

112TH CONGRESS
1ST SESSION

H. R. 2997

To amend the Comprehensive Environmental Responsive Compensation and Liability Act of 1980 (“Superfund”) to provide that manure is not considered a hazardous substance or pollutant or contaminant under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2011

Mr. LONG (for himself, Mr. LUETKEMEYER, Mr. AKIN, Mrs. EMERSON, Mrs. HARTZLER, Mr. PEARCE, Mr. CARTER, Mr. SMITH of Nebraska, Mr. HUIZENGA of Michigan, Mr. SIMPSON, Mr. LUCAS, Mr. PETERSON, Mr. HARRIS, Mr. TERRY, and Mr. THOMPSON of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Comprehensive Environmental Responsive Compensation and Liability Act of 1980 (“Superfund”) to provide that manure is not considered a hazardous substance or pollutant or contaminant under that Act, 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. SHORT TITLE.**

2 This Act may be cited as “The Superfund Common
3 Sense Act”.

4 **SEC. 2. ANIMAL WASTE.**

5 (a) AMENDMENT OF SUPERFUND.—Title III of the
6 Comprehensive Environmental Response Compensation
7 and Liability Act of 1980 (42 U.S.C. 9601) is amended
8 by adding the following new section at the end thereof:

9 **“SEC. 312. EXCEPTION FOR MANURE.**

10 “(a) IN GENERAL.—Upon the date of enactment of
11 this section, manure shall not be included in the meaning
12 of ‘hazardous substance’ under section 101(14) of this Act
13 or ‘pollutant or contaminant’ under section 101(33) of
14 this Act.

15 “(b) ELIMINATION OF PAPERWORK REQUIRE-
16 MENTS.—The enactment of this section shall not be con-
17 strued to impose any liability under provisions of the
18 Emergency Planning and Community Right-to-Know Act
19 of 1986 for manure.

20 “(c) NO EFFECT ON OTHER ENVIRONMENTAL
21 LAW.—Nothing in this section shall affect the applicability
22 of any other environmental statute as it relates to the defi-
23 nition of manure, or the responsibilities or liabilities of any
24 person regarding, the treatment, storage, or disposal of
25 manure.

1 “(d) DEFINITION.—For the purposes of this section,
2 the term ‘manure’ means—

3 “(1) digestive emissions, feces, urine, urea and
4 other excrement from livestock (as defined by 7
5 C.F.R. 205.2);

6 “(2) any associated bedding, compost, raw ma-
7 terials or other materials commingled with such ex-
8 crement from livestock (as defined by 7 C.F.R.
9 205.2);

10 “(3) any process water associated with the
11 items referred to in paragraph (1) or (2); and

12 “(4) any byproducts, constituents, or sub-
13 stances contained in, originating from, or emissions
14 relating to the items described in paragraph (1), (2),
15 or (3).”.

16 (b) AMENDMENT OF SARA.—Section 304(a)(4) of
17 the Superfund Amendments and Reauthorization Act of
18 1986 (Public Law 99–499; 100 Stat. 1655) is amended
19 by adding the following at the end thereof: “The notifica-
20 tion requirements under this subsection shall not apply to
21 releases associated with manure (as defined in section 312
22 of the Comprehensive Environmental Response Compensa-
23 tion and Liability Act of 1980).”.

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