

Kansas Administrative Regulations

Kansas Corporation Commission

Article 3.—Production and Conservation of Oil and Gas

82-3-311a. Drilling through CO₂ storage facility or CO₂ enhanced oil recovery reservoirs.

(a) Each person, firm, or corporation that, for any purpose, drills or causes the drilling of a well or test hole that penetrates or bores through any stratum or formation utilized for CO₂ storage or CO₂ enhanced oil recovery shall seal off the CO₂ stratum or formation by either of the following:

(1) The methods and materials recommended by the operator of the CO₂ storage facility or CO₂ enhanced oil recovery project and approved by the director or the director's authorized representative; or

(2) any methods and materials that the director determines to be fair and reasonable.

(b) Each person, firm, or corporation specified in subsection (a) shall maintain the well or test hole in a manner that protects the stratum or formation at all times from pollution and the escape of CO₂.

(c) At least 30 days before commencing or plugging a well or test hole as specified in subsection (a), the person, firm, or corporation desiring to commence drilling or plugging operations shall give to the operator of the CO₂ storage facility or CO₂ enhanced oil recovery project and the conservation division written notice, by registered mail, of the date desired for commencement of drilling or plugging the well.

(d) Within 10 days after receipt of notice, the operator of the CO₂ storage facility or CO₂ enhanced oil recovery project shall forward to the conservation division the operator's recommendations for the manner, methods, and materials to be used in the sealing off or plugging operation. The operator of the CO₂ storage facility or CO₂ enhanced oil recovery project shall give notice of the recommendations by mailing or delivering a copy to the person, firm, or corporation that seeks to drill or plug a well or

test hole. The notice shall be mailed or delivered on or before the date on which the recommendations are mailed to or filed with the conservation division.

(e) Each objection or complaint stating why the recommendations proposed by the operator of the CO₂ storage facility or CO₂ enhanced oil recovery project are not feasible, practical, or reasonable shall be filed within five days after the recommendation is filed.

(f) If any objections or complaints are filed or if the director deems that there should be a hearing on the recommendation of the operator of the CO₂ storage facility or CO₂ enhanced oil recovery project, a hearing shall be held. Notice of the hearing shall be published according to K.A.R. 82-3-135.

(g) Following the hearing or receipt of the recommendations proposed by the operator of the CO₂ storage facility or CO₂ enhanced oil recovery project, the manner, methods, and materials to be used in the sealing off or plugging operation shall be prescribed by the director. Operations shall not commence until the director has prescribed the manner, methods, and materials to be used.

(h) The operator of the CO₂ storage facility or CO₂ enhanced oil recovery project involved may have a representative present at all times during the drilling, completing, or plugging of the well or test hole and shall have access to all records relating to the drilling, equipping, maintenance, operation, or plugging of the well.

(i) Each operator of the CO₂ storage facility or CO₂ enhanced oil recovery project involved, in conjunction with the conservation division or its representative and with the operator of the well, shall have the right to inspect or test the well to discover any leaks or defects that could affect the CO₂ storage or CO₂ enhanced oil recovery stratum or formation.

(j) The operator of the CO₂ storage facility or enhanced oil recovery project shall pay each cost necessarily incurred in sealing off the stratum or formation or in plugging, maintaining, inspecting, or testing the well, as recommended by the operator of the CO₂ storage facility or CO₂ enhanced oil recovery project and subsequently either approved or independently determined by the director or the director's representative, that exceeds the ordinary cost of operations using similar methods.

(Authorized by and implementing K.S.A. 2008 Supp. 55-1637; effective Feb. 26, 2010.)

***** Authenticated Kansas Administrative Regulation *****