

118TH CONGRESS
1ST SESSION

S. 796

To exempt discharges of fire retardant by Federal land management agencies, State governments, political subdivisions of States, and Tribal governments from the permitting requirements of the National Pollutant Discharge Elimination System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2023

Ms. LUMMIS (for herself, Mr. CRAPO, Mr. RISCH, Mr. DAINES, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To exempt discharges of fire retardant by Federal land management agencies, State governments, political subdivisions of States, and Tribal governments from the permitting requirements of 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 “Forest Protection and
5 Wildland Firefighter Safety Act of 2023”.

1 **SEC. 2. PERMITTING REQUIREMENTS FOR CERTAIN DIS-**
2 **CHARGES OF FIRE RETARDANT.**

3 (a) DEFINITION OF FEDERAL LAND MANAGEMENT
4 AGENCY.—In this section, the term “Federal land man-
5 agement agency” means—

- 6 (1) the Forest Service;
- 7 (2) the National Park Service;
- 8 (3) the Bureau of Land Management;
- 9 (4) the United States Fish and Wildlife Service;
- 10 (5) the Bureau of Indian Affairs; and
- 11 (6) the Federal Emergency Management Agen-
12 cy.

13 (b) NO PERMITTING REQUIRED.—Notwithstanding
14 any provision of the Federal Water Pollution Control Act
15 (33 U.S.C. 1251 et seq.), a permit under section 402 of
16 such Act (33 U.S.C. 1342) shall not be required for the
17 discharge of fire retardant in connection with fire suppres-
18 sion, control, or prevention activities carried out by a Fed-
19 eral land management agency, a State government, a po-
20 litical subdivision of a State, or a Tribal government.

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