between state and federal governments and made sure the protection of water quality was a shared responsibility.

Unfortunately, the CWA 401 permitting process for interstate energy infrastructure projects is increasingly being misused by states that oppose energy production, delivery, and use creating costly delays and even the cancellation of energy infrastructure projects. EPA guidance on the state administration of the CWA 401 process is necessary to predictably and transparently build new energy infrastructure which is increasingly important to capturing the economic and environmental benefits provided by American innovation.

Clear instruction by EPA that preserves cooperative federalism and interstate commerce while addressing the abuse of CWA 401 processes by individual states is required so that all Americans can benefit from our abundant energy resources.

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Further, clarification by EPA of the CWA 401 process would help ensure that the process aligns with Congress' statutory requirements and its original intended purpose to protect water quality.

Again, the Global Energy Institute urges EPA to make much needed changes to the state administration of CWA 401 to ensure that interstate energy infrastructure projects can be permitted in a timely manner and constructed so that energy can be delivered safely, efficiently and reliably.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Guith". The signature is fluid and cursive, with the first name "Chris" and last name "Guith" clearly visible.

Christopher Guith

