

**353.806 Negotiations between storage operators and pore space owners -- Hearings and findings preceding pooling of pore space -- Carbon dioxide wells exempt -- Review under KRS 353.700. (Effective until July 15, 2026)**

- (1) The storage operator shall negotiate with the pore space owners and acquire rights needed to access the pore space.
- (2) If, after good-faith negotiation, the storage operator cannot locate or cannot reach an agreement with all necessary pore space owners, but has secured written consent or agreement from the owners of at least fifty-one percent (51%) of the interest in the pore space for the storage facility, the division shall order the pooling of all pore space included within the proposed storage facility if the division finds that the requirements of this section and KRS 353.808 have been met. For the purposes of this section, any unknown or nonlocatable owners shall be deemed to have consented or agreed to the pooling, provided that the storage operator has complied with the publication requirements of KRS 353.808.
- (3) A carbon injection well shall be exempt from the provisions of KRS 353.651 and 353.652 and 805 KAR 1:100, regardless of the depth of the well.
- (4) Any order or final determination of the department under this section shall be subject to review in accordance with KRS 353.700 and any administrative regulations promulgated thereunder.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 94, sec. 12, effective July 14, 2018. -- Created 2011 Ky. Acts ch. 24, sec. 4, effective June 8, 2011.