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114TH CONGRESS
1ST SESSION

H. R. 1515

To amend the Safe Drinking Water Act to require testing of underground sources of drinking water in connection with hydraulic fracturing operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2015

Ms. SCHAKOWSKY (for herself, Mr. BLUMENAUER, Mr. BEYER, Mr. CARTWRIGHT, Mr. VAN HOLLEN, Mr. LOWENTHAL, Ms. CLARK of Massachusetts, Ms. CASTOR of Florida, Mr. HUFFMAN, Mr. FARR, Mr. RANGEL, Mr. CONNOLLY, Mr. SCHIFF, Mr. QUIGLEY, Ms. LOFGREN, Ms. NORTON, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend the Safe Drinking Water Act to require testing of underground sources of drinking water in connection with hydraulic fracturing operations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Hydration is an American Right in Energy Development Act of 2015".

SEC. 2. TESTING OF UNDERGROUND DRINKING WATER SOURCES IN CONNECTION WITH HYDRAULIC FRACTURING OPERATIONS.

(a) IN GENERAL.—Section 1421(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300h(b)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) shall prohibit the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities unless the person proposing to conduct the hydraulic fracturing operations agrees to conduct testing and report data in accordance with section 1421A.''.

(b) TESTING AND REPORTING REQUIREMENTS.—Part C of the Safe Drinking Water Act is amended by inserting after section 1421 of such Act (42 U.S.C. 300h) the following:

''SEC. 1421A. TESTING OF UNDERGROUND DRINKING WATER SOURCES IN CONNECTION WITH HYDRAULIC FRACTURING OPERATIONS.

''(a) REQUIREMENTS.—Regulations under section 1421(a) for State underground injection control programs

shall, in connection with the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities, require any person conducting such operations—

"(1) to conduct testing of underground sources of drinking water in accordance with subsections (c) and (d)—

"(A) with respect to a site where, as of the date of enactment of this section, underground injection has not commenced for the first time—

"(i) prior to commencement of underground injection at the site for the first time;

"(ii) at least once every 6 months during the period beginning at the commencement of underground injection described in clause (i) and ending at the cessation of such hydraulic fracturing operations; and

"(iii) at least once every 12 months during the 5-year period following the end of the period described in clause (ii);

"(B) with respect to a site where, as of the date of enactment of this section, there is no

active underground injection, but underground injection has previously occurred at the site—

"(i) prior to renewing underground injection at the site;

"(ii) at least once every 6 months during the period beginning at such renewal of underground injection and ending at the cessation of such hydraulic fracturing operations; and

"(iii) at least once every 12 months during the 5-year period following the end of the period described in clause (ii); and

"(C) with respect to a site where, as of the date of enactment of this section, such hydraulic fracturing operations are occurring—

"(i) at least once every 6 months during the period beginning on the date of enactment of this section ending at the cessation of such hydraulic fracturing operations; and

"(ii) at least once every 12 months during the 5-year period following the end of the period described in clause (i); and

"(2) to submit reports to the Administrator on the results of testing under subparagraph (A), (B),

or (C) of paragraph (1) within 2 weeks of such testing.

"(b) EXCEPTION.—The testing and reporting requirements of subsection (a) do not apply with respect to hydraulic fracturing operations if there is no accessible underground source of drinking water within a radius of one mile of the site where the operations occur.

"(c) SAMPLING LOCATIONS.—Testing required pursuant to subsection (a) shall occur—

"(1) at all accessible underground sources of drinking water within a radius of one-half mile of the site where the hydraulic fracturing operations occur; and

"(2) if there is no accessible underground source of drinking water within such radius, at the nearest accessible underground source of drinking water within a radius of one mile of such site.

"(d) TESTING.—Testing required pursuant to subsection (a) shall—

"(1) be conducted by one or more laboratories certified pursuant to the Environmental Protection Agency's program for certifying laboratories for analysis of drinking water contaminants; and

"(2) include testing for any hazardous substance, pollutant, contaminant, or other factor that

the Administrator determines would indicate damage associated with hydraulic fracturing operations.

''(e) DATABASE; PUBLIC ACCESSIBILITY.—

''(1) DATABASE.—The Administrator shall establish and maintain a database of the results reported pursuant to subsection (a)(2).

''(2) PUBLIC ACCESSIBILITY.—The Administrator shall make such database publicly accessible on the Website of the Environmental Protection Agency.

''(3) PUBLIC SEARCHABILITY.—The Administrator shall make such database searchable by zip code, allowing members of the public to easily identify all sites for which reports are submitted pursuant to subsection (a)(2).

''(f) DEFINITION.—In this section, the term 'accessible underground source of drinking water' means an underground source of drinking water to which the person conducting the hydraulic fracturing operations can reasonably gain access.''.

(c) CONFORMING AMENDMENT.—Section 1421(d)(1)(B)(ii) of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1)(B)(ii)) is amended by inserting ''except as provided in subsection (b)(1)(E) of this section and section 1421A,'' before ''the underground injection of fluids

1 or propping agents (other than diesel fuels) pursuant to
2 hydraulic fracturing operations related to oil, gas, or geo-
3 thermal production activities''.

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