

Geologic Carbon Storage Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: Ronald M. Winterton

LONG TITLE

General Description:

This bill addresses violations related to geologic carbon storage.

Highlighted Provisions:

This bill:

- defines terms;
- clarifies that the Board of Oil, Gas, and Mining (board) has enforcement authority over Class VI injection wells upon receiving primacy from the Environmental Protection Agency;
- provides for civil and criminal penalties for violations established by the board and the Division of Oil, Gas, and Mining (division);
- requires the board and the division to bring an enforcement action within two years of discovering a violation; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

40-11-3, as last amended by Laws of Utah 2024, Chapter 79

ENACTS:

40-11-24, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **40-11-3** is amended to read:

40-11-3 . Board authority -- Rulemaking authority.

- (1) The board and the division have jurisdiction over all persons and property necessary to enforce this chapter.
- (2) To enforce this chapter, the board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including rules establishing penalties for a violation of this chapter consistent with Section 40-11-24.
- (3)(a) Subject to the granting of primacy by the Environmental Protection Agency under the process required in 40 C.F.R. [~~Section~~] Sec. 145 and successful application for primacy approval under Section 1425 of the Safe Drinking Water Act, the board and the division have:
 - [(a)] (i) exclusive jurisdiction in the state over Class VI injection wells located in the state on nonfederal lands; and
 - [(b)] (ii) cooperative jurisdiction in the state over Class VI injection wells located in the state on federal lands.
- (b) If the board receives primacy as described in Subsection (3)(a), the board may adopt, modify, repeal, and enforce procedural requirements described in 40 C.F.R. Sec. 145.13 to maintain the enforcement authority required for primacy over Class VI injection wells.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules to implement the procedural requirements described in Subsection (3)(b).
- (4) The board shall establish fees in accordance with Section 63J-1-504, in an amount to pay the costs to the board and division of:
 - (a) the permitting process;
 - (b) the regulation of the construction, operation, and pre-closure activities of the storage facility;
 - (c) the monitoring and management of closed storage facilities; and
 - (d) administering the fund.
- (5) In addition to a fee imposed under Subsection (4), the board, in accordance with Section 63J-1-504:
 - (a) may impose fees under Section 40-11-20; and
 - (b) shall impose a fee under Section 40-11-21.

Section 2. Section **40-11-24** is enacted to read:

40-11-24 . Criminal and civil violations -- Penalties -- Enforcement -- Emergency order.

(1) As used in this section:

(a) "Knowingly" means the same as that term is defined in Section 76-2-103.

(b)(i) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, or any other legal or commercial entity.

(ii) "Person" includes a director, officer, or agent of a legal or commercial entity.

(c) "Willfully" means the same as that term is defined in Section 76-2-103.

(2)(a) A person is guilty of a class B misdemeanor if the person knowingly or willfully:

(i) makes or causes to be made a false statement, representation, or certification in a report, record, account, or memorandum required by this chapter or an order made under this chapter;

(ii) omits or causes to be omitted a full, true, and correct entry from a report, record, account, or memorandum required by this chapter or an order made under this chapter;

(iii) omits or causes to be omitted a statement, representation, or certification in an application, record, report, plan, or other document required by this chapter or an order made under this chapter;

(iv) removes from this state or destroys, alters, or falsifies a report, record, account, or memorandum required by this chapter or an order made under this chapter; or

(v) violates this chapter or a permit, rule, or order made under this chapter.

(b) Each day that a violation under Subsection (2)(a) continues is a separate violation.

(c) Upon conviction, each violation is subject to a fine of \$5,000.

(3)(a) The board or division may impose an administrative penalty by the process

described in Subsection 40-6-11(4) on a person that violates this chapter or a permit, rule, or order made under this chapter.

(b) The board or division may only impose an administrative penalty or initiate a civil action on a person that violates this chapter within two years after the day on which the board or division discovers the violation.

(4)(a) The board or division may issue written notice to a person that the board or division determines is in violation of this chapter.

(b) The written notice described in Subsection (4)(a) shall include:

(i) the provision of this chapter that the board or division alleges the person to have

96 violated;
97 (ii) the facts alleged to constitute the violation; and
98 (iii) an order for the person to take necessary corrective action no later than 45 days
99 after the day of receipt of the written notice.
100 (c) The board or division may bring a civil action for injunctive relief and enforcement
101 of this chapter if a violation continues after the 45-day period described in Subsection
102 (4)(b)(iii).
103 (5) If the director determines that a violation of this chapter presents an immediate threat to
104 the public health or welfare, the director may issue an emergency order in accordance
105 with Title 63G, Chapter 4, Administrative Procedures Act.
106 **Section 3. Effective Date.**
107 This bill takes effect on May 7, 2025.