

Pest Management and Fire Suppression Flexibility Act (Introduced in House)

HR 1749 IH

109th CONGRESS

1st Session

H. R. 1749

To amend the Federal Water Pollution Control Act to affirm that a permit is not required in certain circumstances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 21, 2005

Mr. OTTER (for himself, Mr. CARDOZA, Mr. DUNCAN, Mr. SIMPSON, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. HOSTETTLER, Mr. DOOLITTLE, Mr. KUHLMAN of New York, Mr. PETERSON of Minnesota, Mr. CANNON, Miss MCMORRIS, Mr. OSBORNE, Mr. GOODLATTE, Mr. BERRY, Mr. BAKER, Mr. WICKER, Mr. HASTINGS of Washington, Mr. WALDEN of Oregon, Mr. SULLIVAN, Mr. BOUSTANY, Mr. REHBERG, Mr. POMBO, Mr. HOLDEN, Mr. LUCAS, Mr. TAYLOR of Mississippi, Mr. TAYLOR of North Carolina, Mr. BISHOP of Georgia, and Mr. SALAZAR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to affirm that a permit is not required in certain circumstances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Pest Management and Fire Suppression Flexibility Act'.

SEC. 2. HARMONIZATION.

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

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

`(A) the use of a pesticide that is registered or otherwise approved for use pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), and such use is in accordance with the relevant provisions of its approved labeling;

`(B) the use of a fire retardant, chemical, or water for fire suppression, control, or prevention in accordance with relevant Federal guidelines by or in cooperation with the Federal Government or State government;

`(C) silviculture activities, except the point source activities listed in section 122.27(b)(1) of title 40, Code of Federal Regulations, on the date of enactment of the Pest Management and Fire Suppression Flexibility Act; and

`(D) the use of a biological control organism, as defined by section 403 of the Plant Protection Act (7 U.S.C. 7702), for the prevention, control, or eradication of a plant pest or noxious weed, and other plant pest, noxious weed and pest control activities authorized by that Act (7 U.S.C. 7701) et seq.).'

SEC. 3. POINT SOURCE DEFINED.

Section 502(14) of the Federal Water Pollution Control Act (33 U.S.C. 1362(14)) is amended by striking the second sentence and inserting the following: `This term does not include agricultural stormwater discharges, return flows from irrigated agriculture, or the public health protection, pest management, and silvicultural activities described in section 402(1)(3).'

Pest Management and Fire Suppression Flexibility Act (Introduced in Senate)

S 1269 IS

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Pest Management and Fire Suppression Flexibility Act'.

SEC. 2. HARMONIZATION.

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

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

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

`(B) the use of a fire retardant, chemical, or water for fire suppression, control, or prevention in accordance with relevant Federal guidelines by or in cooperation with the Federal Government or a State government;

`(C) silvicultural activities (except with respect to the point source activities specified in section 122.27(b)(1) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph)); or

`(D)(i) the use of a biological control organism (as defined in section 403 of the Plant Protection Act (7 U.S.C. 7702)) for the prevention, control, or eradication of a plant pest or noxious weed; or

`(ii) the conduct of any other plant pest, noxious weed, or pest control activity under that Act (7 U.S.C. 7701 et seq.).'

SEC. 3. DEFINITION OF POINT SOURCE.

Section 502(14) of the Federal Water Pollution Control Act (33 U.S.C. 1362(14)) is amended by striking the second sentence and inserting the following: `This term does not include agricultural stormwater discharges, return flows from irrigated agriculture, or the public health protection, pest management, and silvicultural activities described in section 402(1)(3).'