

109TH CONGRESS
1ST SESSION

S. 1269

To amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2005

Mr. INHOFE (for himself, Mrs. LINCOLN, Mr. CRAPO, Mr. BOND, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. THOMAS, Mr. HAGEL, Mr. CRAIG, and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit.

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 “Pest Management and
5 Fire Suppression Flexibility Act”.

6 **SEC. 2. HARMONIZATION.**

7 Section 402(*l*) of the Federal Water Pollution Control
8 Act (33 U.S.C. 1342(*l*)) is amended by adding at the end
9 the following:

1 “(3) PUBLIC HEALTH PROTECTION AND PEST
2 MANAGEMENT ACTIVITIES.—The Administrator shall
3 not require a permit under this section, nor shall the
4 Administrator directly or indirectly require a State
5 to require such a permit, for—

6 “(A) the use of a pesticide that is reg-
7 istered or otherwise approved for use pursuant
8 to the Federal Insecticide, Fungicide, and
9 Rodenticide Act (7 U.S.C. 136 et seq.), if that
10 use is in accordance with the relevant provisions
11 of the approved labeling of the pesticide;

12 “(B) the use of a fire retardant, chemical,
13 or water for fire suppression, control, or preven-
14 tion in accordance with relevant Federal guide-
15 lines by or in cooperation with the Federal Gov-
16 ernment or a State government;

17 “(C) silvicultural activities (except with re-
18 spect to the point source activities specified in
19 section 122.27(b)(1) of title 40, Code of Fed-
20 eral Regulations (as in effect on the date of en-
21 actment of this paragraph)); or

22 “(D)(i) the use of a biological control orga-
23 nism (as defined in section 403 of the Plant
24 Protection Act (7 U.S.C. 7702)) for the preven-

1 tion, control, or eradication of a plant pest or
2 noxious weed; or

3 “(ii) the conduct of any other plant pest,
4 noxious weed, or pest control activity under
5 that Act (7 U.S.C. 7701 et seq.).”.

6 **SEC. 3. DEFINITION OF POINT SOURCE.**

7 Section 502(14) of the Federal Water Pollution Con-
8 trol Act (33 U.S.C. 1362(14)) is amended by striking the
9 second sentence and inserting the following: “This term
10 does not include agricultural stormwater discharges, re-
11 turn flows from irrigated agriculture, or the public health
12 protection, pest management, and silvicultural activities
13 described in section 402(l)(3).”.

○