

110TH CONGRESS  
1ST SESSION

# H. R. 1398

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2007

Mr. PETERSON of Minnesota (for himself, Mr. HALL of Texas, Mr. BARROW, Mr. BERRY, Mr. BLUNT, Mr. BOOZMAN, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. BURGESS, Mr. BUTTERFIELD, Mr. BUYER, Mr. COBLE, Mr. CONAWAY, Mr. COSTA, Mr. CUELLAR, Mr. LINCOLN DAVIS of Tennessee, Mr. DEAL of Georgia, Mrs. EMERSON, Mr. ETHERIDGE, Mr. FORTENBERRY, Mrs. GILLIBRAND, Mr. GINGREY, Mr. GOODLATTE, Mr. GORDON of Tennessee, Mr. GRAVES, Mr. HASTERT, Mr. HAYES, Ms. HERSETH, Mr. HOLDEN, Mr. JONES of North Carolina, Mr. KAGEN, Mr. KING of Iowa, Mr. LAMPSON, Mr. LUCAS, Mr. MARSHALL, Mr. MATHE-SON, Mr. MCINTYRE, Mr. MELANCON, Mrs. MYRICK, Mr. ORTIZ, Mr. PASTOR, Mr. PICKERING, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. ROSS, Mr. SALAZAR, Mr. SCOTT of Georgia, Mr. SHADEGG, Mr. SKELTON, Mr. SMITH of Nebraska, Mr. SPACE, Mr. TERRY, Mr. UPTON, Mr. WALZ of Minnesota, Mr. WESTMORELAND, Mr. WHITFIELD, Mrs. WILSON of New Mexico, and Mr. WILSON of South Carolina) 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

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## A BILL

To amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that ma-

nure shall not be considered to be a hazardous substance, pollutant, or contaminant.

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 “Agricultural Protection  
 5       and Prosperity Act of 2007”.

6       **SEC. 2. ANIMAL WASTE.**

7       (a) AMENDMENT OF SUPERFUND.—Title III of the  
 8       Comprehensive Environmental Response, Compensation,  
 9       and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is  
 10      amended by adding at the end the following:

11      **“SEC. 313. EXCEPTION FOR MANURE.**

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

14              “(1) digestive emissions, feces, urine, urea, and  
 15              other excrement from livestock (as defined in section  
 16              10403 of the Farm Security and Rural Investment  
 17              Act of 2002 (7 U.S.C. 8302));

18              “(2) any associated bedding, compost, raw ma-  
 19              terials, or other materials commingled with such ex-  
 20              crement from livestock (as so defined);

21              “(3) any process water associated with any item  
 22              referred to in paragraph (1) or (2); and

23              “(4) any byproduct, constituent, or substance  
 24              contained in or originating from, or any emission re-

1       lating to, an item described in paragraph (1), (2), or  
2       (3).

3       “(b) EXEMPTION.—Upon the date of enactment of  
4 this section, manure shall not be included in the meaning  
5 of—

6               “(1) the term ‘hazardous substance’, as defined  
7 in section 101(14); or

8               “(2) the term ‘pollutant or contaminant’, as de-  
9 fined in section 101(33).

10       “(c) EFFECT ON OTHER LAW.—Nothing with respect  
11 to the enactment of this subsection shall—

12               “(1) impose any liability under the Emergency  
13 Planning and Community Right-To-Know Act of  
14 1986 (42 U.S.C. 11001 et seq.) with respect to ma-  
15 nure;

16               “(2) abrogate or otherwise affect any provision  
17 of the Air Quality Agreement entered into between  
18 the Administrator and operators of animal feeding  
19 operations (70 Fed. Reg. 4958 (January 31, 2005));  
20 or

21               “(3) affect the applicability of any other envi-  
22 ronmental law as such a law relates to—

23               “(A) the definition of manure; or

1           “(B) the responsibilities or liabilities of  
2           any person regarding the treatment, storage, or  
3           disposal of manure.”.

4           (b) AMENDMENT OF SARA.—Section 304(a)(4) of  
5 the Superfund Amendments and Reauthorization Act of  
6 1986 (42 U.S.C. 11004(a)(4)) is amended—

7           (1) by striking “This section” and inserting the  
8           following:

9           “(A) IN GENERAL.—This section”; and

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

11          “(B) MANURE.—The notification require-  
12          ments under this subsection do not apply to re-  
13          leases associated with manure (as defined in  
14          section 313 of the Comprehensive Environ-  
15          mental Response, Compensation, and Liability  
16          Act of 1980).”.

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