

114TH CONGRESS
1ST SESSION

H. R. 4215

To require regulation of wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy under the Solid Waste Disposal Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2015

Mr. CARTWRIGHT (for himself, Ms. BASS, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. CASTOR of Florida, Ms. CLARK of Massachusetts, Mr. CLEAVER, Mr. CONNOLLY, Mr. CUMMINGS, Mr. DEFazio, Ms. DELBENE, Mr. DEUTCH, Mr. ELLISON, Mr. FARR, Mr. GRAYSON, Mr. HASTINGS, Mr. HIGGINS, Mr. HUFFMAN, Mr. JOHNSON of Georgia, Mr. KEATING, Mr. BEYER, Ms. BONAMICI, Ms. BROWN of Florida, Mr. CAPUANO, Ms. JUDY CHU of California, Ms. CLARKE of New York, Mr. COHEN, Mr. CONYERS, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DESAULNIER, Ms. EDWARDS, Ms. ESHOO, Mr. FATTAH, Mr. GRIJALVA, Mr. HECK of Washington, Mr. HONDA, Ms. JACKSON LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Ms. KUSTER, Mr. LARSEN of Washington, Mrs. LAWRENCE, Mr. LEWIS, Mr. LOEBSACK, Mr. LOWENTHAL, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Mr. MCDERMOTT, Mr. MEEKS, Mr. MOULTON, Mrs. NAPOLITANO, Mr. NOLAN, Mr. PAYNE, Mr. POCAN, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. KILMER, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. TED LIEU of California, Ms. LOFGREN, Mr. LYNCH, Mr. SEAN PATRICK MALONEY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MENG, Mr. NADLER, Mr. NEAL, Ms. NORTON, Ms. PINGREE, Mr. POLIS, Mr. QUIGLEY, Miss RICE of New York, Mr. SARBANES, Mr. SCHIFF, Mr. SERRANO, Mr. SIRES, Mr. SMITH of Washington, Mr. SWALWELL of California, Mr. TAKANO, Mr. TONKO, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Ms. WILSON of Florida, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SPEIER, Mr. TAKAI, Mr. THOMPSON of California, Ms. TSONGAS, Mr. VARGAS, Ms. MAXINE WATERS of California, Mr. WELCH, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require regulation of wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy under the Solid Waste Disposal 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 “CLEANER Act of
 5 2015” or the “Closing Loopholes and Ending Arbitrary
 6 and Needless Evasion of Regulations Act of 2015”.

7 **SEC. 2. REGULATION OF WASTES ASSOCIATED WITH THE**
 8 **EXPLORATION, DEVELOPMENT, OR PRODUC-**
 9 **TION OF CRUDE OIL, NATURAL GAS, OR GEO-**
 10 **THERMAL ENERGY UNDER THE SOLID WASTE**
 11 **DISPOSAL ACT.**

12 (a) IDENTIFICATION OR LISTING, AND REGULATION
 13 UNDER SUBTITLE C.—Paragraph (2) of section 3001(b)
 14 of the Solid Waste Disposal Act (42 U.S.C. 6921(b)) is
 15 amended to read as follows:

16 “(2) Not later than 1 year after the date of enact-
 17 ment of the CLEANER Act of 2015, the Administrator
 18 shall—

19 “(A) determine whether drilling fluids, pro-
 20 duced waters, and other wastes associated with the
 21 exploration, development, or production of crude oil,

1 natural gas, or geothermal energy meet the criteria
2 promulgated under this section for the identification
3 or listing of hazardous waste;

4 “(B) identify or list as hazardous waste any
5 drilling fluids, produced waters, or other wastes as-
6 sociated with the exploration, development, or pro-
7 duction of crude oil, natural gas, or geothermal en-
8 ergy that the Administrator determines, pursuant to
9 subparagraph (A), meet the criteria promulgated
10 under this section for the identification or listing of
11 hazardous waste; and

12 “(C) promulgate regulations under sections
13 3002, 3003, and 3004 for wastes identified or listed
14 as hazardous waste pursuant to subparagraph (B),
15 except that the Administrator is authorized to mod-
16 ify the requirements of such sections to take into ac-
17 count the special characteristics of such wastes so
18 long as such modified requirements protect human
19 health and the environment.”.

20 (b) REGULATION UNDER SUBTITLE D.—Section
21 4010(c) of the Solid Waste Disposal Act (42 U.S.C.
22 6949a(c)) is amended by adding at the end the following
23 new paragraph:

24 “(7) DRILLING FLUIDS, PRODUCED WATERS,
25 AND OTHER WASTES ASSOCIATED WITH THE EXPLO-

1 RATION, DEVELOPMENT, OR PRODUCTION OF CRUDE
2 OIL, NATURAL GAS, OR GEOTHERMAL ENERGY.—Not
3 later than 1 year after the date of enactment of the
4 CLEANER Act of 2015, the Administrator shall
5 promulgate revisions of the criteria promulgated
6 under section 4004(a) and under section 1008(a)(3)
7 for facilities that may receive drilling fluids, pro-
8 duced waters, or other wastes associated with the ex-
9 ploration, development, or production of crude oil,
10 natural gas, or geothermal energy, that are not iden-
11 tified or listed as hazardous waste pursuant to sec-
12 tion 3001(b)(2). The criteria shall be those nec-
13 essary to protect human health and the environment
14 and may take into account the practicable capability
15 of such facilities. At a minimum such revisions for
16 facilities potentially receiving such wastes should re-
17 quire ground water monitoring as necessary to de-
18 tect contamination, establish criteria for the accept-
19 able location of new or existing facilities, and provide
20 for corrective action and financial assurance as ap-
21 propriate.”.

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