

Hoyle #1

**AMENDMENT OFFERED BY REPRESENTATIVE HOYLE
TO THE LAMALFA AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1586**

Strike Section 2 and insert the following:

“SEC. 2. PERMITTING REQUIREMENTS FOR CERTAIN DISCHARGES OF FIRE RETARDANT.

(a) **IN GENERAL.**—Until such time as a general permit is issued by the Administrator of the Environmental Protection Agency and effective under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) authorizing the discharge from the aerial application of a fire retardant, and water enhancer for wildfire suppression, control, or prevention activities that has been evaluated, qualified, and approved by the USDA and appears on the most current Forest Service Qualified Products List, a covered entity or contractors, subcontractors, and other agents thereof may not be enjoined by a court for such a discharge under such Act, provided that such discharge –

- (1) is conducted in accordance with the Federal Facility Compliance Agreement between the Environmental Protection Agency and the U.S. Forest Service, dated February 16, 2023; and
- (2) complies with any other requirements deemed appropriate by the Administrator, in consultation with other appropriate Federal agencies.

(b) **LIMITATION.**—Nothing in this Act limits the ability of a court with respect to a discharge that is not conducted in accordance with the requirements of subsections (1) and (2) of section (a).”.