

# Union Calendar No. 495

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2541

[Report No. 112-684]

To amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2011

Ms. HERRERA BEUTLER (for herself, Mr. SCHRADER, Mr. MICHAUD, Mrs. McMORRIS RODGERS, Ms. PINGREE of Maine, and Mr. WALDEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 20, 2012

Additional sponsors: Mr. SIMPSON, Mr. HASTINGS of Washington, Mr. BOREN, Mr. RAHALL, Mr. THOMPSON of Mississippi, Mr. MCINTYRE, Mrs. MYRICK, Mr. ROSS of Arkansas, Mr. KISSELL, Mr. HOLDEN, Mr. BARROW, Mr. BISHOP of Georgia, Mr. OWENS, Mrs. EMERSON, Ms. SEWELL, Mr. RIBBLE, Mr. THOMPSON of Pennsylvania, Mr. DICKS, Mrs. HARTZLER, Mr. BUTTERFIELD, Mr. PETERSON, Mr. GOODLATTE, Mr. JONES, Mrs. CAPITO, Mr. MULVANEY, Mr. ROGERS of Alabama, Mr. WESTMORELAND, Mr. LABRADOR, Mr. DUFFY, Mr. DUNCAN of South Carolina, Mr. NUNNELEE, Mr. REICHERT, Mr. GUTHRIE, Mrs. ROBY, Mrs. LUMMIS, Mrs. ELLMERS, Mr. CRAVAACK, Mr. ROGERS of Michigan, Mr. MCKINLEY, Mr. BENISHEK, Mr. WITTMAN, Mr. FLEMING, Mr. HUIZENGA of Michigan, Mr. GIBSON, Mr. WALBERG, Mr. DENHAM, Mr. GRIFFITH of Virginia, Mr. ADERHOLT, Mr. PETRI, Mr. BONNER, Mr. TIPTON, Mr. COFFMAN of Colorado, Mr. SOUTHERLAND, Mr. HURT, Mr. GIBBS, Mr. LANDRY, and Mr. BACHUS

SEPTEMBER 20, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

# **A BILL**

To amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

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 “Silviculture Regulatory  
5 Consistency Act”.

6 **SEC. 2. SILVICULTURAL ACTIVITIES.**

7 Section 402(1) of the Federal Water Pollution Control  
8 Act (~~33~~ U.S.C. 1342(1)) is amended by adding at the end  
9 the following:

10 ~~“(3) SILVICULTURAL ACTIVITIES.—~~

11 ~~“(A) NPDES PERMIT REQUIREMENTS FOR~~  
12 ~~SILVICULTURAL ACTIVITIES.—The Adminis-~~  
13 ~~trator shall neither require a permit under this~~  
14 ~~section, nor directly or indirectly require any~~  
15 ~~State to require a permit under this section, for~~  
16 ~~a discharge resulting from the conduct of any~~  
17 ~~silvicultural activity, such as nursery oper-~~  
18 ~~ations, site preparation, reforestation and sub-~~  
19 ~~sequent cultural treatment, thinning, prescribed~~  
20 ~~burning, pest and fire control, harvesting oper-~~  
21 ~~ations, surface drainage, or road use, construc-~~  
22 ~~tion, and maintenance, from which there is run-~~  
23 ~~off.~~

24 ~~“(B) PERMITS FOR DREDGED OR FILL MA-~~  
25 ~~TERIAL.—Nothing in this paragraph exempts~~

1 the conduct of a silvicultural activity resulting  
2 in the discharge of dredged or fill material from  
3 any permitting requirement under section  
4 404.”.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Silviculture Regulatory*  
7 *Consistency Act”.*

8 **SEC. 2. SILVICULTURAL ACTIVITIES.**

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

12 *“(3) SILVICULTURAL ACTIVITIES.—*

13 *“(A) NPDES PERMIT REQUIREMENTS FOR*  
14 *SILVICULTURAL ACTIVITIES.—The Administrator*  
15 *shall neither require a permit under this section,*  
16 *nor directly or indirectly require any State to*  
17 *require a permit under this section, for a dis-*  
18 *charge resulting from the conduct of the following*  
19 *silvicultural activities: nursery operations, site*  
20 *preparation, reforestation and subsequent cul-*  
21 *tural treatment, thinning, prescribed burning,*  
22 *pest and fire control, harvesting operations, sur-*  
23 *face drainage, or road use, construction, and*  
24 *maintenance, from which there is runoff.*

1                   “(B) *PERMITS FOR DREDGED OR FILL MA-*  
2                   *TERIAL.—Nothing in this paragraph exempts the*  
3                   *conduct of a silvicultural activity resulting in*  
4                   *the discharge of dredged or fill material from*  
5                   *any permitting requirement under section 404.”.*

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