

1 (3) AVAILABILITY OF INFORMATION.—With re-
2 spect to any covered action, the Administrator
3 shall—

4 (A) post the analysis under paragraph (1)
5 as a link on the main page of the public Inter-
6 net Web site of the Environmental Protection
7 Agency; and

8 (B) request that the Governor of any State
9 experiencing more than a de minimis negative
10 impact post such analysis in the Capitol of such
11 State.

12 (b) PUBLIC HEARINGS.—

13 (1) IN GENERAL.—If the Administrator con-
14 cludes under subsection (a)(1) that a covered action
15 will have more than a de minimis negative impact on
16 employment levels or economic activity in a State,
17 the Administrator shall hold a public hearing in each
18 such State at least 30 days prior to the effective
19 date of the covered action.

20 (2) TIME, LOCATION, AND SELECTION.—A pub-
21 lic hearing required under paragraph (1) shall be
22 held at a convenient time and location for impacted
23 residents. In selecting a location for such a public
24 hearing, the Administrator shall give priority to loca-

1 tions in the State that will experience the greatest
2 number of job losses.

3 (3) CITIZEN SUITS.—

4 (A) IN GENERAL.—If a public hearing is
5 required under paragraph (1) with respect to
6 any State, and the Administrator fails to hold
7 such a public hearing in accordance with para-
8 graphs (1) and (2), any resident of such State
9 may bring a legal action in any United States
10 district court in such State to compel compli-
11 ance with such paragraphs.

12 (B) RELIEF.—If a party prevails in an ac-
13 tion against the Administrator under subpara-
14 graph (A), the district court—

15 (i) shall enjoin the covered action that
16 is the subject of the legal action; and

17 (ii) may award reasonable attorneys
18 fees and costs.

19 (C) APPEAL.—Upon appeal of an injunc-
20 tion issued under subparagraph (B), the court
21 of appeals—

22 (i) shall require the submission of
23 briefs not later than 30 days after the fil-
24 ing of such appeal;

1 (ii) may not stay the injunction prior
2 to hearing oral arguments; and

3 (iii) shall make its final decision not
4 later than 90 days after the filing of such
5 appeal.

6 (c) NOTIFICATION.—If the Administrator concludes
7 under subsection (a)(1) that a covered action will have
8 more than a de minimis negative impact on employment
9 levels or economic activity in any State, the Administrator
10 shall give notice of such impact to the State’s Congres-
11 sional delegation, Governor, and Legislature at least 45
12 days before the effective date of the covered action.

13 (d) DEFINITIONS.—In this section, the following defi-
14 nitions apply:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the Environ-
17 mental Protection Agency.

18 (2) COVERED ACTION.—The term “covered ac-
19 tion” means any of the following actions taken by
20 the Administrator under the Federal Water Pollu-
21 tion Control Act (33 U.S.C. 1201 et seq.):

22 (A) Issuing a regulation, policy statement,
23 guidance, response to a petition, or other re-
24 quirement.

1 (B) Implementing a new or substantially
2 altered program.

3 (3) MORE THAN A DE MINIMIS NEGATIVE IM-
4 PACT.—The term “more than a de minimis negative
5 impact” means the following:

6 (A) With respect to employment levels, a
7 loss of more than 100 jobs. Any offsetting job
8 gains that result from the hypothetical creation
9 of new jobs through new technologies or govern-
10 ment employment may not be used in the job
11 loss calculation.

12 (B) With respect to economic activity, a
13 decrease in economic activity of more than
14 \$1,000,000 over any calendar year. Any offset-
15 ting economic activity that results from the hy-
16 pothetical creation of new economic activity
17 through new technologies or government em-
18 ployment may not be used in the economic ac-
19 tivity calculation.

