

104TH CONGRESS
1ST SESSION

S. 1391

To amend the Federal Water Pollution Control Act to prohibit the imposition of any civil or administrative penalty against a unit of local government for a violation of the Act when a compliance plan with respect to the violation is in effect, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 1995

Mr. PRESSLER (for himself and Mr. CAMPBELL) 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 prohibit the imposition of any civil or administrative penalty against a unit of local government for a violation of the Act when a compliance plan with respect to the violation is in effect, 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,*

1 **SECTION 1. WAIVER OF PENALTIES WHEN FEDERAL WATER**
2 **POLLUTION CONTROL ACT COMPLIANCE**
3 **PLANS ARE IN EFFECT.**

4 Section 309 of the Federal Water Pollution Control
5 Act (33 U.S.C. 1319) is amended by adding at the end
6 the following:

7 “(h) WAIVER OF PENALTIES WHEN COMPLIANCE
8 PLANS ARE IN EFFECT.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), notwithstanding any other provision of
11 this Act, no civil or administrative penalty may be
12 imposed under this Act against a unit of local gov-
13 ernment for a violation of a provision of this Act (in-
14 cluding a violation of a condition of a permit issued
15 under this Act)—

16 “(A) if the unit of local government has
17 entered into an agreement with the Adminis-
18 trator, the Secretary of the Army (in the case
19 of a violation of section 404), or the State to
20 carry out a compliance plan with respect to a
21 prior violation of the provision by the unit of
22 local government; and

23 “(B) during the period—

24 “(i) beginning on the date on which
25 the unit of local government and the Ad-
26 ministrator, the Secretary of the Army (in

1 the case of a violation of section 404), or
2 the State enter into the agreement; and

3 “(ii) ending on the date on which the
4 unit of local government is required to be
5 in compliance with the provision under the
6 plan.

7 “(2) REQUIREMENT OF GOOD FAITH.—Para-
8 graph (1) shall not apply during any period in which
9 the Administrator, the Secretary of the Army (in the
10 case of a violation of section 404), or the State de-
11 termines that the unit of local government is not
12 carrying out the compliance plan in good faith.

13 “(3) OTHER ENFORCEMENT.—A waiver of pen-
14 alties provided under paragraph (1) shall not apply
15 with respect to a violation of any provision of this
16 Act other than the provision that is the subject of
17 the agreement described in paragraph (1)(A).”.

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