

110TH CONGRESS  
1ST SESSION

# S. 1116

To facilitate the use for irrigation and other purposes of water produced  
in connection with development of energy resources.

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IN THE SENATE OF THE UNITED STATES

APRIL 16, 2007

Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. THOMAS)  
introduced the following bill; which was read twice and referred to the  
Committee on Energy and Natural Resources

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## A BILL

To facilitate the use for irrigation and other purposes of  
water produced in connection with development of energy  
resources.

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, FINDINGS, AND PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “More Water, More Energy, and Less Waste Act of  
6 2007”.

7 (b) FINDINGS.—The Congress finds that—

8 (1) development of energy resources, including  
9 oil, natural gas, coalbed methane, and geothermal

1 resources, frequently results in bringing to the sur-  
2 face water extracted from underground sources;

3 (2) some of that produced water is used for ir-  
4 rigation or other purposes, but most of the water is  
5 returned to the subsurface or otherwise disposed of  
6 as waste;

7 (3) reducing the quantity of produced water re-  
8 turned to the subsurface and increasing the quantity  
9 of produced water that is made available for irriga-  
10 tion and other uses—

11 (A) would augment water supplies;

12 (B) could reduce the costs to energy devel-  
13 opers for disposing of the water; and

14 (C) in some cases, could increase the effi-  
15 ciency of energy development activities; and

16 (4) it is in the national interest—

17 (A) to limit the quantity of produced water  
18 disposed of as waste;

19 (B) to optimize the production of energy  
20 resources; and

21 (C) to remove or reduce obstacles to use of  
22 produced water for irrigation or other purposes  
23 in ways that will not adversely affect water  
24 quality or the environment.

25 (c) PURPOSES.—The purposes of this Act are—

1           (1) to optimize the production of energy re-  
2 sources—

3                   (A) by minimizing the quantity of pro-  
4 duced water; and

5                   (B) by facilitating the use of produced  
6 water for irrigation and other purposes without  
7 adversely affecting water quality or the environ-  
8 ment; and

9           (2) to demonstrate means of accomplishing  
10 those results.

11 **SEC. 2. DEFINITIONS.**

12 In this Act:

13           (1) LOWER BASIN STATE.—The term “Lower  
14 Basin State” means any of the States of—

15                   (A) Arizona;

16                   (B) California; and

17                   (C) Nevada.

18           (2) PRODUCED WATER.—The term “produced  
19 water” means water from an underground source  
20 that is brought to the surface as part of the process  
21 of exploration for, or development of—

22                   (A) oil;

23                   (B) natural gas;

24                   (C) coalbed methane; or

1 (D) any other substance to be used as an  
2 energy source.

3 (3) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (4) UPPER BASIN STATE.—The term “Upper  
6 Basin State” means any of the States of—

7 (A) Colorado;

8 (B) New Mexico;

9 (C) Utah; and

10 (D) Wyoming.

11 **SEC. 3. IDENTIFICATION OF PROBLEMS AND SOLUTIONS.**

12 (a) STUDY.—The Secretary, acting through the Com-  
13 missioner of Reclamation, the Director of the United  
14 States Geological Survey, and the Director of the Bureau  
15 of Land Management shall conduct a study to identify—

16 (1) the technical, economic, environmental, and  
17 other obstacles to reducing the quantity of produced  
18 water;

19 (2) the technical, economic, environmental,  
20 legal, and other obstacles to increasing the extent to  
21 which produced water can be used for irrigation and  
22 other purposes without adversely affecting water  
23 quality or the environment;

1           (3) the legislative, administrative, and other ac-  
2           tions that could reduce or eliminate the obstacles  
3           identified in paragraphs (1) and (2); and

4           (4) the costs and benefits associated with re-  
5           ducing or eliminating the obstacles identified in  
6           paragraphs (1) and (2).

7           (b) REPORT.—Not later than 1 year after the date  
8           of enactment of this Act, the Secretary shall submit to  
9           the Committee on Natural Resources of the House of Rep-  
10          resentatives and the Committee on Energy and Natural  
11          Resources of the Senate a report describing the results  
12          of the study under subsection (a).

13       **SEC. 4. IMPLEMENTATION.**

14          (a) GRANTS.—Subject to the availability of appro-  
15          priations, the Secretary shall provide financial assistance  
16          for the development of facilities, technologies, and proc-  
17          esses to demonstrate the feasibility, effectiveness, and  
18          safety of—

19               (1) optimizing energy resource production by  
20               reducing the quantity of produced water generated;  
21               or

22               (2) increasing the extent to which produced  
23               water may be recovered and made suitable for use  
24               for irrigation, municipal, or industrial uses, or other

1 purposes without adversely affecting water quality or  
2 the environment.

3 (b) LIMITATIONS.—Assistance under this section—

4 (1) shall be provided for—

5 (A) at least 1 project in each of the Upper  
6 Basin States; and

7 (B) at least 1 project in at least 1 of the  
8 Lower Basin States;

9 (2) shall not exceed \$1,000,000 for any project;

10 (3) shall be used to pay not more than 50 per-  
11 cent of the total cost of a project;

12 (4) shall not be used for the operation or main-  
13 tenance of any facility; and

14 (5) may be in addition to assistance provided by  
15 the Federal Government pursuant to other provi-  
16 sions of law.

17 **SEC. 5. CONSULTATION, ADVICE, AND COMMENTS.**

18 In carrying out this Act, including in preparing the  
19 report under section 3(b) and establishing criteria to be  
20 used in connection with an award of financial assistance  
21 under section 4, the Secretary shall—

22 (1) consult with the Secretary of Energy, the  
23 Administrator of the Environmental Protection  
24 Agency, and appropriate Governors and local offi-  
25 cials;

1           (2)(A) review any relevant information devel-  
2           oped in connection with research carried out by oth-  
3           ers, including research carried out pursuant to sub-  
4           title J of title IX of the Energy Policy Act of 2005  
5           (42 U.S.C. 16371 et seq.); and

6           (B) to the extent the Secretary determines to  
7           be advisable, include that information in the report  
8           under section 3(b);

9           (3) seek the advice of—

10           (A) individuals with relevant professional  
11           or academic expertise; and

12           (B) individuals or representatives of enti-  
13           ties with industrial experience, particularly ex-  
14           perience relating to production of oil, natural  
15           gas, coalbed methane, or other energy resources  
16           (including geothermal resources); and

17           (4) solicit comments and suggestions from the  
18           public.

19 **SEC. 6. RELATION TO OTHER LAWS.**

20           Nothing in this Act supersedes, modifies, abrogates,  
21           or limits—

22           (1) the effect of any State law or any interstate  
23           authority or compact relating to—

24           (A) any use of water; or

1                   (B) the regulation of water quantity or  
2                   quality; or

3                   (2) the applicability or effect of any Federal law  
4                   (including regulations).

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6                   There are authorized to be appropriated—

7                   (1) \$1,000,000 to carry out section 3; and

8                   (2) \$7,500,000 to carry out section 4.

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