

106TH CONGRESS
2D SESSION

S. 2139

To amend the Federal Water Pollution Control Act to exempt agricultural stormwater and silviculture operation discharges from the requirement for a permit under the national pollutant discharge elimination system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2000

Mr. HUTCHINSON (for himself and Mr. ENZI) 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 exempt agricultural stormwater and silviculture operation discharges from the requirement for a permit under the national pollutant discharge elimination system, 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. SHORT TITLE.**

4 This Act may be cited as the “Timber and Agri-
5 culture Environmental Fairness Act”.

1 **SEC. 2. EXEMPTION FOR AGRICULTURAL STORMWATER**
 2 **AND SILVICULTURE OPERATION DIS-**
 3 **CHARGES.**

4 (a) IN GENERAL.—Section 402(l) of the Federal
 5 Water Pollution Control Act (33 U.S.C. 1342(l)) is
 6 amended by adding at the end the following:

7 “(3) AGRICULTURAL STORMWATER DIS-
 8 CHARGES.—The Administrator shall not require a
 9 permit under this section, nor shall the Adminis-
 10 trator directly or indirectly require any State to re-
 11 quire such a permit, for discharges composed en-
 12 tirely of agricultural stormwater discharges, includ-
 13 ing stormwater runoff from—

14 “(A) cultivated crops;

15 “(B) pastures;

16 “(C) rangeland;

17 “(D) orchards;

18 “(E) aquaculture facilities; and

19 “(F) forest land.

20 “(4) SILVICULTURE OPERATION.—

21 “(A) DEFINITION OF SILVICULTURE OPER-
 22 ATION.—

23 “(i) IN GENERAL.—In this paragraph,
 24 the term ‘silviculture operation’ means the
 25 practice of controlling the establishment,

1 composition, constitution, and growth of
2 forests.

3 “(ii) INCLUSIONS.—The term
4 ‘silviculture operation’ includes—

5 “(I) a nursery operation;

6 “(II) reforestation;

7 “(III) cultural treatment;

8 “(IV) thinning;

9 “(V) prescribed burning;

10 “(VI) a harvest operation;

11 “(VII) site preparation;

12 “(VIII) road construction and
13 maintenance;

14 “(IX) surface drainage; and

15 “(X) pest and fire control.

16 “(B) PERMIT REQUIREMENT.—The Ad-
17 ministrator shall not require a permit under
18 this section, nor shall the Administrator directly
19 or indirectly require any State to require such
20 a permit, for discharges from a silviculture op-
21 eration.”.

22 (b) CONFORMING AMENDMENT.—Section 502(14) of
23 the Federal Water Pollution Control Act (33 U.S.C.
24 1362(14)) is amended by striking the second sentence and
25 inserting the following: “The term does not include agri-

1 cultural stormwater discharges, return flows from irri-
2 gated agriculture, and discharges of stormwater runoff
3 from silviculture operations (as defined in section
4 402(1)(4)).”.

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