

114TH CONGRESS
2D SESSION

H. R. 5685

To amend the Solid Waste Disposal Act to incentivize efficient nutrient management practices and to clarify the citizen suit provisions of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2016

Mr. NEWHOUSE (for himself, Mr. ASHFORD, Mr. BISHOP of Georgia, Mr. COLLINS of New York, Mr. CONAWAY, Mr. COSTA, Mr. CRAMER, Mr. CUELLAR, Mr. LABRADOR, Mr. NUNES, Mr. PETERSON, Mr. SCHRADER, Mr. SIMPSON, Mr. VALADAO, Mr. WALDEN, and Mr. VELA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to incentivize efficient nutrient management practices and to clarify the citizen suit provisions of such 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Farm Regulatory Cer-
5 tainty Act”.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Congress never intended the Solid Waste
4 Disposal Act (commonly known as the Resource
5 Conservation and Recovery Act) to govern animal
6 waste, manure, or fertilizer, or constituents derived
7 from such sources, or the ways in which they are
8 managed, stored, handled, or applied by agricultural
9 operations.

10 (2) The Environmental Protection Agency's
11 September 1979 regulations promulgated under the
12 Solid Waste Disposal Act accurately reflect Con-
13 gress' intent not to regulate manure and crop resi-
14 dues under the Solid Waste Disposal Act.

15 (3) Congress has confidence in the ability of the
16 Natural Resources Conservation Service and the En-
17 vironmental Protection Agency to implement stand-
18 ards and recommendations for animal feeding oper-
19 ations (including concentrated animal feeding oper-
20 ations and large concentrated animal feeding oper-
21 ations) and other agricultural producers, as to ap-
22 propriate storage and handling techniques for ani-
23 mal waste, manure, and fertilizer, and the constitu-
24 ents derived from such sources, to reasonably pro-
25 tect water, air, and soil resources, as well as ensure
26 public health.

1 (4) Continued judicial misinterpretation of Con-
2 gress' intent for the Solid Waste Disposal Act and
3 the September 1979 rules promulgated under it
4 could pose a very real threat to the vitality of the
5 Nation's agricultural community, which would lead
6 to serious disruptions in the food supply.

7 (b) PURPOSES.—The purposes of this Act are—

8 (1) to clarify the intent of Congress with re-
9 spect to the purpose and scope of the Solid Waste
10 Disposal Act, specifically that it was not intended to
11 regulate animal waste, manure, or fertilizer, or con-
12 stituents derived from such sources; and

13 (2) to provide legal clarity relating to individ-
14 uals or entities diligently attempting to comply with
15 State or Federal environmental or resource quality
16 permits, standards, regulations, conditions, require-
17 ments, prohibitions, or orders.

18 **SEC. 3. DEFINITION OF SOLID WASTE.**

19 Section 1004(27) of the Solid Waste Disposal Act (42
20 U.S.C. 6903(27)) is amended by inserting “, or animal
21 waste, manure, or fertilizer, or constituents derived from
22 animal waste, manure, or fertilizer” after “Atomic Energy
23 Act of 1954, as amended (68 Stat. 923)”.

1 **SEC. 4. CITIZEN SUITS.**

2 Section 7002(b)(1) of the Solid Waste Disposal Act
3 (42 U.S.C. 6972(b)(1)) is amended—

4 (1) in the matter following subparagraph (A),
5 by striking “subtitle C of this Act; or” and inserting
6 “subtitle C of this Act;”;

7 (2) in subparagraph (B), by striking “order.”
8 and inserting “order, or is diligently seeking compli-
9 ance with such permit, standard, regulation, condi-
10 tion, requirement, prohibition, or order in a Federal
11 or State administrative proceeding;”; and

12 (3) by adding after subparagraph (B) the fol-
13 lowing:

14 “(C) if the Administrator or State has, under
15 any other law or regulation—

16 “(i) commenced and is diligently pros-
17 ecuting a civil or criminal action in a court of
18 the United States or a State to address the
19 same substance or activity that could otherwise
20 be the subject of an action under subsection
21 (a)(1)(A) of this section; or

22 “(ii) commenced a Federal or State admin-
23 istrative proceeding to address the same sub-
24 stance or activity that could otherwise be the
25 subject of an action under subsection (a)(1)(A)
26 of this section; or

1 “(D) if the alleged violation concerns a sub-
2 stance or activity subject to a State plan approved
3 under section 4007 of this Act.”.

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