

HOUSE BILL 458

M3

5lr0375

By: **Delegates S. Robinson, Fraser–Hidalgo, Barkley, Beidle, Carr, Frush, Healey, Lafferty, Lam, Luedtke, A. Miller, Moon, Pena–Melnik, Platt, Reznik, Smith, A. Washington, and M. Washington**

Introduced and read first time: February 9, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Exploration and Production Waste and Waste From Hydraulic**
3 **Fracturing**

4 FOR the purpose of establishing that exploration and production waste is a controlled
5 hazardous substance for the purpose of certain laws and regulations if it exhibits
6 certain characteristics; prohibiting the Department of the Environment from
7 exempting exploration and production waste from certain requirements relating to
8 controlled hazardous substances; prohibiting a person from accepting, receiving,
9 collecting, storing, treating, transferring, or disposing of, in the State, waste from
10 hydraulic fracturing; defining certain terms; and generally relating to exploration
11 and production waste and waste from hydraulic fracturing.

12 BY adding to

13 Article – Environment

14 Section 7–205.1

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2014 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Environment

19 Section 9–101(a) and (j)

20 Annotated Code of Maryland

21 (2014 Replacement Volume)

22 BY adding to

23 Article – Environment

24 Section 9–293 to be under the new part “Part IX. Waste From Hydraulic Fracturing”

25 Annotated Code of Maryland

26 (2014 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Environment**

4 **7–205.1.**

5 (A) (1) IN THIS SECTION, “EXPLORATION AND PRODUCTION WASTE”
6 MEANS WASTE ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT, OR
7 PRODUCTION OF CRUDE OIL, NATURAL GAS, OR GEOTHERMAL ENERGY.

8 (2) “EXPLORATION AND PRODUCTION WASTE” INCLUDES:

9 (I) DRILL CUTTINGS, DRILLING FLUID, AND PRODUCED
10 WATER; AND

11 (II) WASTE FROM HYDRAULIC FRACTURING, AS DEFINED IN §
12 9–293 OF THIS ARTICLE.

13 (B) FOR PURPOSES OF THIS SUBTITLE AND REGULATIONS ADOPTED UNDER
14 THIS SUBTITLE, EXPLORATION AND PRODUCTION WASTE IS A CONTROLLED
15 HAZARDOUS SUBSTANCE IF IT EXHIBITS CHARACTERISTICS OF IGNITIBILITY,
16 CORROSIVITY, REACTIVITY, TOXICITY, OR RADIOACTIVITY, AS DEFINED IN
17 DEPARTMENT REGULATIONS.

18 (C) THE DEPARTMENT MAY NOT EXEMPT EXPLORATION AND PRODUCTION
19 WASTE FROM REQUIREMENTS CONCERNING THE IDENTIFICATION, GENERATION,
20 HANDLING, TRANSPORTATION, OR DISPOSAL OF CONTROLLED HAZARDOUS
21 SUBSTANCES IN THE STATE.

22 9–101.

23 (a) In this title the following words have the meanings indicated.

24 (j) (1) “Solid waste” means any garbage, refuse, sludge, or liquid from
25 industrial, commercial, mining, or agricultural operations or from community activities.

26 (2) “Solid waste” includes:

27 (i) Scrap tires as defined in § 9–201 of this title; and

28 (ii) Organic material capable of being composted that is not
29 composted in accordance with regulations adopted under § 9–1725(b) of this title.

- 1 (3) “Solid waste” does not include:
- 2 (i) Solid or dissolved material in domestic sewage or in irrigation
3 return flows;
- 4 (ii) Compost as defined in § 9–1701 of this title; or
- 5 (iii) Organic material capable of being composted that is composted
6 in accordance with regulations adopted under § 9–1725(b) of this title.

7 **9–291. RESERVED.**

8 **9–292. RESERVED.**

9 **PART IX. WASTE FROM HYDRAULIC FRACTURING.**

10 **9–293.**

11 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
12 **INDICATED.**

13 **(2) “DISPOSE” MEANS TO DISCHARGE, DEPOSIT, INJECT, DUMP,**
14 **SPILL, LEAK, OR PLACE ANY WASTE FROM HYDRAULIC FRACTURING INTO OR ON ANY**
15 **LAND OR WATER SO THAT THE WASTE, OR ANY CONSTITUENT OF THE WASTE, MAY**
16 **ENTER THE ENVIRONMENT, BE EMITTED INTO THE AIR, OR BE DISCHARGED INTO**
17 **ANY WATERS OF THE STATE.**

18 **(3) (I) “HYDRAULIC FRACTURING” MEANS A DRILLING**
19 **TECHNIQUE THAT EXPANDS EXISTING FRACTURES OR CREATES NEW FRACTURES IN**
20 **ROCK BY INJECTING FLUIDS, OFTEN A MIXTURE OF WATER AND CHEMICALS, SAND,**
21 **OR OTHER SUBSTANCES, AND OFTEN UNDER PRESSURE, INTO OR UNDERNEATH THE**
22 **SURFACE OF THE ROCK FOR PURPOSES THAT INCLUDE WELL DRILLING AND THE**
23 **EXPLORATION OR PRODUCTION OF NATURAL GAS.**

24 **(II) “HYDRAULIC FRACTURING” INCLUDES:**

- 25 1. **FRACKING;**
- 26 2. **HYDROFRACKING; AND**
- 27 3. **HYDROFRACTURING.**

28 **(4) (I) “NATURAL GAS” MEANS ANY HYDROCARBON OR**
29 **NONHYDROCARBON GAS THAT IS PRODUCED FROM A NATURAL RESERVOIR.**

1 (II) "NATURAL GAS" INCLUDES:

- 2 1. CARBON DIOXIDE;
- 3 2. CASINGHEAD GAS;
- 4 3. HELIUM;
- 5 4. HYDROGEN;
- 6 5. HYDROGEN SULFIDE; AND
- 7 6. NITROGEN.

8 (5) "STORE" MEANS TO HOLD WASTE FROM HYDRAULIC FRACTURING
9 FOR A TEMPORARY PERIOD, AT THE END OF WHICH THE WASTE IS TREATED,
10 DISPOSED OF, OR STORED ELSEWHERE.

11 (6) "TRANSFER" MEANS TO MOVE WASTE FROM HYDRAULIC
12 FRACTURING FROM ONE VEHICLE TO ANOTHER OR FROM ONE MODE OF
13 TRANSPORTATION TO ANOTHER.

14 (7) (I) "TREAT" MEANS TO CHANGE THE PHYSICAL, CHEMICAL, OR
15 BIOLOGICAL CHARACTER OR COMPOSITION OF WASTE FROM HYDRAULIC
16 FRACTURING.

17 (II) "TREAT" INCLUDES:

- 18 1. RECLAIMING WASTE FROM HYDRAULIC FRACTURING;
- 19 AND
- 20 2. RENDERING WASTE FROM HYDRAULIC FRACTURING
21 SUITABLE FOR USE OR REUSE.

22 (8) (I) "WASTE FROM HYDRAULIC FRACTURING" MEANS ANY
23 SOLID WASTE GENERATED BY HYDRAULIC FRACTURING.

24 (II) "WASTE FROM HYDRAULIC FRACTURING" INCLUDES:

- 25 1. WASTEWATER AND WASTEWATER SOLIDS THAT COME
26 TO THE SURFACE AS A RESULT OF HYDRAULIC FRACTURING;

1 **2. NATURALLY OCCURRING BRINE THAT COMES TO THE**
2 **SURFACE AS A RESULT OF HYDRAULIC FRACTURING;**

3 **3. FRACTURING FLUIDS THAT RETURN TO THE SURFACE**
4 **AFTER A HYDRAULIC FRACTURE IS COMPLETED; AND**

5 **4. DRILL CUTTINGS FROM HYDRAULIC FRACTURING.**

6 **(B) A PERSON MAY NOT ACCEPT, RECEIVE, COLLECT, STORE, TREAT,**
7 **TRANSFER, OR DISPOSE OF, IN THE STATE, WASTE FROM HYDRAULIC FRACTURING.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2015.