

118TH CONGRESS
1ST SESSION

H. R. 4777

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

JULY 20, 2023

Mr. CARTWRIGHT (for himself, Ms. BARRAGÁN, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Ms. CLARKE of New York, Mr. COHEN, Mr. CONNOLLY, Ms. DEGETTE, Mr. DESAULNIER, Ms. ESHOO, Mr. GRIJALVA, Mr. HUFFMAN, Mr. KHANNA, Mr. LYNCH, Ms. MENG, Mr. MORELLE, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. POCAN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHERMAN, Mr. SMITH of Washington, Ms. TLAIB, Mr. VARGAS, and Ms. VELÁZQUEZ) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “CLEANER Act of
3 2023” or the “Closing Loopholes and Ending Arbitrary
4 and Needless Evasion of Regulations Act of 2023”.

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

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

14 “(2) Not later than 1 year after the date of enact-
15 ment of the CLEANER Act of 2023, the Administrator
16 shall—

17 “(A) determine whether drilling fluids, pro-
18 duced waters, and other wastes associated with the
19 exploration, development, or production of crude oil,
20 natural gas, or geothermal energy meet the criteria
21 promulgated under this section for the identification
22 or listing of hazardous waste;

23 “(B) identify or list as hazardous waste any
24 drilling fluids, produced waters, or other wastes as-
25 sociated with the exploration, development, or pro-
26 duction of crude oil, natural gas, or geothermal en-

1 ergy that the Administrator determines, pursuant to
2 subparagraph (A), meet the criteria promulgated
3 under this section for the identification or listing of
4 hazardous waste; and

5 “(C) promulgate regulations under sections
6 3002, 3003, and 3004 for wastes identified or listed
7 as hazardous waste pursuant to subparagraph (B),
8 except that the Administrator is authorized to mod-
9 ify the requirements of such sections to take into ac-
10 count the special characteristics of such wastes so
11 long as such modified requirements protect human
12 health and the environment.”.

13 (b) REGULATION UNDER SUBTITLE D.—Section
14 4010(c) of the Solid Waste Disposal Act (42 U.S.C.
15 6949a(c)) is amended by adding at the end the following
16 new paragraph:

17 “(7) DRILLING FLUIDS, PRODUCED WATERS,
18 AND OTHER WASTES ASSOCIATED WITH THE EXPLO-
19 RATION, DEVELOPMENT, OR PRODUCTION OF CRUDE
20 OIL, NATURAL GAS, OR GEOTHERMAL ENERGY.—Not
21 later than 1 year after the date of enactment of the
22 CLEANER Act of 2023, the Administrator shall
23 promulgate revisions of the criteria promulgated
24 under section 4004(a) and under section 1008(a)(3)
25 for facilities that may receive drilling fluids, pro-

1 duced waters, or other wastes associated with the ex-
2 ploration, development, or production of crude oil,
3 natural gas, or geothermal energy, that are not iden-
4 tified or listed as hazardous waste pursuant to sec-
5 tion 3001(b)(2). The criteria shall be those nec-
6 essary to protect human health and the environment
7 and may take into account the practicable capability
8 of such facilities. At a minimum such revisions for
9 facilities potentially receiving such wastes should re-
10 quire ground water monitoring as necessary to de-
11 tect contamination, establish criteria for the accept-
12 able location of new or existing facilities, and provide
13 for corrective action and financial assurance as ap-
14 propriate.”.

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