

[DISCUSSION DRAFT]

112TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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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 point source 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. POINT SOURCE DISCHARGES OF PESTICIDES**

4 **INTO NAVIGABLE 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 point source  
3 discharge into navigable waters of a pesticide registered  
4 under the Federal Insecticide, Fungicide, and Rodenticide  
5 Act (7 U.S.C. 136 et seq.) resulting from the application  
6 of such pesticide.

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—

14 (A) the discharge would not have occurred  
15 but for the violation; or

16 (B) the amount of pesticide or pesticide  
17 residue contained in the discharge is greater  
18 than would have occurred without the violation.

19 (2) Stormwater discharges regulated under sec-  
20 tion 402(p) of the Federal Water Pollution Control  
21 Act (33 U.S.C. 1342(p)).

22 (3) Municipal or industrial discharges regulated  
23 under section 402 of the Federal Water Pollution  
24 Control Act (33 U.S.C. 1342), including—

25 (A) manufacturing or industrial effluent;

1 (B) treatment works effluent;

2 (C) discharges incidental to the normal op-  
3 eration of a vessel, including a discharge result-  
4 ing from ballasting operations or vessel bio-  
5 fouling prevention.

6 (c) DEFINITIONS.—The definitions contained in sec-  
7 tion 502 of the Federal Water Pollution Control Act (33  
8 U.S.C. 1362) shall apply to this section.