

117TH CONGRESS
2D SESSION

H. R. 8310

To amend the Safe Drinking Water Act to clarify the requisite timeline for making a decision on the approval or disapproval of a State underground injection control program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2022

Mr. MCKINLEY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Safe Drinking Water Act to clarify the requisite timeline for making a decision on the approval or disapproval of a State underground injection control program, 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 “Well Primacy Cer-
5 tainty Act”.

6 **SEC. 2. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.**

7 (a) AMENDMENTS.—Section 1422(b) of the Safe
8 Drinking Water Act (42 U.S.C. 300h–1(b)) is amended—

1 (1) in paragraph (2)—

2 (A) by striking “Within ninety days” and
3 inserting “(A) Within ninety days”;

4 (B) by striking “and after reasonable op-
5 portunity for presentation of views”; and

6 (C) by adding at the end the following:

7 “(B) If the Administrator does not approve,
8 disapprove, or approve in part and disapprove in
9 part a State’s underground injection control pro-
10 gram within ninety days after a State’s application
11 is submitted under paragraph (1)(A) or notice is
12 submitted under paragraph (1)(B), the State’s un-
13 derground injection control program shall be deemed
14 approved.”;

15 (2) by amending paragraph (4) to read as fol-
16 lows:

17 “(4) Before promulgating any rule under paragraph
18 (2) or (3) of this subsection, the Administrator shall—

19 “(A) provide a reasonable opportunity for pres-
20 entation of views with respect to such rule, including
21 a public hearing and a public comment period; and

22 “(B) publish in the Federal Register notice of
23 the reasonable opportunity for presentation of views
24 provided under subparagraph (A).”; and

25 (3) by adding at the end the following:

1 “(5) PREAPPLICATION ACTIVITIES.—The Adminis-
 2 trator shall work as expeditiously as possible with States
 3 to complete any necessary activities prior to the submis-
 4 sion of an application under paragraph (1)(A) or notice
 5 under paragraph (1)(B).

6 “(6) APPLICATION COORDINATION FOR CLASS VI
 7 WELLS.—The Administrator shall designate one indi-
 8 vidual to be responsible for coordinating, with respect to
 9 a State’s underground injection control program for Class
 10 VI wells (as defined in section 40306(a) of the Infrastruc-
 11 ture Investment and Jobs Act (42 U.S.C. 300h–9(a)))—

12 “(A) the review of an application submitted
 13 under paragraph (1)(A) or notice submitted under
 14 paragraph (1)(B); and

15 “(B) any reasonable opportunity for presen-
 16 tation of views provided under paragraph (4)(A) and
 17 any notice published under paragraph (4)(B).”.

18 (b) USE OF FUNDS.—Amounts made available to
 19 carry out section 40306 of the Infrastructure Investment
 20 and Jobs Act (42 U.S.C. 300h–9) may be used to carry
 21 out paragraph (6) of section 1422(b) of the Safe Drinking
 22 Water Act, as added by this Act.

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