

**353.804 Jurisdiction and authority over geologic storage of carbon dioxide -- Application for and approval of demonstration projects -- Cabinet to testify annually on program's development. (Effective July 1, 2021)**

- (1) The division is authorized to seek primary jurisdiction and authority over matters relating to the geologic storage of carbon dioxide in the Commonwealth once these programs have been developed at the federal level.
- (2) The cabinet shall seek one (1) to five (5) demonstration projects for location in the Commonwealth. Projects shall be approved by the secretary or a designee. To be approved, a project shall inject carbon dioxide into pore space that contains no economically recoverable minerals at the time of the injection and shall:
  - (a) Incorporate carbon storage or integrate carbon capture and storage technology; or
  - (b) Be a carbon capture and storage project that is associated with a project that has otherwise qualified and been approved for incentives under KRS 154.27-010 to 154.27-090, the Incentives for Energy-related Business Act.
- (3) Within eighteen (18) months of obtaining approval of a demonstration project from the cabinet, the applicant shall file the necessary application for a Class V well with Region 4, United States Environmental Protection Agency (USEPA). The applicant must begin work on the demonstration project within eighteen (18) months of the date the Class V well permit is granted by the USEPA. The applicant may request an extension of time from the cabinet. If the requirements of this subsection have not been met within the time allowed and the cabinet has not granted an extension of time, the cabinet may revoke its approval of the demonstration project.
- (4) The cabinet shall provide testimony on the program's development annually, beginning in 2012, at meetings of the Interim Joint Committee on Natural Resources and Environment and the Special Subcommittee on Energy unless the chairs of the committees direct otherwise. The testimony shall include specific recommendations for legislative action, including necessary appropriations.

**Effective:** July 1, 2021

**History:** Amended 2021 Ky. Acts ch. 141, sec. 6, effective July 1, 2021. -- Created 2011 Ky. Acts ch. 24, sec. 3, effective June 8, 2011.