

SECTION 1. SHORT TITLE

This Act may be cited as the “Well Primacy Certainty Act”.

SEC. 2. STATE PRIMARY ENFORCEMENT RESPONSIBILITY

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

(1) in paragraph (2)—

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

(B) by striking “and after reasonable opportunity for presentation of views”; and

(C) by adding at the end the following:

“(B) If, after 180 calendar days of the State’s application being submitted under paragraph (1)(A) or notice submitted under paragraph (1)(B), the Administrator does not, pursuant to subparagraph (A), by rule approve, disapprove, or approve in part and disapprove in part a State’s underground injection control program --

“(i) the Administrator shall transmit, in writing, to the State a detailed explanation as to the status of the application; and

“(ii) the State’s underground injection control program shall be deemed approved under this section if—

“(I) the Administrator has not after another 45 days, pursuant to subparagraph (A), by rule approved, disapproved, or approved in part and disapproved in part a State’s underground injection control program ; and

“(II) the State that submitted an application under paragraph (1)(A) has established an effective program (including adequate recordkeeping and reporting) to prevent underground injection which endangers drinking water sources and implement an underground injection control program.

(2) by amending paragraph (4) by striking “provide opportunity for public hearing respecting such rule” and inserting “—”

“(A) provide a reasonable opportunity for presentation of views with respect to such rule, including a public hearing and a public comment period; and

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

(3) by adding at the end the following:

“(5) PREAPPLICATION ACTIVITIES.—The Administrator shall work as expeditiously as possible with States to complete any necessary activities relevant to the submission of an application under paragraph (1)(A) or notice under paragraph (1)(B), taking into consideration the need for a complete and detailed submission.

“(6) APPLICATION COORDINATION FOR CLASS VI WELLS.—With respect to the underground injection control program for Class VI wells (as defined in section 40306(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 300h-9(a))), the Administrator shall designate one individual at EPA from each regional office to be responsible for coordinating—

“(A) the completion of any necessary activities prior to the submission of an application under paragraph (1)(A) or notice under paragraph (1)(B), in accordance with paragraph (5);”

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

“(C) any reasonable opportunity for presentation of views provided under paragraph (4)(A) and any notice published under paragraph (4)(B); and

“(D) Pursuant to the recommendations included in the report required under paragraph (7), the hiring of additional staff to carry out subparagraphs (A) through (C).

“(7) EVALUATION OF RESOURCES.—

“(A) In General.—Not later than 90 days after the date of enactment of this Act, the individual designated under paragraph (6) shall transmit to the appropriate Congressional committees a report and recommendations regarding the—

“(i) availability of staff and resources to promptly carry out the requirements of this section; and

“(ii) additional funding amounts needed to do so.

“(B) Appropriate Congressional Committees Defined.—the term “appropriate Congressional Committees” in subparagraph (A) means—

“(i) In the United States Senate—

“(I) The Committee on Environment and Public Works; and

“(II) The Committee on Appropriations; and

“(ii) In the United States House of Representatives—

“(I) The Committee on Energy and Commerce; and

“(II) The Committee on Appropriations.”

(b) USE OF FUNDS.—In accordance with the recommendations required in paragraph (7)(A)(ii) of the Safe Drinking Water Act (42 U.S.C. 300h-1(b)(7)(A)(ii)), as added by this Act, amounts made available pursuant to section 40306(b) of the Infrastructure Investment and Jobs Act (42 U.S.C. 300h-9(b)) may be used to carry out paragraphs (5), (6), and (7) of section 1422(b) of the Safe Drinking Water Act, as added by this Act.

(c) RULE OF CONSTRUCTION.—The amendments made by this Act shall—

- (1) Apply to all applications submitted to EPA after the date of enactment of this Act to establish an underground injection control program; and
- (2) With respect to applications submitted prior to the date of enactment of this Act, the 180 deadline established in subsection (a) of this Act shall begin on the date of enactment of this Act.