



**OHIO DEPARTMENT OF
NATURAL RESOURCES**

Ohio Department of Natural Resources Updates on Class VI Primacy

Brittney Colvin

Deputy Director

Brittney.Colvin@dnr.ohio.gov

614.265.6891



House Bill 175

Sponsor: Rep. Hillyer
(R – Tuscarawas County)

Amendment included to
require ODNR to seek
primacy from the USEPA of
Class VI programming by
October 19, 2022

(134th General Assembly)
(Substitute House Bill Number 175)

AN ACT

To amend sections 3745.114, 5709.09, 6111.01, and 6111.31 and to enact sections 1571.30, 6111.011, 6111.311, 6111.312, 6111.313, 6111.314, 6111.315, and 6111.316 of the Revised Code to deregulate certain ephemeral water features, make other changes to various water pollution control laws, to authorize a property tax exemption for certain private wetlands, and to make an appropriation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3745.114, 5709.09, 6111.01, and 6111.31 be amended and sections 1571.30, 6111.011, 6111.311, 6111.312, 6111.313, 6111.314, 6111.315, and 6111.316 of the Revised Code be enacted to read as follows:

Sec. 1571.30. (A) As used in this section, "class VI injection well" means a well used to inject carbon dioxide into deep rock formations for geologic sequestration.

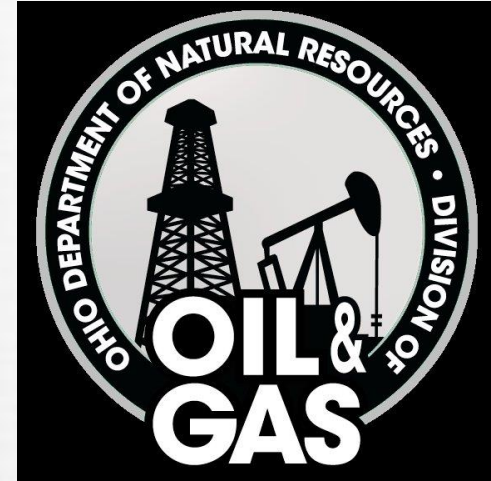
(B) Not later than ninety days after the effective date of this section, the department of natural resources shall initiate a process to work with the United States environmental protection agency and the United States department of energy to develop a statewide underground injection control program for class VI injection wells in order to obtain primary enforcement authority over those wells in this state from the United States environmental protection agency.



ODNR's Division of Oil & Gas
Resources Management initiated
primacy discussions with US EPA

Meetings with US EPA, conceptual
drafting, and operational planning
to begin soon

Collaboration with ODNR's
Division of Geological Survey



Eric Vendel, Chief

Andrew Adgate, Administrator

Kenny Brown, UIC Manager



Federal minimum standards required. States have discretion to add additional requirements. Can use own geology and hydrology expertise; establish and collect permit and disposal fees.

- Revise Ohio laws
- Promulgate rules
- Establish permitting procedures
- Hire additional technical and administrative staff



Conceptual Laws & Rules to be Proposed

SUBJECT TO CHANGE

Ohio Revised Code Topics (Laws)	Ohio Administrative Code Topics (Rules)
Definitions	Definitions
Pore Space Ownership	Surface Locations
Unitization	Permit to Construct
Permitting	Construction and Authorization
Rule-making Authority	Surface Facility Design and Authorization
Fees	Periodic Reapplication
Insurance and Bond	Insurance and Bond
Injectate	Fees
Surface Facility and Operations	Well Transfer
	Closure

Framework similar to Class II
Learning from other states like Wyoming and North Dakota



Regulatory reform law changes and impacts to rulemaking

- HB 166 of the 133rd GA: “2 for 1”
- SB 9 of the of the 134th GA: 30% reduction of rules | rules more stringent than federal regulations can be recommended for invalidation

Seeking clarifications



Standard primacy authorization timelines are likely extended due to multiple states currently seeking primacy

Questions? Get in Touch

Brittney.Colvin@dnr.ohio.gov | 614.265.6891

ODNR Division of Oil & Gas: 614.265.6922

ODNR Division of Geological Survey: 614.265.6576

