

107TH CONGRESS  
1ST SESSION

# H. R. 1138

To amend section 402 of the Federal Water Pollution Control Act to provide that no permit shall be required for animal feeding operations within the boundaries of a State if the State has established and is implementing a nutrient management program for those animal feeding operations.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2001

Mr. SMITH of Michigan (for himself and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend section 402 of the Federal Water Pollution Control Act to provide that no permit shall be required for animal feeding operations within the boundaries of a State if the State has established and is implementing a nutrient management program for those animal feeding operations.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 402 of the Federal Water Pollution Control  
4       Act (33 U.S.C. 1342) is amended by adding at the end  
5       the following:

1       “(q) EXEMPTION OF CERTAIN ANIMAL FEEDING OP-  
2 ERATIONS.—

3               “(1) IN GENERAL.—If a State has established  
4 and is implementing a nutrient management pro-  
5 gram for animal feeding operations that meets the  
6 requirements of paragraph (2), no permit shall be  
7 required under this section with respect to such op-  
8 erations within the boundaries of the State.

9               “(2) SPECIFIED REQUIREMENTS.—A nutrient  
10 management program for animal feeding operations  
11 referred to in paragraph (1) must meet the following  
12 requirements:

13               “(A) The program must be designed so  
14 that application of the program to such oper-  
15 ations will assist the State in achieving its  
16 water quality goals.

17               “(B) The program must include guidelines  
18 to restrict the discharge of pollutants so as not  
19 to compromise water quality.

20               “(C) The program must include nutrient  
21 management planning guidelines for such oper-  
22 ations.

23               “(3) ANIMAL FEEDING OPERATION.—In this  
24 subsection, the term ‘animal feeding operation’  
25 means a lot or facility where animals have been, are,

1 or will be stabled or confined and fed or maintained  
2 for a total of 45 days or more in any 12-month pe-  
3 riod and crops, forage, or post-harvest residues are  
4 not sustained in the normal growing season over any  
5 portion of the lot or facility.”.

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