SB138_L.013

SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Finance.

SB22-138 be amended as follows:

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

Page 4, strike lines 1 through 4 and substitute:

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

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

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

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

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

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