

**353.808 Pooling orders -- Requirements for contents of order and notice -- Fees -- Recording of pooling orders with county clerks -- Review under KRS 353.700.**

- (1) The storage operator shall provide a list to the division of all persons reasonably known to own an interest in pore space proposed to be pooled in an application to the division for a pooling order. A pooling order shall be made only after the division provides notice to all pore space owners proposed to be pooled.
- (2) The division shall set and collect a fee adequate to pay expenses associated with the conduct of administrative hearings for pooling of pore space.
- (3) If the proposed pooling order concerns pore space with unknown or nonlocatable owners, the storage operator shall publish one (1) notice in the newspaper of the largest circulation in each county in which the pore space is located. The notice shall appear no more than thirty (30) days prior to the initial application for the pooling order. The notice shall:
  - (a) State that an application for a pooling order has been filed with the division;
  - (b) Describe the pore space proposed to be pooled;
  - (c) In the case of an unknown pore space owner, indicate the name of the last known owner;
  - (d) In the case of a nonlocatable pore space owner, identify the owner and the owner's last known address; and
  - (e) State that any person claiming an interest in the pore space proposed to be pooled should notify the director of the division and the storage operator at the published address within twenty (20) days of the publication date.

The applicant shall file proof of notice with the division concurrently with the application.

- (4) A pooling order shall authorize the long-term storage of carbon dioxide beneath the tract or portion. The order shall also authorize, where necessary, the location of carbon injection wells, outbuildings, roads, monitoring equipment, and access to them. The pooling order shall identify the compensation to be paid to unknown, nonlocatable, and nonconsenting pore space owners and the basis for valuation of the pooled interest.
- (5) A certified copy of any pooling order shall be recorded by the operator in the office of the county clerk of the county or counties in which all or any portion of the pooled tract is located. The department shall provide a copy of the pooling order to those required to be noticed, in the manner provided in KRS 353.510(45). For purposes of this section, any unknown or nonlocatable owners shall be deemed to have received notice, provided that the operator has complied with the publication requirements of subsection (3) of this section with respect to the unknown or nonlocatable owners.
- (6) 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. 13, effective July 14, 2018. -- Created 2011 Ky. Acts ch. 24, sec. 5, effective June 8, 2011.