

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Solid Waste Disposal Act to clarify the citizen suit provisions of such Act with respect to manure, or crop residue, that is stored or returned to the soil as fertilizer or soil conditioner by an agricultural operation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NEWHOUSE introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Solid Waste Disposal Act to clarify the citizen suit provisions of such Act with respect to manure, or crop residue, that is stored or returned to the soil as fertilizer or soil conditioner by an agricultural operation, 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. CITIZEN SUITS.**

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

4 (1) by redesignating subparagraphs (E) and
5 (F) as subparagraphs (F) and (G), respectively; and

6 (2) by adding after subparagraph (D) the fol-
7 lowing:

8 “(E)(i) No action may be commenced under
9 subsection (a)(1)(B) of this section against an agri-
10 cultural operation if the Administrator or the State,
11 in order to restrain or abate acts or conditions de-
12 scribed in clause (ii), has—

13 “(I) commenced and is diligently pros-
14 ecuting a civil or criminal action against such
15 agricultural operation in a court of the United
16 States or a State; or

17 “(II) commenced and is diligently con-
18 ducting a Federal or State administrative pro-
19 ceeding against, or entered into a consent
20 agreement with, such agricultural operation to
21 seek compliance with an applicable permit,
22 standard, regulation, condition, requirement,
23 prohibition, or order.

24 “(ii) The acts or conditions described in this
25 clause are acts or conditions—

26 “(I) pertaining to—

1 “(aa) the storage of manure or crop
2 residue that is to be returned to the soil as
3 fertilizer or soil conditioner by the agricul-
4 tural operation; or

5 “(bb) the return to the soil as fer-
6 tilizer or soil conditioner of manure or crop
7 residue by the agricultural operation; and

8 “(II) which may have contributed or are
9 contributing to the activities which may present
10 the alleged endangerment.”.