

116TH CONGRESS  
1ST SESSION

# H. R. 3844

To amend the Federal Water Pollution Control Act to require all persons exercising substantial operational control over a concentrated animal feeding operation to jointly obtain a permit for certain discharges, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2019

Mr. KHANNA (for himself and Mr. POCAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to require all persons exercising substantial operational control over a concentrated animal feeding operation to jointly obtain a permit for certain discharges, 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 “Farmer Fairness Act”.

1 **SEC. 2. CONCENTRATED ANIMAL FEEDING OPERATION DIS-**  
2 **CHARGES.**

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

6 “(t) CONCENTRATED ANIMAL FEEDING OPERATION  
7 DISCHARGES.—

8 “(1) IN GENERAL.—For the purposes of apply-  
9 ing the requirements of this section to a discharge  
10 from a concentrated animal feeding operation, the  
11 Administrator shall require all persons exercising  
12 substantial operational control over the concentrated  
13 animal feeding operation to jointly obtain a permit  
14 under this section for the discharge.

15 “(2) SUBSTANTIAL OPERATIONAL CONTROL.—  
16 For purposes of this subsection, a person exercises  
17 substantial operational control over a concentrated  
18 animal feeding operation if the person—

19 “(A) has an ownership interest in the live-  
20 stock, land, or other capital of the concentrated  
21 animal feeding operation;

22 “(B) exercises any control over the activi-  
23 ties, operation (including specifying how the  
24 livestock of the concentrated animal feeding op-  
25 eration is fed, grown, or medicated), or man-  
26 agement (including waste management prac-

1            tices) of a concentrated animal feeding oper-  
2            ation; or

3            “(C) meets any other criteria that the Ad-  
4            ministrator determines appropriate.”.

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