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SB-1314 Oil and gas: Class II injection wells: enhanced oil recovery. (2021-2022)

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Senate Bill No. 1314

CHAPTER 336

An act to add Section 3132 to the Public Resources Code, relating to oil and gas.

[Approved by Governor September 16, 2022. Filed with Secretary of State September 16, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1314, Limón. Oil and gas: Class II injection wells: enhanced oil recovery.

Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production.

The federal Safe Drinking Water Act regulates certain wells as Class II injection wells. Under existing federal law, the authority to regulate Class II injection wells is delegated to the Geologic Energy Management Division. Under existing regulations, a well operator is required to obtain approval from the supervisor or a district deputy for a subsurface injection or disposal project, including Class II injection wells, and is required to file a notice of intention whenever a new well is to be drilled for use as an injection well or whenever an existing well is converted to an injection well.

This bill would prohibit an operator from injecting a concentrated carbon dioxide fluid produced by a carbon dioxide capture project or a carbon dioxide capture and sequestration project into a Class II injection well for purposes of enhanced oil recovery, including the facilitation of enhanced oil recovery from another well.

Under existing law, a person who fails to comply with specified requirements relating to the regulation of oil or gas operations is guilty of a misdemeanor.

Because a violation of the prohibition specified in the bill would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares that the purpose of carbon capture technologies, and carbon capture and sequestration is to facilitate the transition to a carbon-neutral society and not to facilitate continued dependence upon fossil fuel production.

SEC. 2. Section 3132 is added to the Public Resources Code, to read:

3132. (a) For purposes of this section, the following definitions apply:

(1) "Carbon dioxide capture project" means a project that uses a process to separate carbon dioxide from industrial or energy-related sources, other than oil or gas production from a well, and produces a concentrated fluid of carbon dioxide with the intent of preventing emission of the carbon dioxide into the atmosphere.

(2) "Carbon dioxide capture and sequestration project" means a carbon dioxide capture project that seeks to provide for the long-term isolation of the concentrated carbon dioxide fluid from the atmosphere through storage in a geologic formation.

(3) "Concentrated carbon dioxide fluid" means a fluid that contains concentrated carbon dioxide that is proportionately greater than the ambient atmospheric concentration of carbon dioxide.

(b) An operator shall not inject a concentrated carbon dioxide fluid produced by a carbon dioxide capture project or carbon dioxide capture and sequestration project into a Class II well for purposes of enhanced oil recovery, including the facilitation of enhanced oil recovery from another well.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.