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Substitute Bill Comparative Synopsis

Sub. H.B. 170

136th General Assembly

House Natural Resources

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_136_0345-6)
Definitions	
Defines “carbon dioxide plume” to mean the extent of an underground injected carbon dioxide stream (<i>R.C. 1509.71</i>).	Instead, defines “carbon dioxide plume” to mean the extent, underground, in three dimensions, of injected carbon dioxide stream (<i>R.C. 1509.71</i>).
Authority of the Chief	
Authorizes the Chief of the Division of Oil and Gas Resources Management to adopt rules establishing specified requirements regarding UIC Class VI permit applicants and the amount of the costs estimated to implement the closure plan of a carbon dioxide well (<i>R.C. 1509.73(C)</i>).	Same, but also expands the Chief’s authority to adopt rules under the bill by requiring the Chief’s rules to establish the following: 1. A requirement that owners map field drainage systems, determine ways to mitigate or avoid damage to drainage systems, and promptly repair or restore drainage conditions; and 2. Requirements and procedures for statutory consolidation applications under the bill that include any land owned by the state (<i>R.C. 1509.73(C)</i>).

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No provision.	Allows the Chief to create a program to incentivize innovation for the use and reutilization of captured carbon dioxide (<i>R.C. 1509.72</i>).
Allows the Chief to enter into cooperative agreements with other state agencies regarding carbon sequestration projects (<i>R.C. 1509.72</i>).	Same, but also allows the Chief to enter into cooperative agreements with other states that share jurisdiction regarding carbon sequestration projects (<i>R.C. 1509.72</i>).
Carbon sequestration projects	
Requires a storage operator, prior to operating a carbon sequestration project, to design the project to isolate any existing or future production of oil and gas from the carbon dioxide plume (<i>R.C. 1509.75(D)</i>).	Similar, but requires a storage operator, prior to or during operation to design the project to isolate any existing or future production of oil and gas from within, above, and below the proposed storage facility (<i>R.C. 1509.75(D)</i>).
Statutory consolidation application	
Allows a storage operator who has obtained the consent of owners of at least 70% of the pore space proposed to be used in a storage facility to submit a statutory consolidation application for the operation of the entire proposed storage facility to the Chief of the Division of Oil and Gas Resources Management (<i>R.C. 1509.76(A)</i>).	Similar, but allows the statutory consolidation process to be initiated by either the storage operator or the applicant for the applicable UIC Class VI permit; and requires the operator or applicant to engage in good-faith negotiations with pore space owners before initiating the statutory consolidation process (<i>R.C. 1509.76(A)</i>).
Does not specify the time by which an applicant for statutory consolidation must obtain the consent of at least 70% of the pore space owners (<i>R.C. 1509.76</i>).	Requires the applicant to obtain the consent of the owners of at least 70% of the pore space proposed to be used in a storage facility prior to injecting carbon dioxide into the applicable well (<i>R.C. 1509.76(A)</i>).
No provision.	Requires an applicant to include a notarized affidavit listing a minimum of three attempts to contact all known pore space owners on three separate dates (<i>R.C. 1509.76(B)(4)</i>).
Requires the Chief to provide notice to all pore space owners located within the proposed storage facility of the proposed carbon sequestration project and to all subsurface owners within the proposed storage facility (<i>R.C. 1509.76(C)</i>).	Similar, but requires the notice to be provided to all owners of the subsurface areas located within, above, and below the proposed storage facility (<i>R.C. 1509.76(C)</i>).

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Requires an order of the Chief approving an application for statutory consolidation to include an allocation to the separately owned interests in the storage facility of all economic benefits derived from the operation of the storage facility (<i>R.C. 1509.76(F)(2)(d)(i)</i>). Regarding the order approving the statutory consolidation application, clarifies that the order must be upon terms and conditions that are just and reasonable (<i>R.C. 1509.76(F)</i>). No provision.	Same, but also requires the order to ensure that all pore space owners are compensated in a fair and reasonable manner (<i>R.C. 1509.76(F)(2)(d)(i)</i>). Same, but also requires the terms and conditions to be equitable (<i>R.C. 1509.76(F)</i>). Clarifies that the right to utilize pore space for a storage facility does not confer a right to enter upon or use the land above the pore space unless authorized by a surface use agreement, and that a statutory consolidation order does not grant the storage operator expressed or implied rights of surface use or access (<i>R.C. 1509.76(I)</i>).
Certificate of carbon sequestration project completion	
Regarding the certificate of project completion, prohibits the Chief from issuing the certificate until the storage operator establishes with a degree of certainty that the carbon dioxide that has been injected underground for storage poses no threat to public health or safety or the environment or underground sources of drinking water (<i>R.C.1509.77(C)(2)</i>). Regarding the certificate of project completion, prohibits the Chief from issuing the certificate until the storage operator establishes with a degree of certainty that all carbon dioxide wells and associated equipment and facilities to be used in maintaining and managing the stored carbon dioxide are in good condition and will retain mechanical integrity (<i>R.C. 1509.77(C)(3)</i>).	Similar, but the storage operator must establish with a degree of certainty that the carbon dioxide injected underground for storage <i>is not expected</i> to pose any threat to public health or safety or the environment or underground sources of drinking water (<i>R.C. 1509.77(C)(2)</i>). Similar, but adds that the storage operator must establish with a degree of certainty that any monitoring wells are in good condition and will retain mechanical integrity (<i>R.C. 1509.77(C)(3)</i>).
Penalties	
No provision.	Establishes civil penalties of not more than \$10,000 for each offense for anyone who violates the bill and any rules adopted under it or any

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No provision.	orders or terms or conditions of a permit regarding carbon capture; specifies that each day of violation constitutes a separate offense <i>(R.C. 1509.33)</i>. Establishes criminal penalties between \$100 to \$1,000 for a first offense and between \$200 to \$2,000 for subsequent offenses for anyone who violates the bill and any rules adopted under it or any orders or terms or conditions of a permit regarding carbon capture; specifies that each day of violation constitutes a separate offense <i>(R.C. 1509.99)</i>.