

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 200 By: Rader of the Senate  
3 and  
4 Boles of the House  
5  
6

7 An Act relating to carbon sequestration; amending 27A  
8 O.S. 2021, Section 3-5-104, which relates to permits  
9 and orders; requiring certain state agencies to  
10 compile and submit certain report to certain state  
11 officials by specified date; updating statutory  
12 reference; and declaring an emergency.

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14 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
15 and insert:

17 "[ carbon sequestration - report -  
18 emergency ]

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 27A O.S. 2021, Section 3-5-104, is  
23 amended to read as follows:  
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1 Section 3-5-104. A. The Corporation Commission and the  
2 Department of Environmental Quality shall execute a Memorandum of  
3 Understanding to address areas in which the implementation of ~~this~~  
4 ~~act~~ the Oklahoma Carbon Capture and Geologic Sequestration Act will  
5 require interagency cooperation or interaction, including procedures  
6 for directing applicants through the application process.

7 B. The operator of a CO<sub>2</sub> sequestration facility shall obtain a  
8 permit pursuant to ~~this act~~ the Oklahoma Carbon Capture and Geologic  
9 Sequestration Act from the Agency having jurisdiction prior to the  
10 operation of a CO<sub>2</sub> sequestration facility, after the Operator  
11 provides notice of the application for such permit pursuant to  
12 subsection D of this section, and the Agency has a hearing thereon  
13 upon request; provided that no permit pursuant to ~~this act~~ the  
14 Oklahoma Carbon Capture and Geologic Sequestration Act is required  
15 if the facility operator obtains permission, by permit or order, by  
16 the Agency pursuant to the rules and regulations of the state's  
17 federally approved Underground Injection Control Program and such  
18 permission authorizes carbon sequestration or injection of carbon  
19 dioxide underground and incorporates any additional requirements  
20 adopted pursuant to subsection C of this section.

21 C. To the extent not already authorized by laws governing the  
22 state's federally approved Underground Injection Control Program,  
23 the Agency having jurisdiction may issue and enforce such orders,  
24 and may adopt, modify, repeal and enforce such emergency or

1 permanent rules, including establishment of appropriate and  
2 sufficient fees to cover the cost of the program, financial sureties  
3 or bonds, and monitoring at CO<sub>2</sub> sequestration facilities, as may be  
4 necessary, for the purpose of regulating the drilling of CO<sub>2</sub>  
5 injection wells related to a CO<sub>2</sub> sequestration facility, the  
6 injection and withdrawal of carbon dioxide, the operation of the CO<sub>2</sub>  
7 sequestration facility, CO<sub>2</sub> injection well plugging and abandonment,  
8 removal of surface buildings and equipment of the CO<sub>2</sub> sequestration  
9 facility and for any other purpose necessary to implement the  
10 provisions of ~~this act~~ the Oklahoma Carbon Capture and Geologic  
11 Sequestration Act.

12 D. The applicant for any permit to be issued pursuant to ~~this~~  
13 ~~act~~ the Oklahoma Carbon Capture and Geologic Sequestration Act shall  
14 give all surface owners and mineral owners, including working  
15 interest and royalty owners, of the land to be encompassed within  
16 the defined geographic boundary of the CO<sub>2</sub> sequestration facility as  
17 established by the Agency, and whose addresses are known or could be  
18 known through the exercise of due diligence, at least fifteen (15)  
19 days' notice of the hearing by mail, return receipt requested. The  
20 applicant shall also give notice by one publication, at least  
21 fifteen (15) days prior to the hearing, in some newspaper of general  
22 circulation published in Oklahoma County, and by one publication, at  
23 least fifteen (15) days prior to the date of the hearing, in some  
24 newspaper published in the county, or in each county, if there be

1 more than one, in which the defined geographic boundary of the CO<sub>2</sub>  
2 sequestration facility, as established by the Agency, is situated.  
3 The applicant shall file proof of publication and an affidavit of  
4 mailing with the Agency prior to the hearing.

5 E. In addition to all other powers and duties prescribed in  
6 ~~this act~~ the Oklahoma Carbon Capture and Geologic Sequestration Act  
7 or otherwise by law, and unless otherwise specifically set forth in  
8 ~~this act~~ the Oklahoma Carbon Capture and Geologic Sequestration Act,  
9 the Agency having jurisdiction shall have the authority to perform  
10 any and all acts necessary to carry out the purposes and  
11 requirements of the federal Safe Drinking Water Act, as amended,  
12 relating to this state's participation in the federal Underground  
13 Injection Control Program established under that act with respect to  
14 the storage and/or sequestration of carbon dioxide.

15 F. The Corporation Commission and Department of Environmental  
16 Quality, which are required to comply with the federal Safe Drinking  
17 Water Act, 42 U.S.C. 300f et seq., as amended, shall evaluate the  
18 regulatory and statutory framework that governs the agency and  
19 identify and report any areas in which modifications may be needed  
20 to the Secretary of Energy and Environment to provide for the  
21 development of underground injection control Class VI wells. The  
22 agencies reporting under this subsection shall consult the Secretary  
23 and work in conjunction with the Office of the Secretary of Energy  
24 and Environment to ensure timely analysis. Identified areas and

1 recommended modifications to the regulatory and statutory framework  
2 of the agency shall be submitted in a report to the Governor,  
3 Secretary of Energy and Environment, President Pro Tempore of the  
4 Senate, and the Speaker of the House of Representatives not later  
5 than August 1, 2023.

6 SECTION 2. It being immediately necessary for the preservation  
7 of the public peace, health or safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval."

10 Passed the House of Representatives the 17th day of April, 2023.

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14 Presiding Officer of the House of  
Representatives

15 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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19 Presiding Officer of the Senate

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1 ENGROSSED SENATE  
2 BILL NO. 200

By: Rader of the Senate

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7 An Act relating to carbon sequestration; amending 27A  
8 O.S. 2021, Section 3-5-104, which relates to permits  
9 and orders; requiring certain state agencies to  
10 compile and submit certain report to certain state  
11 officials by specified date; updating statutory  
12 reference; and declaring an emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 3. AMENDATORY 27A O.S. 2021, Section 3-5-104, is  
15 amended to read as follows:

16 Section 3-5-104. A. The Corporation Commission and the  
17 Department of Environmental Quality shall execute a Memorandum of  
18 Understanding to address areas in which the implementation of ~~this~~  
19 ~~act~~ the Oklahoma Carbon Capture and Geologic Sequestration Act will  
20 require interagency cooperation or interaction, including procedures  
21 for directing applicants through the application process.

22 B. The operator of a CO<sub>2</sub> sequestration facility shall obtain a  
23 permit pursuant to ~~this act~~ the Oklahoma Carbon Capture and Geologic  
24 Sequestration Act from the Agency having jurisdiction prior to the

1 operation of a CO<sub>2</sub> sequestration facility, after the Operator  
2 provides notice of the application for such permit pursuant to  
3 subsection D of this section, and the Agency has a hearing thereon  
4 upon request; provided that no permit pursuant to ~~this act~~ the  
5 Oklahoma Carbon Capture and Geologic Sequestration Act is required  
6 if the facility operator obtains permission, by permit or order, by  
7 the Agency pursuant to the rules and regulations of the state's  
8 federally approved Underground Injection Control Program and such  
9 permission authorizes carbon sequestration or injection of carbon  
10 dioxide underground and incorporates any additional requirements  
11 adopted pursuant to subsection C of this section.

12 C. To the extent not already authorized by laws governing the  
13 state's federally approved Underground Injection Control Program,  
14 the Agency having jurisdiction may issue and enforce such orders,  
15 and may adopt, modify, repeal and enforce such rules, including  
16 establishment of appropriate and sufficient fees, financial sureties  
17 or bonds, and monitoring at CO<sub>2</sub> sequestration facilities, as may be  
18 necessary, for the purpose of regulating the drilling of CO<sub>2</sub>  
19 injection wells related to a CO<sub>2</sub> sequestration facility, the  
20 injection and withdrawal of carbon dioxide, the operation of the CO<sub>2</sub>  
21 sequestration facility, CO<sub>2</sub> injection well plugging and abandonment,  
22 removal of surface buildings and equipment of the CO<sub>2</sub> sequestration  
23 facility and for any other purpose necessary to implement the

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1 provisions of ~~this act~~ the Oklahoma Carbon Capture and Geologic  
2 Sequestration Act.

3 D. The applicant for any permit to be issued pursuant to ~~this~~  
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5 give all surface owners and mineral owners, including working  
6 interest and royalty owners, of the land to be encompassed within  
7 the defined geographic boundary of the CO<sub>2</sub> sequestration facility as  
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15 newspaper published in the county, or in each county, if there be  
16 more than one, in which the defined geographic boundary of the CO<sub>2</sub>  
17 sequestration facility, as established by the Agency, is situated.  
18 The applicant shall file proof of publication and an affidavit of  
19 mailing with the Agency prior to the hearing.

20 E. In addition to all other powers and duties prescribed in  
21 ~~this act~~ the Oklahoma Carbon Capture and Geologic Sequestration Act  
22 or otherwise by law, and unless otherwise specifically set forth in  
23 ~~this act~~ the Oklahoma Carbon Capture and Geologic Sequestration Act,  
24 the Agency having jurisdiction shall have the authority to perform



1 any and all acts necessary to carry out the purposes and  
2 requirements of the federal Safe Drinking Water Act, as amended,  
3 relating to this state's participation in the federal Underground  
4 Injection Control Program established under that act with respect to  
5 the storage and/or sequestration of carbon dioxide.

6 F. The Corporation Commission and Department of Environmental  
7 Quality, which are required to comply with the federal Safe Drinking  
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12 development of underground injection control Class VI wells. The  
13 agencies reporting under this subsection shall consult the Secretary  
14 and work in conjunction with the Office of the Secretary of Energy  
15 and Environment to ensure timely analysis. Identified areas and  
16 recommended modifications to the regulatory and statutory framework  
17 of the agency shall be submitted in a report to the Governor,  
18 Secretary of Energy and Environment, President Pro Tempore of the  
19 Senate, and the Speaker of the House of Representatives not later  
20 than August 1, 2023.

21 SECTION 4. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23 declared to exist, by reason whereof this act shall take effect and  
24 be in full force from and after its passage and approval.

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Passed the Senate the 13th day of March, 2023.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2023.

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Presiding Officer of the House  
of Representatives