At the end of title I, add the following:


SEC. 153. CLEAN WATER ACT CERTIFICATION BY FERC.

Section 401(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)(1)) is amended—

(1) by striking “Any applicant” and inserting “(A) Any applicant”; and

(2) by adding at the end the following:

“(B)(i) Notwithstanding the provisions of subparagraph (A), in the case of a project subject to the jurisdiction of the Federal Energy Regulatory Commission for which the Commission will prepared an environmental review, assessment, or impact statement, the State, interstate agency, or Administrator, as the case may be, shall participate in the environmental review process undertaken by the Commission. The State, interstate agency, or Administrator shall make any recommendations it determines appropriate for reducing or mitigating any potential discharge into navigable waters as part of such environmental review process, and the issuance of a final environmental review, assessment, or impact statement by the
Commission shall constitute a certification as required by this section.

“(ii) Clause (i) shall apply to any project for which the Commission has not issued a preliminary environmental review, assessment, or impact statement as of the date of enactment of this subparagraph. For projects for which the Commission has issued a final environmental review, assessment, or impact statement as of such date of enactment, but for which certification under this section has not been waived or obtained, and a permit under section 404 has not been issued, the State, interstate agency, or Administrator shall file any concerns about the water quality impacts of the project directly with the Secretary of the Army, acting through the Corps of Engineers, and the Secretary shall proceed to review and act on any permits requested for the project.”