

112TH CONGRESS
1ST SESSION

S. 1729

To amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to clarify that manure is not considered a hazardous substance, pollutant, or contaminant under that Act.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2011

Mr. BLUNT (for himself, Mr. CRAPO, Mr. MORAN, Mr. ISAKSON, Mr. LUGAR, Mr. CHAMBLISS, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to clarify that manure is not considered a hazardous substance, pollutant, or contaminant under that Act.

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. ANIMAL WASTE.**

4 (a) AMENDMENT OF CERCLA.—Title III of the
5 Comprehensive Environmental Response Compensation
6 and Liability Act of 1980 (42 U.S.C. 9651) is amended
7 by adding at the end the following:

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

2 “(a) DEFINITION OF MANURE.—In this section, the
3 term ‘manure’ means—

4 “(1) digestive emissions, feces, urine, urea, and
5 other excrement from livestock (as defined in section
6 205.2 of title 7, Code of Federal Regulations (or a
7 successor regulation));

8 “(2) any associated bedding, compost, raw ma-
9 terials, or other materials commingled with excre-
10 ment described in paragraph (1);

11 “(3) any process water associated with any ex-
12 crement or other material referred to in paragraph
13 (1) or (2); and

14 “(4) any byproduct, constituent, or substance
15 contained in, originating from, or any emission relat-
16 ing to, any excrement or other material described in
17 paragraph (1), (2), or (3).

18 “(b) EXCLUSION.—As of the date of enactment of
19 this section, manure shall not be considered to be, or in-
20 cluded in the meaning of, a hazardous substance or a pol-
21 lutant or contaminant under this Act.

22 “(c) ELIMINATION OF PAPERWORK REQUIRE-
23 MENTS.—The enactment of this section shall not impose
24 any liability for manure under the Emergency Planning
25 and Community Right-to-Know Act of 1986 (42 U.S.C.
26 11001 et seq.).

1 “(d) NO EFFECT ON OTHER ENVIRONMENTAL
2 LAW.—Nothing in this section affects the applicability of
3 any other environmental statute with respect to—

4 “(1) the definition of the term ‘manure’; or

5 “(2) the responsibility or liability of any person
6 regarding the treatment, storage, or disposal of ma-
7 nure.”.

8 (b) AMENDMENT OF SARA.—Section 304(a) of the
9 Superfund Amendments and Reauthorization Act of 1986
10 (Public Law 99–499; 100 Stat. 1734) is amended by strik-
11 ing paragraph (4) and inserting the following:

12 “(4) EXEMPTED RELEASES.—This section does
13 not apply to—

14 “(A) any release that results in exposure
15 to persons solely within the site or sites on
16 which a facility is located; or

17 “(B) any release associated with manure
18 (as defined in section 312 of the Comprehensive
19 Environmental Response, Compensation, and
20 Liability Act of 1980).”.

○