

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Federal Water Pollution Control Act to provide exclusions from the term “navigable waters”, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Federal Water Pollution Control Act to provide exclusions from the term “navigable waters”, 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 “Clarifying Legal Exclu-  
5       sions Around Regulated Waters Act” or the “CLEAR  
6       Waters Act”.

7       **SEC. 2. DEFINITION OF NAVIGABLE WATERS.**

8       Section 502(7) of the Federal Water Pollution Con-  
9       trol Act (33 U.S.C. 1362(7)) is amended—

1           (1) by striking “(7) The term” and inserting  
2           the following:

3           “(7) NAVIGABLE WATERS.—

4                   “(A) IN GENERAL.—The term”; and

5           (2) by adding at the end the following:

6                   “(B) EXCLUSIONS.—The term ‘navigable  
7           waters’ does not include any of the following:

8                           “(i) Any component of a waste treat-  
9                           ment system, including any lagoon or  
10                           treatment pond (such as a settling or cool-  
11                           ing pond), designed to actively or pas-  
12                           sively—

13                                   “(I) convey or retain wastewater;

14   or

15                                   “(II) concentrate, settle, reduce,  
16                                   or remove pollutants from wastewater.

17                           “(ii) Ephemeral features that flow  
18                           only in direct response to precipitation.

19                           “(iii) Groundwater.

20                           “(iv) Any other features determined  
21                           to be excluded by the Administrator and  
22                           the Secretary of the Army, acting through  
23                           the Chief of Engineers.”.