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Houston Partner Ben Cowan Quoted by E&E News Greenwire on EPA Proposed Rule Reshaping Critical State and Tribal Permit Reviews Under Clean Water Act

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Locke Lord's [Ben Cowan](#), a Houston Partner in the Firm's Environmental Section, shared insights with E&E News Greenwire on the Environmental Protection Agency (EPA)'s proposed rule that would reshape critical state and tribal permit reviews under the Clean Water Act, reversing a Trump-era policy. The proposed rule outlines a process under the law's Section 401 by which developers of pipelines, power lines, mines and other projects request federal permits to discharge into regulated waterways and wetlands. Cowan noted that while the 60-day default period is significant, it appears certifying authorities will be able to negotiate extensions, and he expects this EPA to be flexible.

"The Biden EPA is restoring some of the discretion to the certifying authorities that the Trump rule had limited through the imposition of a one-year time frame and by limiting the scope of their review," he said. "It provides more definition to the process, which could be helpful, but it's giving the certifying authorities the ability to review projects more broadly."

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