

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3681

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 SENATE OF THE UNITED STATES

JULY 18, 2006

Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. CRAIG, Mr. PRYOR, Mr. ALLARD, Mr. BROWNBACK, Mr. BURNS, Mr. BOND, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAPO, Mrs. DOLE, Mr. GRASSLEY, Mr. HAGEL, Mr. LOTT, Mr. ROBERTS, Mr. STEVENS, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. BURR, Mr. NELSON of Nebraska, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

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.

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 2006”.

1 **SEC. 2. ANIMAL WASTE.**

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

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

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

9 “(1) digestive emissions, feces, urine, urea, and  
10 other excrement from livestock (as defined in section  
11 205.2 of title 7, Code of Federal Regulations (or a  
12 successor regulation));

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

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

18 “(4) any byproduct, constituent, or substance  
19 contained in or originating from, or any emission re-  
20 lating to, an item described in paragraph (1), (2), or  
21 (3).

22 “(b) EXEMPTION.—Upon the date of enactment of  
23 this section, manure shall not be included in the meaning  
24 of—

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

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

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

5           “(1) impose any liability under the Emergency  
6           Planning and Community Right-To-Know Act of  
7           1986 (42 U.S.C. 11001 et seq.) with respect to ma-  
8           nure;

9           “(2) abrogate or otherwise affect any provision  
10          of the Air Quality Agreement entered into between  
11          the Administrator and operators of animal feeding  
12          operations (70 Fed. Reg. 4958 (January 31, 2005));  
13          or

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

16                 “(A) the definition of manure; or

17                 “(B) the responsibilities or liabilities of  
18                 any person regarding the treatment, storage, or  
19                 disposal of manure.”.

20          (b) AMENDMENT OF SARA.—Section 304(a)(4) of  
21 the Superfund Amendments and Reauthorization Act of  
22 1986 (42 U.S.C. 11004(a)(4)) is amended—

23                 (1) by striking “This section” and inserting the  
24                 following:

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

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

2 “(B) MANURE.—The notification require-  
3 ments under this subsection do not apply to re-  
4 leases associated with manure (as defined in  
5 section 313 of the Comprehensive Environ-  
6 mental Response, Compensation, and Liability  
7 Act of 1980).”.

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