

SENATE BILL No. 442

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-37-10; IC 14-39.

Synopsis: Underground storage of carbon dioxide. Provides that if a prospective operator of a facility at which carbon dioxide would be stored underground obtains the express consent of pore space owners of at least 51% of the subsurface geologic strata into which carbon dioxide would be injected, the prospective operator may apply for a "pooling order" authorizing the use of the entire tract of land for the injection and underground storage of carbon dioxide. Establishes conditions that a person applying for a pooling order must meet. Requires an administrative law judge to grant the application if the administrative law judge determines that the benefit to the state and the nation of the geologic storage of carbon dioxide at the facility outweighs the detriment that the granting of the application would impose on the pore space owners who did not consent to the storage of carbon dioxide. Requires the director of the department of natural resources to issue a pooling order if the administrative law judge grants the application. Provides that the compensation paid to pore space owners who did not consent to the use of their pore space for the storage of carbon dioxide must be calculated as 101.25% of the compensation paid per unit of pore space volume to pore space owners who consented use of their pore space. Provides the following concerning the underground storage of carbon dioxide at a storage facility: (1) The state of Indiana owns all carbon dioxide stored underground. (2) The operator of the storage facility bears all emergency and remedial response responsibility until the closure of the storage facility, and all emergency and remedial response responsibility then passes to the state of Indiana. (3) The operator must fulfill all
(Continued next page)

Effective: July 1, 2019.

Ford Jon, Messmer

January 14, 2019, read first time and referred to Committee on Environmental Affairs.



Digest Continued

monitoring requirements until the closure of the storage facility, and the duty to fulfill monitoring requirements then passes to the state of Indiana. (4) The operator is required to meet financial responsibility requirements for as long as the maintenance of financial responsibility is required. (5) The ownership of the storage facility transfers to the state of Indiana upon closure of the storage facility.



Introduced

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 442

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-34.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 34.8. "Carbon dioxide owner", for purposes of**
4 **IC 14-39-3, has the meaning set forth in IC 14-39-3-1.**
5 SECTION 2. IC 14-8-2-41.2 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2019]: **Sec. 41.2. "Class VI well", for purposes of IC 14-39-3, has**
8 **the meaning set forth in IC 14-39-3-2.**
9 SECTION 3. IC 14-8-2-41.3 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2019]: **Sec. 41.3. "Class VI well permit", for purposes of**
12 **IC 14-39-3, has the meaning set forth in IC 14-39-3-3.**
13 SECTION 4. IC 14-8-2-83.5 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2019]: **Sec. 83.5. "Emergency and remedial response**



1 **responsibility", for purposes of IC 14-39-3, has the meaning set**
2 **forth in IC 14-39-3-4.**

3 SECTION 5. IC 14-8-2-90.9 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2019]: **Sec. 90.9. "Financial responsibility", for purposes of**
6 **IC 14-39-3, has the meaning set forth in IC 14-39-3-5.**

7 SECTION 6. IC 14-8-2-168.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2019]: **Sec. 168.5. "Monitoring**
10 **requirements", for purposes of IC 14-39-3, has the meaning set**
11 **forth in IC 14-39-3-6.**

12 SECTION 7. IC 14-8-2-195.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2019]: **Sec. 195.5. "Ownership start date",**
15 **for purposes of IC 14-39-3, has the meaning set forth in**
16 **IC 14-39-3-7.**

17 SECTION 8. IC 14-8-2-209.5 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2019]: **Sec. 209.5. "Pore space", for purposes**
20 **of IC 14-39-2, has the meaning set forth in IC 14-39-2-1.**

21 SECTION 9. IC 14-8-2-209.6 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2019]: **Sec. 209.6. "Pore space owner", for**
24 **purposes of IC 14-39-2, has the meaning set forth in IC 14-39-2-2.**

25 SECTION 10. IC 14-8-2-240 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 240. (a) "Reservoir",**
27 **for purposes of IC 14-37, means an underground geological formation**
28 **that contains oil or natural gas.**

29 **(b) "Reservoir", for purposes of IC 14-39-2, has the meaning set**
30 **forth in IC 14-39-2-3.**

31 SECTION 11. IC 14-8-2-258.2 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2019]: **Sec. 258.2. "Site closure date", for**
34 **purposes of IC 14-39-3, has the meaning set forth in IC 14-39-3-8.**

35 SECTION 12. IC 14-8-2-266.5 IS ADDED TO THE INDIANA
36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2019]: **Sec. 266.5. (a) "Storage facility", for**
38 **purposes of IC 14-39-2, has the meaning set forth in IC 14-39-2-4.**

39 **(b) "Storage facility", for purposes of IC 14-39-3, has the**
40 **meaning set forth in IC 14-39-3-9.**

41 SECTION 13. IC 14-8-2-266.6 IS ADDED TO THE INDIANA
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: **Sec. 266.6. (a) "Storage operator", for**
 2 **purposes of IC 14-39-2, has the meaning set forth in IC 14-39-2-5.**

3 **(b) "Storage operator", for purposes of IC 14-39-3, has the**
 4 **meaning set forth in IC 14-39-3-10.**

5 SECTION 14. IC 14-37-10-3, AS AMENDED BY P.L.195-2014,
 6 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 3. The following shall be deposited in the fund:

8 (1) Annual fees for oil and gas wells received under IC 14-37-5.

9 (2) Accrued interest and other investment earnings of the fund.

10 (3) Civil penalties collected under IC 14-37.

11 (4) Bonds forfeited under IC 14-37-13-2.

12 (5) Gifts, grants, donations, or appropriations from any source.

13 **(6) Revenue from fees collected under IC 14-39-2.**

14 SECTION 15. IC 14-37-10-5, AS AMENDED BY P.L.150-2011,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 5. (a) Money paid into the fund shall be
 17 appropriated for the following purposes:

18 (1) To supplement the cost required to abandon a well that has
 19 had a permit revoked under IC 14-37-13-1.

20 (2) To cover the costs of remedial plugging and repairing of wells
 21 under IC 14-37-8, including the expenses of remedial action
 22 under IC 14-37-8-15.

23 (3) To cover the cost to:

24 (A) mitigate environmental damage; or

25 (B) protect public safety against harm;

26 caused by a well regulated under this article.

27 (4) Pipeline safety.

28 **(5) To defray expenses incurred by the department under**
 29 **IC 14-39-2.**

30 (b) The director may make expenditures from the fund for
 31 emergency purposes under section 6 of this chapter without the prior
 32 approval of the budget agency or the governor. An expenditure under
 33 this subsection may not exceed fifty thousand dollars (\$50,000).

34 (c) The director may establish a program to reimburse an applicant
 35 for the reasonable expenses of remedial action incurred under
 36 IC 14-37-8-15. The director may make expenditures from the fund for
 37 this purpose and may establish any necessary guidelines and
 38 procedures to administer the program.

39 SECTION 16. IC 14-39-2 IS ADDED TO THE INDIANA CODE
 40 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]:

42 **Chapter 2. Pooling of Pore Space for Geologic Storage of**



1 **Carbon Dioxide**

2 **Sec. 1. As used in this chapter, "pore space" means the voids in**
 3 **one (1) or more subsurface geologic strata that are:**

- 4 (1) located beneath the surface of a particular tract of land;
 5 and
 6 (2) suitable for the storage of carbon dioxide.

7 **Sec. 2. As used in this chapter, "pore space owner" means the**
 8 **person who has:**

- 9 (1) the right to inject and store carbon dioxide in the pore
 10 space beneath the surface of a particular tract of land; and
 11 (2) the power to transfer the right described in subdivision (1)
 12 to another person.

13 **Sec. 3. As used in this chapter, "reservoir" means a portion of**
 14 **one (1) or more underground geologic strata that is suitable for the**
 15 **injection and storage of carbon dioxide.**

16 **Sec. 4. (a) As used in this chapter, "storage facility" means a**
 17 **facility at which carbon dioxide is subjected to geologic storage.**

18 **(b) The term includes the:**

- 19 (1) reservoir;
 20 (2) underground equipment; and
 21 (3) surface buildings and equipment;
 22 used in the carbon dioxide geologic storage operation.

23 **(c) The term does not include pipelines used to transport the**
 24 **carbon dioxide to the storage facility.**

25 **Sec. 5. As used in this chapter, "storage operator" means a**
 26 **person that holds a permit to operate a storage facility.**

27 **Sec. 6. For the purposes of this chapter, the pore space owner**
 28 **with respect to a tract of land is:**

- 29 (1) the holder of the fee simple estate in the tract of land; or
 30 (2) if the pore space ownership rights have been severed from
 31 the surface estate, the person or persons to whom the pore
 32 space ownership rights in the tract of land have been
 33 transferred.

34 **Sec. 7. A storage operator is authorized to inject and store**
 35 **carbon dioxide in the pore space beneath the surface of a tract of**
 36 **land:**

- 37 (1) if the storage operator obtains the express, written consent
 38 of all of the pore space owners of the pore space; or
 39 (2) if:
 40 (A) the storage operator obtains the express, written
 41 consent of enough of the pore space owners to meet the
 42 condition set forth in section 8(1) of this chapter and



- 1 applies for the pooling of the pore space beneath the
 2 surface of the tract of land; and
 3 (B) the storage operator's application is granted under this
 4 chapter.
- 5 **Sec. 8. If:**
- 6 (1) a prospective storage operator secures the express, written
 7 consent of the pore space owners of the subsurface geologic
 8 strata located beneath at least fifty-one percent (51%) of the
 9 surface area of a tract of land; but
 10 (2) the prospective storage operator:
 11 (A) is unable to identify;
 12 (B) having identified, is unable to locate or communicate
 13 with; or
 14 (C) despite identifying and communicating with, is
 15 unsuccessful in obtaining the consent of;
 16 the pore space owners of the pore space beneath the rest of
 17 the surface of a tract of land;
 18 the prospective storage operator may submit to the division of oil
 19 and gas of the department an application for the pooling of all pore
 20 space beneath the surface area of a tract of land.
- 21 **Sec. 9. A prospective storage operator seeking the pooling of**
 22 **pore space under this chapter must do the following:**
- 23 (1) **Submit:**
 24 (A) an application; and
 25 (B) an application fee in the amount required under section
 26 13 of this chapter;
 27 to the division of oil and gas of the department under this
 28 chapter.
- 29 (2) **Provide to the department:**
 30 (A) the names; and
 31 (B) any known mailing addresses, phone numbers,
 32 electronic mail addresses, or other contact information;
 33 of all persons reasonably known to hold an interest in pore
 34 space proposed to be pooled.
- 35 (3) **At least twenty (20) days before the date of the hearing on**
 36 **the application for a pooling order, publish in the newspaper**
 37 **of largest circulation in each county in which the pore space**
 38 **is located one (1) notice that:**
 39 (A) states that an application for a pooling order has been
 40 filed with the division of oil and gas of the department;
 41 (B) sets forth the location of the pore space proposed to be
 42 pooled;



- 1 (C) if, as provided in section 8(2)(A) of this chapter, the
 2 identity of the current pore space owner of any pore space
 3 proposed to be pooled is unknown to the prospective
 4 storage operator, sets forth the name of the last known
 5 pore space owner of that pore space;
 6 (D) in the case of each pore space owner to whom section
 7 8(2)(B) of this chapter applies, sets forth the name and last
 8 known address of the pore space owner;
 9 (E) states that any person claiming an interest in the pore
 10 space to which the application for a pooling order applies
 11 should notify the director of the division of oil and gas of
 12 the department and the prospective storage operator at the
 13 address set forth in the notice within twenty (20) days after
 14 the publication date of the notice; and
 15 (F) states the date, time, and location of the hearing on the
 16 application for a pooling order.
- 17 **Sec. 10. (a) Before convening a hearing on an application for a**
 18 **pooling order, the administrative law judge must ensure that:**
 19 (1) all pore space owners to whom section 8(2)(B) and 8(2)(C)
 20 of this chapter apply; and
 21 (2) all other persons who:
 22 (A) claim an interest in the pore space to which the
 23 application for a pooling order would apply; and
 24 (B) have notified the director of the division of oil and gas
 25 of the department of their claimed interest;
 26 have received notice of the hearing under IC 4-21.5-3-1.
- 27 (b) In the hearing on the application for a pooling order, all
 28 persons to whom:
 29 (1) subsection (a)(1) applies; or
 30 (2) subsection (a)(2) applies;
 31 shall be allowed to appear, present evidence, and present oral
 32 testimony.
- 33 (c) If the administrative law judge determines that:
 34 (1) the prospective storage operator has done everything that
 35 could reasonably be expected to:
 36 (A) identify;
 37 (B) contact; and
 38 (C) obtain the consent of;
 39 all pore space owners to whose pore space the application for
 40 a pooling order applies; and
 41 (2) in the judgment of the administrative law judge, the
 42 benefit to the state and the nation of the geologic storage of



1 carbon dioxide in the pore space to which the application
 2 applies, including:

3 (A) the environmental and social benefit of reducing
 4 greenhouse gas emissions;

5 (B) the economic benefit to the state and its citizens of
 6 promoting the geologic sequestration of carbon dioxide as
 7 a commercial activity; and

8 (C) the potential economic benefit of storing carbon
 9 dioxide for future commercial, industrial, or other uses,
 10 including the enhanced recovery of oil, gas, and other
 11 minerals;

12 outweighs the detriment that the granting of the application
 13 would impose on the pore space owners to whom section
 14 8(2)(A), 8(2)(B), and 8(2)(C) of this chapter apply;
 15 the administrative law judge shall grant the application for a
 16 pooling order.

17 Sec. 11. (a) If an administrative law judge grants an application
 18 for a pooling order under section 10(c) of this chapter, the order of
 19 the administrative law judge granting the application:

20 (1) is a final order; or

21 (2) becomes a final order;

22 according to IC 4-21.5-3-27(a).

23 (b) When an order of an administrative law judge granting an
 24 application is or becomes a final order under IC 4-21.5-3-27(a), the
 25 director shall issue a pooling order to the applicant.

26 Sec. 12. (a) A pooling order issued by the director under section
 27 11(b) of this chapter must:

28 (1) authorize the permanent storage of carbon dioxide in the
 29 storage facility to which the order relates;

30 (2) if the director considers it necessary, specify the location
 31 of:

32 (A) carbon injection wells;

33 (B) outbuildings;

34 (C) roads; and

35 (D) monitoring equipment;

36 to be located at the storage facility to which the order relates;
 37 and

38 (3) specify:

39 (A) the compensation to be paid to:

40 (i) pore space owners to whom section 8(2)(B) or 8(2)(C)
 41 of this chapter applies; and

42 (ii) if their identity and location become known, pore



1 space owners to whom section 8(2)(A) of this chapter
 2 applies;
 3 for the storage of carbon dioxide in the storage facility to
 4 which the order relates; and
 5 (B) the basis for the calculation of the compensation under
 6 clause (A).

7 (b) The compensation to be paid to a pore space owner to whom
 8 section 8(2)(C) of this chapter applies must be calculated as one
 9 hundred one and twenty-five hundredths percent (101.25%) of the
 10 compensation paid by the prospective storage operator paid per
 11 unit of pore space volume to pore space owners who consented to
 12 the prospective storage operator's use of their pore space for the
 13 storage of carbon dioxide.

14 (c) If a prospective storage operator is compensating two (2) or
 15 more pore space owners who consented to the prospective storage
 16 operator's use of their pore space for the storage of carbon dioxide
 17 at different rates of compensation, the calculation under subsection
 18 (b) shall be based on the average compensation being paid by the
 19 prospective storage operator paid per unit of pore space volume to
 20 the pore space owners who consented to the use of their pore space
 21 for the storage of carbon dioxide.

22 Sec. 13. (a) The department shall adopt rules under IC 4-22-2 to
 23 implement this chapter.

24 (b) The rules must set the amount of the fee to be collected from
 25 a person applying for a pooling order under this chapter. The fee
 26 shall be set at an amount reasonably expected to defray the
 27 expenses incurred by the department in:

- 28 (1) processing the application for a pooling order; and
 29 (2) holding a hearing on the application;
 30 under this chapter.

31 (c) The department shall deposit revenue from the fee collected
 32 under this section in the oil and gas environmental fund established
 33 by IC 14-37-10-2.

34 Sec. 14. The county recorder of the county in which pore space
 35 subject to a pooling order issued under this chapter is located shall:

- 36 (1) accept the pooling order for recording;
 37 (2) enter and record full copies of the pooling order in the
 38 same way that deeds are recorded; and
 39 (3) charge the same fees for recording the pooling order as the
 40 recorder charges for recording deeds.

41 Sec. 15. Nothing in this chapter may be construed to limit the
 42 right of a storage operator or prospective storage operator to



1 negotiate for the right to inject and store carbon dioxide in pore
2 space.

3 SECTION 17. IC 14-39-3 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]:

6 **Chapter 3. State Assumption of Ownership of Carbon Dioxide**
7 **Storage Facility**

8 **Sec. 1. As used in this chapter, "carbon dioxide owner" means**
9 **the person or entity that:**

10 (1) owns the carbon dioxide stored underground at a storage
11 facility; and

12 (2) is subject to any liability associated with the ownership of
13 the carbon dioxide stored in the underground at a storage
14 facility.

15 **Sec. 2. As used in this chapter, "Class VI well" means a well**
16 **that:**

17 (1) is used for the underground long term storage of carbon
18 dioxide; and

19 (2) is regulated by the United States Environmental
20 Protection Agency under 40 CFR Part 146, Subpart H.

21 **Sec. 3. As used in this chapter, "Class VI well permit" means a**
22 **permit issued by the United States Environmental Protection**
23 **Agency under 40 CFR Part 146, Subpart H, to authorize the**
24 **construction and operation of a Class VI well.**

25 **Sec. 4. As used in this chapter, "emergency and remedial**
26 **response responsibility" means the responsibility to take action:**

27 (1) pursuant to an emergency and remedial response plan
28 provided with respect to a Class VI well under 40 CFR
29 146.94; or

30 (2) according to an order issued by federal, state, or local
31 governmental authorities with respect to a Class VI well;

32 **when a problem associated with the Class VI well creates a danger**
33 **to underground sources of drinking water or otherwise endangers**
34 **human health or the environment.**

35 **Sec. 5. As used in this chapter, "financial responsibility" means**
36 **compliance with the requirement of 40 CFR 146.85 to maintain the**
37 **ability to pay the costs of:**

38 (1) corrective action;

39 (2) injection well plugging;

40 (3) post injection site care and site closure; and

41 (4) emergency and remedial response;

42 **associated with a Class VI well.**



1 **Sec. 6. As used in this chapter, "monitoring requirements"**
 2 **means:**

- 3 **(1) the testing and monitoring requirements imposed on the**
 4 **owner or operator of a Class VI well by 40 CFR 146.90; and**
 5 **(2) all other monitoring responsibilities imposed with respect**
 6 **to the Class VI well by:**
 7 **(A) 40 CFR Part 146, Subpart H; and**
 8 **(B) the Class VI well permit of the storage operator of the**
 9 **Class VI well.**

10 **Sec. 7. As used in this chapter, "ownership start date" means,**
 11 **with respect to a storage facility, the first date on which all of the**
 12 **following conditions are met:**

- 13 **(1) The construction of a storage facility is complete.**
 14 **(2) The storage operator of the storage facility has obtained**
 15 **a Class VI well permit.**
 16 **(3) The storage operator has informed the department that**
 17 **the underground long term storage of carbon dioxide at the**
 18 **storage facility has begun.**

19 **Sec. 8. As used in this chapter, "site closure date" means, with**
 20 **respect to a storage facility, the date on which:**

- 21 **(1) injection well plugging, postinjection site care, site closure,**
 22 **and all other requirements that apply under:**
 23 **(A) 40 CFR Part 146, Subpart H; and**
 24 **(B) the storage operator's Class VI well permit;**
 25 **when the injection of carbon dioxide for storage ends have**
 26 **been satisfied; and**
 27 **(2) the storage operator of the storage facility notifies the**
 28 **department of the satisfaction of the requirements in**
 29 **subdivision (1).**

30 **Sec. 9. (a) As used in this chapter, "storage facility" means a**
 31 **facility at which carbon dioxide is subjected to long term**
 32 **underground storage through the use of a Class VI well.**

33 **(b) The term includes:**

- 34 **(1) the:**
 35 **(A) underground equipment; and**
 36 **(B) surface buildings and equipment;**
 37 **used in the underground storage of carbon dioxide at the**
 38 **storage facility;**
 39 **(2) the ownership interest of the storage operator in the land**
 40 **on which the storage facility is located; and**
 41 **(3) if the storage operator is a pore space owner (as defined in**
 42 **IC 14-39-2-2) of pore space located beneath the storage**



- 1 facility, the interest of the storage operator as a pore space
2 owner.
- 3 (c) The term does not include pipelines used to transport the
4 carbon dioxide to the storage facility.
- 5 Sec. 10. As used in this chapter, "storage operator" means a
6 person that holds a Class VI well permit to construct and operate
7 a storage facility.
- 8 Sec. 11. The state of Indiana is the carbon dioxide owner of all
9 carbon dioxide stored underground at a storage facility beginning
10 on the ownership start date of the storage facility.
- 11 Sec. 12. (a) The storage operator bears all emergency and
12 remedial response responsibility with respect to the storage
13 operator's Class VI well:
- 14 (1) beginning on the ownership start date of the storage
15 facility containing the Class VI well; and
16 (2) ending on the site closure date of the storage facility.
- 17 (b) The state of Indiana bears all emergency and remedial
18 response responsibility with respect to a Class VI well beginning on
19 the site closure date of the storage facility containing the Class VI
20 well.
- 21 Sec. 13. (a) The storage operator shall fulfill all monitoring
22 requirements with respect to the storage operator's Class VI well:
- 23 (1) beginning on the ownership start date of the storage
24 facility containing the Class VI well; and
25 (2) ending on the site closure date of the storage facility.
- 26 (b) The state of Indiana must fulfill all monitoring requirements
27 with respect to a Class VI well beginning on the site closure date of
28 the storage facility containing the Class VI well.
- 29 Sec. 14. A storage operator shall maintain financial
30 responsibility with respect to the storage operator's Class VI well
31 in compliance with 40 CFR 146.85 for as long as the maintenance
32 of financial responsibility is required with respect to the Class VI
33 well.
- 34 Sec. 15. On the site closure date of a storage facility, the
35 ownership of the storage facility transfers to the state of Indiana.

