

[DISCUSSION DRAFT]112TH CONGRESS
1ST SESSION**H. R.** _____

To exempt from permitting requirements under section 402 of the Federal Water Pollution Control Act certain discharges of a pesticide into navigable waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To exempt from permitting requirements under section 402 of the Federal Water Pollution Control Act certain discharges of a pesticide into navigable waters, 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. DISCHARGES OF PESTICIDES INTO NAVIGABLE**
4 **WATERS.**

5 (a) NO PERMIT REQUIREMENT.—Except as provided
6 in subsection (b), a permit shall not be required under
7 section 402 of the Federal Water Pollution Control Act

1 (33 U.S.C. 1342) by the Administrator of the Environ-
2 mental Protection Agency or a State for a discharge into
3 navigable waters of a pesticide registered under the Fed-
4 eral Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
5 136 et seq.) resulting from the application of such pes-
6 ticide.

7 (b) EXCEPTIONS.—Subsection (a) shall not apply to
8 the following discharges containing a pesticide or pesticide
9 residue:

10 (1) A discharge resulting from the application
11 of a pesticide in violation of the Federal Insecticide,
12 Fungicide, and Rodenticide Act (7 U.S.C. 136 et
13 seq.), if the violation—

14 (A) causes the discharge to occur; or

15 (B) results in an increase in the amount of
16 pesticide or pesticide residue contained in the
17 discharge.

18 (2) A stormwater discharge regulated under
19 section 402(p) of the Federal Water Pollution Con-
20 trol Act (33 U.S.C. 1342(p)) that is from—

21 (A) a municipal stormwater system;

22 (B) an area associated with industrial ac-
23 tivity;

24 (C) a construction site; or

1 (D) an impervious area that is otherwise
2 regulated under such section.

3 (3) A discharge of—

4 (A) manufacturing or industrial effluent;

5 or

6 (B) treatment works effluent.

7 (4) A discharge incidental to the normal oper-
8 ation of a vessel, including a discharge resulting
9 from ballasting operations or vessel biofouling pre-
10 vention.

11 **[(c) VIOLATION OF THE FEDERAL INSECTICIDE,**
12 **FUNGICIDE, AND RODENTICIDE ACT.—**A discharge into
13 navigable waters of a pesticide registered under the Fed-
14 eral Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
15 136 et seq.) resulting from the application of the pesticide
16 in violation of such Act is not a violation of the Federal
17 Water Pollution Control Act (33 U.S.C. 1251 et seq.) ex-
18 cept in the case of a discharge described in subsection
19 (b).**]**

20 (d) **DEFINITIONS.—**The definitions contained in sec-
21 tion 502 of the Federal Water Pollution Control Act (33
22 U.S.C. 1362) shall apply to this section.