

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB22-138 be amended as follows:

1 Amend the Transportation and Energy Committee Report, dated March  
2 15, 2022, page 3, strike lines 32 through 35.

3 Page 4, strike lines 1 through 4 and substitute:

4 "(III) (A) THE COMMISSION SHALL REQUIRE EACH OPERATOR OF A  
5 CLASS VI INJECTION WELL TO PROVIDE ADEQUATE FINANCIAL ASSURANCE  
6 DEMONSTRATING THAT THE OPERATOR IS FINANCIALLY CAPABLE OF  
7 FULFILLING EVERY OBLIGATION IMPOSED ON THE OPERATOR UNDER THIS  
8 ARTICLE 60 AND UNDER RULES THAT THE COMMISSION ADOPTS PURSUANT  
9 TO THIS ARTICLE 60.

10 (B) THE FINANCIAL ASSURANCE REQUIRED UNDER THIS  
11 SUBSECTION (9)(c)(III) MUST COVER THE COST OF CORRECTIVE ACTION,  
12 INJECTION WELL PLUGGING, POST-INJECTION SITE CARE, AND SITE  
13 CLOSURE, AS THOSE TERMS ARE DEFINED IN 40 CFR 146.81, AND THE COST  
14 OF ANY EMERGENCY AND REMEDIAL RESPONSE.

15 (C) THE COMMISSION SHALL ADOPT RULES REQUIRING THAT  
16 FINANCIAL ASSURANCE COVER THE COST OF OBLIGATIONS THAT ARE IN  
17 ADDITION TO THE OBLIGATIONS LISTED IN SUBSECTION (9)(c)(III)(B) OF  
18 THIS SECTION IF THE ADDITIONAL OBLIGATIONS ARE REASONABLY  
19 ASSOCIATED WITH CLASS VI INJECTION WELLS AND LOCATIONS.

20 (D) AN OPERATOR SHALL MAINTAIN THE FINANCIAL ASSURANCE  
21 REQUIRED UNDER THIS SUBSECTION (9)(c)(III) OR UNDER ANY RULES  
22 ADOPTED PURSUANT TO THIS SUBSECTION (9)(c)(III) UNTIL THE  
23 COMMISSION APPROVES SITE CLOSURE, AS SPECIFIED IN RULES ADOPTED BY  
24 THE COMMISSION. COMMISSION APPROVAL OF A SITE CLOSURE DOES NOT  
25 OTHERWISE MODIFY AN OPERATOR'S RESPONSIBILITY TO COMPLY WITH  
26 APPLICABLE LAWS.

27 (E) FINANCIAL ASSURANCE PROVIDED UNDER THIS SUBSECTION  
28 (9)(c)(III) MAY BE IN THE FORM OF A SURETY BOND, INSURANCE, OR ANY  
29 OTHER INSTRUMENT THAT THE COMMISSION, BY RULE, DEEMS  
30 SATISFACTORY."

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