

104TH CONGRESS
1ST SESSION

H. R. 2648

To amend the Federal Water Pollution Control Act to require that an application to the Federal Energy Regulatory Commission for a license, license amendment, or permit for an activity that will result in a withdrawal by a State or political subdivision of a State of water from a lake that is situated in 2 States shall not be granted unless the Governor of the State in which more than 50 percent of the lake, reservoir, or other body of water is situated certifies that the withdrawal will not have an adverse effect on the environment in or economy of that State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 1995

Mr. FUNDERBURK introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Water Pollution Control Act to require that an application to the Federal Energy Regulatory Commission for a license, license amendment, or permit for an activity that will result in a withdrawal by a State or political subdivision of a State of water from a lake that is situated in 2 States shall not be granted unless the Governor of the State in which more than 50 percent of the lake, reservoir, or other body of water is situated certifies that the withdrawal will not have

an adverse effect on the environment in or economy of that State, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lake Gaston Protec-

5 tion Act of 1995”.

6 **SEC. 2. WITHDRAWALS OF WATER FROM LAKES SITUATED**
 7 **IN 2 STATES.**

8 (a) IN GENERAL.—Section 401(a)(2) of the Federal
 9 Water Pollution Control Act (33 U.S.C. 1341(a)(2)) is
 10 amended—

11 (1) by striking “(2) Upon receipt” and insert-

12 ing the following:

13 “(2) ACTION BY THE ADMINISTRATOR.—

14 “(A) IN GENERAL.—On Receipt”; and

15 (2) by adding at the end the following:

16 “(B) LAKES SITUATED IN 2 STATES.—

17 “(i) CERTIFICATION OF NO ADVERSE

18 EFFECT.—Except as provided in clause

19 (ii), in the case of an application to the

20 Federal Energy Regulatory Commission

21 for a license, license amendment, or permit

22 for an activity that will result directly or

23 indirectly in the withdrawal by a State or

24 political subdivision of a State or water

1 from a lake, reservoir, or similar body of
2 water that is situated in 2 (and not more
3 than 2) States, the Commission shall not
4 grant the license, license amendment, or
5 permit unless the Governor of the State in
6 which more than 50 percent of the lake,
7 reservoir, or other body of water is situ-
8 ated certifies that the withdrawal will not
9 adversely affect the environment in or the
10 economy of that State.

11 “(ii) EXCEPTION.—Clause (i) does not
12 apply to an application for a license, li-
13 cense amendment, or permit for an activity
14 that will occur with or affect waters lo-
15 cated within a river basin that is subject to
16 an interstate compact, decree of the Su-
17 preme Court, or Act of Congress that spe-
18 cifically allocates the rights to use the
19 water that is the subject of the applica-
20 tion.”.

21 (b) RETROACTIVE EFFECT.—The amendment made
22 by subsection (a) shall apply to any application made on
23 or after January 1, 1991, unless the application has been
24 granted and is no longer subject to judicial review.

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