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Ohio Revised Code

Section 1509.73 Carbon sequestration rules.

Effective: September 23, 2026
Legislation: House Bill 170 - 136th General Assembly

(A) The chief of the division of oil and gas resources management shall adopt, rescind, and amend rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of sections 1509.71 to 1509.79 of the Revised Code.

(B) Rules adopted under this section shall include provisions regarding applications for and the issuance of UIC Class VI permits; the terms and conditions of those permits; entry to conduct inspections and to examine records to ascertain compliance with sections 1509.71 to 1509.79 of the Revised Code, rules adopted under those sections, and orders and terms and conditions of permits issued under those sections; the provision and maintenance of information through monitoring, recordkeeping, and reporting; and other provisions in furtherance of the goals of this chapter and the Safe Drinking Water Act.

(C) The rules adopted under this section shall establish all of the following:

(1) To the extent ground disturbance is necessary, a requirement that owners review field drainage systems with landowners, determine ways to mitigate or avoid damage to drainage systems, and promptly repair or restore drainage conditions;

(2) Requirements and procedures for statutory consolidation applications under section 1509.76 of the Revised Code that include any land owned by the state;

(3) The amount of the costs estimated to implement the closure plan of the carbon dioxide well and associated facilities and any post injection site care and site closure;

(4) Requirements and procedures that allow a storage operator to seek a permit to drill a carbon dioxide well while an application for statutory consolidation submitted under section 1509.76 of the Revised Code is pending.

(D) The rules adopted under this section shall include an identification of the subjects that the chief shall address when attaching terms and conditions to a UIC Class VI permit. The subjects shall include at least all of the following:

(1) Requirements for the operation and monitoring of a carbon dioxide well;

(2) Safety concerning the drilling and operation of a carbon dioxide well;

(3) Spacing, setback, and any other provisions to prevent storage facilities and storage operators from impacting the ability of owners of existing oil and gas well interests to develop those interests;

(4) Protection of the public and private water supply, including the amount of water used and the source or sources of the water;

(5) Fencing and screening of surface facilities of a carbon dioxide well;

(6) Containment and disposal of drilling and other wastes;

(7) Construction of access roads for purposes of the drilling and operation of a carbon dioxide well;

(8) Noise mitigation for purposes of the drilling of a carbon dioxide well and the operation of such a well, excluding safety and maintenance operations;

(9) Liability insurance to pay damages for injury to persons or property caused by the construction or operation of the storage facility, to be maintained for the period of time beginning at the commencement of construction operations and ending when the chief issues a certificate of project completion under section 1509.77 of the Revised Code;

(10) Liability insurance coverage of at least fifteen million dollars to cover bodily injury and property damage caused by the construction, drilling, or operation of the owner's carbon dioxide wells in this state. The rules shall require the insurance policy to include additional coverage for an environmental endorsement.

(11) A financial instrument, including a surety bond, letter of credit, insurance, escrow, or self-insurance, conditioned on compliance with all obligations imposed under sections 1509.71 to 1509.79 of the Revised Code, to be maintained for the period of time beginning at the commencement of construction operations and ending when the chief issues a certificate of project completion. The rules shall establish the required amount of the financial instrument that is not less than the cost estimate identified in the application. The financial instrument shall be sufficient to cover corrective actions, plugging, post-injection site care prior to receipt of a certificate of project completion, and emergency or remedial response.

(E) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.