H. R. 1969

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

April 6, 2017

Ms. Schakowsky (for herself, Ms. Tsongas, Mr. Grijalva, Ms. Speier, Mr. Huffman, Mr. Takano, Mrs. Napolitano, Mr. Beyer, Ms. Clark of Massachusetts, Mr. Connolly, Mr. Sarbanes, Ms. Norton, Mr. Blumenauer, Ms. Slaughter, Mr. Ellison, Mr. Yarmuth, Mr. Lowenthal, Mr. Quigley, Mr. Gallego, Mr. Evans, Ms. Lofgren, Ms. Eshoo, Mr. Polis, Mr. Cartwright, Mr. Schiff, Ms. McCollum, Mr. Hastings, Ms. Maxine Waters of California, and Ms. Meng) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 Representa-
tives 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 2017”.
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 in-
jection at the site;

“(ii) at least once every 6 months dur-
ing the period beginning at such renewal of
underground injection and ending at the
cessation of such hydraulic fracturing oper-
ations; 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 hydrau-
lic fracturing operations are occurring—

“(i) at least once every 6 months dur-
ing the period beginning on the date of en-
actment of this section ending at the ces-
sation of such hydraulic fracturing oper-
ations; 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 es-
establish and maintain a database of the results re-
ported pursuant to subsection (a)(2).

“(2) PUBLIC ACCESSIBILITY.—The Adminis-
trator shall make such database publicly accessible
on the Website of the Environmental Protection
Agency.

“(3) PUBLIC SEARCHABILITY.—The Adminis-
trator shall make such database searchable by zip
code, allowing members of the public to easily iden-
tify all sites for which reports are submitted pursu-
ant to subsection (a)(2).

“(f) DEFINITION.—In this section, the term ‘acces-
sible underground source of drinking water’ means an un-
derground source of drinking water to which the person
conducting the hydraulic fracturing operations can reason-
ably 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 sec-
tion 1421A,” before “the underground injection of fluids
or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities”.

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