

THE HOUSE OF REPRESENTATIVES  
Thursday, April 9, 2009

Committee Substitute for  
ENGROSSED  
Senate Bill No. 610

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 610 - By: MYERS of the Senate and WATSON of the House.

An Act relating to geologic storage of carbon dioxide; creating the Geologic Storage of Carbon Dioxide Act; providing short title; stating legislative findings and public policy; defining terms; stating regulatory jurisdiction of state agencies; stating exceptions; requiring Corporation Commission to issue certificate of convenience and necessity for storage or transmission of carbon dioxide; stating procedures for application; requiring notice and publication within certain time period; stating criteria for consideration of applications; requiring denial of certificate upon certain findings; providing for judicial review; stating contingencies for certain permits; requiring Department of Environmental Quality to issue permits for construction, operation or modification of storage facilities; requiring notice and publication; granting power of eminent domain and condemnation for certain purposes; making right of eminent domain subject to certain rights; stating penalties; authorizing the Environmental Quality Board and Corporation Commission to promulgate rules implementing act; providing for codification; and providing an effective date.

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

- 1       SECTION 1.   NEW LAW    A new section of law to be codified in the Oklahoma
- 2 Statutes as Section 3-5-101 of Title 27A, unless there is created a duplication in
- 3 numbering, reads as follows:

1 This act shall be known and may be cited as the "Geologic Storage of Carbon  
2 Dioxide Act".

3 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma  
4 Statutes as Section 3-5-102 of Title 27A, unless there is created a duplication in  
5 numbering, reads as follows:

6 A. The Legislature declares that:

7 1. Carbon dioxide is a substance that occurs naturally in the environment as a  
8 result of biological processes and that exists as a gas at standard temperature and  
9 pressure;

10 2. Carbon dioxide is released from the combustion of any material that contains  
11 carbon including coal, natural gas, oil and wood, all of which exist in abundance, and the  
12 production and use of which form one of the foundations of our state's economy;

13 3. Carbon dioxide is currently being released into the atmosphere in substantial  
14 volumes;

15 4. For many years, technologies for the injection, use and storage of carbon dioxide  
16 in underground geologic formations have been developed and successfully utilized for the  
17 extraction of underground natural resources such as oil and natural gas;

18 5. The storage of carbon dioxide in underground geological formations can be an  
19 effective means for reducing the release of carbon dioxide into the atmosphere from  
20 anthropogenic sources; and

21 6. The transportation and storage of carbon dioxide in underground geological  
22 formations for beneficial use or reuse in industrial and commercial applications is

1 expected to increase in the United States and in Oklahoma due to initiatives by federal,  
2 state and local governments, industry and commerce, and other interested persons, and  
3 may present an opportunity for economic growth and development for the state.

4 B. The Legislature further declares that:

5 1. The transportation and geologic storage of carbon dioxide will benefit the citizens  
6 of the state;

7 2. Carbon dioxide is a valuable commodity to the citizens of the state, particularly  
8 for its value in enhancing the recovery of oil and gas, and for its potential for use in other  
9 industrial and commercial processes and applications;

10 3. Transportation and geologic storage of carbon dioxide gas may allow for the  
11 orderly withdrawal and use or reuse as appropriate or necessary, thereby allowing  
12 carbon dioxide to be available for commercial, industrial, or other uses, including the use  
13 of carbon dioxide for enhanced recovery of oil and gas;

14 4. Storage of carbon dioxide in geological formations is believed to be an effective  
15 and feasible strategy to deposit large volumes of carbon dioxide over long periods of time;  
16 and

17 5. It is the public policy of this state and the purpose of this act to provide for a  
18 coordinated statewide program for the transportation and storage of carbon dioxide in  
19 underground geological formations and to also fulfill the state's primary responsibility for  
20 assuring compliance with the federal Safe Drinking Water Act, including any  
21 amendments thereto related to the underground injection of carbon dioxide.

1 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 3-5-103 of Title 27A, unless there is created a duplication in  
3 numbering, reads as follows:

4 As used in this act:

5 1. "Board" means the Environmental Quality Board;

6 2. "Carbon dioxide" means anthropogenically sourced carbon dioxide including its  
7 derivatives and all mixtures, combinations and phases thereof;

8 3. "Carbon dioxide transmission pipeline" means a pipeline, compressors, meters  
9 and associated equipment and appurtenances used for the purpose of transporting  
10 carbon dioxide in this state for underground storage in this state or another state.

11 Carbon dioxide transmission pipeline shall not include carbon capture equipment located  
12 at the generator of the carbon dioxide or pipelines that are part of a storage facility. The  
13 Corporation Commission shall establish the beginning point and ending point of a carbon  
14 dioxide transmission pipeline;

15 4. "Commercial operator" means an entity that operates a storage facility or carbon  
16 dioxide transmission pipeline, or both, and that provides storage facility services or  
17 carbon dioxide transmission pipeline services on an open-access, nondiscriminatory basis  
18 pursuant to such rules and regulations and upon such rates and terms and conditions of  
19 service as the Corporation Commission may establish;

20 5. "Commission" means the Corporation Commission as established by Section 15  
21 of Article IX of the Oklahoma Constitution;

1           6. "Department" means the Department of Environmental Quality as established  
2 by Section 2-3-101 et seq. of Title 27A of the Oklahoma Statutes;

3           7. "Depleted" means that the production of oil or gas, coal, coalbed methane, or any  
4 other underground natural resource is not or is no longer commercially feasible in an  
5 area where carbon dioxide will be stored;

6           8. "Oil or gas" or "oil and gas" means oil, natural gas, coalbed methane or gas  
7 condensate;

8           9. "Pipeline operator" means an entity authorized by the Corporation Commission  
9 to operate a carbon dioxide transmission pipeline, including both commercial operators  
10 and private operators;

11          10. "Private operator" means an entity that is not a commercial operator and,  
12 pursuant to state authorization, operates a storage facility or carbon dioxide  
13 transmission pipeline for the purpose of providing dedicated storage facility services or  
14 carbon dioxide transmission pipeline services solely to one or more entities;

15          11. "Reservoir" means that portion of any underground geological stratum,  
16 formation, aquifer that does not contain treatable or fresh water, cavity or void (whether  
17 natural or artificially created), depleted oil and gas formation, and depleted coal or  
18 coalbed methane seam, having pore space which is suitable for or capable of being made  
19 suitable for the injection and storage therein of carbon dioxide, among other things;

20          12. "Storage" means placement of carbon dioxide in a reservoir;

21          13. "Storage facility" means the reservoir, the underground equipment and  
22 pipelines internal to the storage operation, and surface buildings and equipment utilized

1 in the storage operation, excluding pipelines used to transport the carbon dioxide from  
2 one or more capture facilities to the storage injection site or sites. The reservoir  
3 component of the storage facility includes any necessary and reasonable areal buffer and  
4 subsurface monitoring zones designated by the Department of Environmental Quality for  
5 the purpose of ensuring the safe and efficient operation of the storage facility for the  
6 storage of carbon dioxide and to protect against pollution, invasion, and escape or  
7 migration of carbon dioxide. A storage facility shall not include carbon capture  
8 equipment located at the generator of the carbon dioxide;

9 14. "Storage operator" means any entity authorized by the Department of  
10 Environmental Quality to operate a storage facility, including both commercial operators  
11 and private operators; and

12 15. "Storage well" means a well drilled in a storage field for the purpose of injecting  
13 carbon.

14 SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma  
15 Statutes as Section 3-5-104 of Title 27A, unless there is created a duplication in  
16 numbering, reads as follows:

17 A. Except as provided in subsections B and C of this section, the Department of  
18 Environmental Quality shall have sole and exclusive jurisdiction and authority over all  
19 entities and property necessary to issue or deny permits for the establishment of storage  
20 facilities in accordance with the Geologic Storage of Carbon Dioxide Act, to monitor and  
21 enforce compliance with permit conditions and the legal requirements established in  
22 accordance with this act and to regulate any subsequent withdrawal of stored carbon

1 dioxide that is intended for commercial, industrial or other uses. In exercising such  
2 jurisdiction and authority, the Department may conduct hearings, issue and enforce  
3 orders, and adopt, modify, repeal and enforce procedural, interpretive and legislative  
4 rules concerning geologic storage of carbon dioxide.

5 B. The jurisdiction of the Corporation Commission with respect to carbon dioxide  
6 storage facilities and carbon dioxide transmission pipelines shall be as follows:

7 1. Storage operators in this state and pipeline operators in this state shall be  
8 deemed to be public utilities providing public services and are subject to the general  
9 power of the commission to regulate public utilities;

10 2. Commercial operators in this state shall be subject to the general power of the  
11 Commission with respect to rates and terms and conditions of service. A private operator  
12 shall not be subject to the power of the Commission with respect to rates and terms and  
13 conditions of service for the transportation or storage of carbon dioxide. A commercial  
14 operator and a public utility utilizing the services of a storage operator or a pipeline  
15 operator shall be entitled to an opportunity to recover the reasonable and prudent costs  
16 including a reasonable return on and associated with a storage facility or carbon dioxide  
17 transmission pipeline in its rates regulated by the Commission;

18 3. The Commission shall have the power and authority to prescribe, enforce and  
19 implement safety standards for pipelines subject to this act; provided, however, that no  
20 standards shall be more stringent than comparable federal requirements; and

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1           4. The Commission shall have the power and authority to grant certificates of  
2 public convenience and necessity and to authorize storage facilities as provided in  
3 Section 5 of this act.

4           C. The provisions of this act shall not apply to:

5           1. The use of carbon dioxide as a part of or in conjunction with any enhanced  
6 recovery operation where the sole purpose of the project is enhanced oil, coalbed methane  
7 or natural gas recovery; or

8           2. A natural gas storage operation certificated by the Federal Energy Regulatory  
9 Commission or the Commission. The Commission is authorized to promulgate rules to  
10 allow conversion of any enhanced recovery operation or natural gas storage field into a  
11 storage facility. Upon approval of the conversion of an operation, the provisions of this  
12 act shall apply.

13           D. No agency of state government or any political subdivision may regulate any  
14 facility or activity for the purpose of the transportation, storage or withdrawal of carbon  
15 dioxide except as authorized by the provisions of this act or the Oklahoma Carbon  
16 Sequestration Enhancement Act.

17           SECTION 5.   NEW LAW   A new section of law to be codified in the Oklahoma  
18 Statutes as Section 3-5-105 of Title 27A, unless there is created a duplication in  
19 numbering, reads as follows:

20           A. No entity shall begin construction of a storage facility or carbon dioxide  
21 transmission pipeline unless and until the entity shall have obtained from the

1 Corporation Commission a certificate of public convenience and necessity approving the  
2 construction and proposed location of the facilities in accordance with this section.

3 B. The application for a certificate shall be in a form as the Commission may  
4 prescribe and shall contain:

5 1. The names of the owners and operators of the facility including any officer,  
6 secretary, manager, person owning five percent (5%) or more interest or any other person  
7 conducting or managing the affairs of the applicant as to the proposed facility;

8 2. A description, in as much detail as the Commission may prescribe, of the general  
9 location and type of facilities which the applicant proposes to construct;

10 3. A statement justifying the need for the facilities;

11 4. If the applicant seeks to become a private operator, an explanation and  
12 justification, the identity of the entity or entities to whom dedicated services will be  
13 provided, and copies of the contracts under which services will be provided to the entity  
14 or entities, and any data as the Commission shall require by rule regarding the  
15 anticipated cost of constructing and operating the proposed facilities;

16 5. With respect to any carbon dioxide transmission pipelines, a statement of the  
17 environmental impact;

18 6. The average monthly tonnage of carbon dioxide anticipated to be stored in the  
19 proposed storage facility or transported in the proposed carbon dioxide transmission  
20 pipeline during the phase of the project that is the subject of the application;

1           7. The anticipated life span and closure date of the facilities and the period of time  
2 that is the subject of the application in the case of a project that is being implemented in  
3 multiple phases;

4           8. Proof of the financial ability of the applicant to construct and operate the project;  
5 and

6           9. Any other information as the applicant may deem relevant or the Commission  
7 may require by rule.

8           C. The Commission shall grant or deny a certificate of public convenience and  
9 necessity in accordance with provisions set forth in this section. If the Commission  
10 grants a certificate of public convenience and necessity, the Commission may include  
11 reasonable conditions required by the public convenience and necessity not inconsistent  
12 with the criteria set forth in the Geologic Storage of Carbon Dioxide Act; provided,  
13 however, that in matters within the jurisdiction of the Department of Environmental  
14 Quality, the Commission shall defer to the Department of Environmental Quality.

15           D. Upon the filing of an application, the applicant shall publish, in a form as the  
16 Commission directs, the publication area for the publication to be each county in which  
17 any portion of the proposed storage facility or carbon dioxide transmission pipeline is to  
18 be constructed, a notice of the filing of the application and that the Commission may  
19 approve the same unless within fifteen (15) days after completion of publication a written  
20 request for a hearing thereon has been received by the Commission from a person or  
21 persons alleging that the proposed storage facility or carbon dioxide transmission  
22 pipeline is against the public interest. If a request for hearing is timely received and the

1 issues raised cannot be dealt with by order of the Commission without a hearing, the  
2 Commission shall set the matter for hearing on a date within sixty (60) days from  
3 completion of the publication, and shall require the applicant to publish notice of the  
4 time and place of hearing in the same manner as is herein required for the publication of  
5 notice of the filing of the application.

6 E. In considering whether to grant a certificate of public convenience and necessity,  
7 the Commission shall consider, but is not limited to considering, the following factors:

- 8 1. The demonstrated need for the project;
- 9 2. The economic reasonableness of the project;
- 10 3. The managerial and technical competence of the applicant to effectively  
11 construct and manage the project; and
- 12 4. Other criteria related to making the determinations required by paragraph F of  
13 this subsection as the Commission specifies in its duly promulgated rules.

14 F. Within sixty (60) days after the filing of the application, or if hearing shall be  
15 held thereon, within ninety (90) days after final submission on oral argument or brief,  
16 the Commission shall approve the application if it shall find and determine:

- 17 1. That the proposed storage facility or carbon dioxide transmission pipeline will  
18 economically, adequately and reliably contribute to meeting the present and anticipated  
19 requirements for storage or transportation of carbon dioxide;
- 20 2. That the proposed storage facility or carbon dioxide transmission pipeline is in  
21 the public convenience and necessity;
- 22 3. The horizontal and vertical boundaries of the storage facility;

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1           4. That the storage facility and reservoir are suitable and feasible for the injection,  
2 storage and, if proposed, withdrawal of carbon dioxide;

3           5. That the use of the storage facility for the storage of carbon dioxide will not  
4 contaminate other formations containing fresh water or oil, gas (including stored natural  
5 gas), coal, or coalbed methane;

6           6. That the storage field will not be used to inject carbon dioxide into that part of a  
7 formation that is within the certificated boundaries, including the protective area, of an  
8 existing natural gas storage field certificated by the Federal Energy Regulatory  
9 Commission or the Commission;

10          7. That the storage facility will be operated in a manner as to protect human health  
11 and the environment; and

12          8. That the quality of the carbon dioxide to be managed at the storage facility will  
13 not compromise the safety and efficiency of the reservoir.

14          G. The Commission shall deny a certificate of public convenience and necessity  
15 upon one or more of the following findings:

16           1. The proposed facilities are not reasonably cost effective in light of alternative  
17 storage and transportation facilities that are available at the time of the decision;

18           2. The applicant is not qualified or financially capable of performing;

19           3. The proposal, taken as a whole, is inconsistent with the public convenience and  
20 necessity; or

21           4. The proposed storage facility is geologically or operationally unsuitable.

1 H. The grant of authority by the Commission for a storage facility or carbon dioxide  
2 transmission pipeline shall be contingent upon obtaining any necessary permits or  
3 authorizations from the Department of Environmental Quality or other agencies prior to  
4 commencing operation.

5 I. Any party aggrieved by a decision of the Commission granting or denying a  
6 certificate of public convenience and necessity may obtain judicial review thereof  
7 pursuant to Section 318 of Title 75 of the Oklahoma Statutes.

8 J. No person may sell, lease or transfer a certificate of public convenience and  
9 necessity without first obtaining the consent and approval of the Commission.

10 K. The Commission is authorized and empowered to adopt, modify, repeal and  
11 enforce procedural, interpretive and legislative rules relating to the certification of  
12 storage facilities and carbon dioxide transmission pipelines authorized pursuant to this  
13 act and shall define in such rule minor modifications that do not require an amendment  
14 of an existing certificate of public convenience and necessity.

15 L. A private operator that desires to become a commercial operator shall file an  
16 application with the Commission for a certificate of public convenience and necessity in  
17 the manner herein provided, together with any other information as the Commission  
18 may reasonably require by rule. In addition, the private operator shall file proposed  
19 rates and terms and conditions of service. A private operator shall not become a  
20 commercial operator until the Commission has issued a certificate of public convenience  
21 and necessity and accepted the initial rates and terms and conditions of service subject to  
22 refund.

1 SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 3-5-106 of Title 27A, unless there is created a duplication in  
3 numbering, reads as follows:

4 A. The owner or operator of a storage facility shall obtain a permit pursuant to the  
5 Geologic Storage of Carbon Dioxide Act from the Department of Environmental Quality  
6 prior to the construction, operation or modification of a storage facility. Any entity  
7 owning or operating a storage facility in existence on the effective date of this act is  
8 hereby authorized to continue operating until such time as the Department has  
9 established operational and procedural requirements applicable to existing storage  
10 facilities and the entity owning or operating the facility has had a reasonable opportunity  
11 to comply with those requirements.

12 B. The use of a reservoir as a storage facility for carbon dioxide is hereby  
13 authorized, provided that the Department shall first issue a permit authorizing the  
14 proposed storage of carbon dioxide after the applicant has obtained a certificate of public  
15 convenience and necessity from the Corporation Commission pursuant to this act.

16 C. Public notice required by this subsection shall be published in a newspaper in  
17 general circulation in a county or counties where the facility will be located. The  
18 applicant shall publish public notice at the time of the filing of an application stating  
19 that an application has been filed and where the public can review the application. The  
20 Department shall publish public notice upon issuance of a draft permit stating where the  
21 public can review the draft permit and the nature of the opportunity of the public to  
22 comment on the draft permit. The Department shall also issue a public notice

1 announcing any public hearing that may be held on the draft permit. The Department  
2 shall allow at least thirty (30) days for public comment on the draft permit. Upon  
3 request of the permit applicant, the public comment period may be extended for an  
4 additional thirty (30) days. Further extension of the comment period may be granted by  
5 the Department for good cause shown but in no case may the further extension exceed an  
6 additional thirty (30) days. Public notice of a public hearing shall be given at least thirty  
7 (30) days before the hearing. Public notice of the hearing may be given at the same time  
8 as public notice of the draft permit, and the two notices may be combined. The  
9 Department shall establish by rule the procedures, including, but not limited to, the  
10 content of public notices; the content of the public notice of hearing; and the management  
11 of public comments filed.

12 D. The Department shall issue and enforce any orders, and shall adopt, modify,  
13 repeal and enforce any rules, including establishment of appropriate and sufficient  
14 financial sureties or bonds, as may be necessary, for the purpose of regulating the  
15 drilling of wells related to a storage facility, the injection and withdrawal of carbon  
16 dioxide, the operation of the storage facility, well plugging and abandonment, and  
17 removal of surface buildings and equipment of the storage facility and as necessary to  
18 protect the storage facility against pollution, invasion, and the escape or migration of  
19 carbon dioxide.

20 E. In addition to all other powers and duties prescribed in this act or otherwise by  
21 law, and unless otherwise specifically set forth in this act, the Department shall perform  
22 any and all acts necessary to carry out the purposes and requirements of the federal Safe

1 Drinking Water Act, as amended, relating to participation of this state in the  
2 underground injection control program established under that act with respect to the  
3 storage of carbon dioxide. To that end, the Department is authorized and empowered to  
4 adopt, modify, repeal and enforce procedural, interpretive and legislative rules.

5 SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma  
6 Statutes as Section 3-5-107 of Title 27A, unless there is created a duplication in  
7 numbering, reads as follows:

8 A. Any storage operator or pipeline operator is hereby authorized, after obtaining  
9 any permit from the Department of Environmental Quality required by the Geologic  
10 Storage of Carbon Dioxide Act and any certificate of public convenience and necessity  
11 from the Corporation Commission required by this act, to exercise the power of eminent  
12 domain to acquire surface and subsurface rights and property interests necessary or  
13 useful for the purpose of constructing, operating or modifying the storage facility or  
14 carbon dioxide transmission pipeline, including easements and rights-of-way across lands  
15 for pipelines transporting carbon dioxide to and among facilities constituting the storage  
16 facility. The right of eminent domain shall be exercised in the same manner and by like  
17 proceedings as provided for railroad corporations by the laws of this state.

18 B. The exercise of the right of eminent domain granted in this act shall not prevent  
19 entities having the right to do so from drilling through the storage facility in a manner as  
20 shall comply with the rules issued for the purpose of protecting the storage facility  
21 against pollution or invasion and against the escape or migration of carbon dioxide.

22 Furthermore, the right of eminent domain set out in this act shall not prejudice the

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~~Strike thru~~ language denotes deletion from present Statutes.

1 rights of the owners of the lands or other rights or interests therein as to all other uses  
2 not acquired for the storage facility.

3 C. The eminent domain authority authorized under this act shall be in addition to  
4 any other power of eminent domain authorized by law.

5 SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma  
6 Statutes as Section 3-5-108 of Title 27A, unless there is created a duplication in  
7 numbering, reads as follows:

8 The right of condemnation and eminent domain in the Geologic Storage of Carbon  
9 Dioxide Act granted shall be without prejudice to the rights of the owners of the lands or  
10 of other rights or interests therein to drill or bore through the underground stratum or  
11 formation so appropriated in a manner as shall comply with orders and rules of the  
12 Corporation Commission issued for the purpose of protecting underground storage strata  
13 or formations against pollution and against the escape of natural gas therefrom and shall  
14 be without prejudice to the rights of the owners of the lands or other rights or interests  
15 therein as to all other uses thereof. The additional cost of complying with such rules or  
16 orders in order to protect the storage shall be paid by the public utility.

17 SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma  
18 Statutes as Section 3-5-109 of Title 27A, unless there is created a duplication in  
19 numbering, reads as follows:

20 A. Any person who violates any provision of this act, any permit or any rule or  
21 order issued pursuant to this act, is subject to a civil penalty not to exceed One Thousand  
22 Dollars (\$1,000.00) per violation, unless the violation involves a knowingly false

1 statement or misrepresentation in any application or other document permitted or  
2 required to be filed under the provisions of the Geologic Storage of Carbon Dioxide Act, in  
3 which case the civil penalty shall not exceed Five Thousand Dollars (\$5,000.00) per  
4 violation. Civil penalties shall be recovered in a civil action brought by the Attorney  
5 General in the name of the State of Oklahoma in the district court of any county wherein  
6 the person resides or is engaged in the activity complained of.

7 B. The Attorney General may seek an injunction against any person in violation of  
8 any provision of this act or any permit, rule or order issued pursuant to this act. In  
9 seeking an injunction, it is not necessary for the Attorney General to post bond nor to  
10 allege or prove at any stage of the proceeding that irreparable damage will occur if the  
11 injunction is not issued or that the remedy at law is inadequate.

12 SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma  
13 Statutes as Section 3-5-110 of Title 27A, unless there is created a duplication in  
14 numbering, reads as follows:

15 A. The Environmental Quality Board and the Corporation Commission are  
16 authorized to promulgate rules necessary to implement the provisions of the Geologic  
17 Storage of Carbon Dioxide Act.

18 B. The Department of Environmental Quality and the Corporation Commission are  
19 authorized to enter into cooperative agreements with other governments or government  
20 entities for the purpose of regulating carbon dioxide storage projects that extend beyond  
21 state regulatory authority under the provisions of this act.

22 SECTION 11. This act shall become effective January 1, 2011.

1 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND UTILITY  
2 REGULATION, dated 04-08-09 - DO PASS, As Amended.