

**SUBCOMMITTEE ON ENERGY AND ENVIRONMENT - 111TH CONGRESS  
ROLL CALL VOTE # XX**

**BILL:**

**AMENDMENT:** Motion by

*Mr. Stearns (AINS)*

**DISPOSITION:**

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Waxman		✓		Mr. Barton	✓		
Mr. Dingell		✓		Mr. Hall	✓		
Mr. Markey		✓		Mr. Upton	✓		
Mr. Boucher		✓		Mr. Stearns	✓		
Mr. Pallone		✓		Mr. Deal			
Mr. Gordon		✓		Mr. Whitfield	✓		
Mr. Rush		✓		Mr. Shimkus	✓		
Ms. Eshoo		✓		Mr. Shadegg	✓		
Mr. Stupak		✓		Mr. Blunt	✓		
Mr. Engel		✓		Mr. Buyer	✓		
Mr. Green		✓		Mr. Radanovich	✓		
Ms. DeGette		✓		Mr. Pitts	✓		
Ms. Capps		✓		Ms. Bono Mack	✓		
Mr. Doyle		✓		Mr. Walden	✓		
Ms. Harman		✓		Mr. Terry	✓		
Ms. Schakowsky		✓		Mr. Rogers	✓		
Mr. Gonzalez		✓		Ms. Myrick	✓		
Mr. Inslee		✓		Mr. Sullivan	✓		
Ms. Baldwin		✓		Mr. Murphy (PA)	✓		
Mr. Ross		✓		Mr. Burgess			
Mr. Weiner		✓		Ms. Blackburn	✓		
Mr. Matheson	✓			Mr. Gingrey	✓		
Mr. Butterfield		✓		Mr. Scalise	✓		
Mr. Melancon		✓					
Mr. Barrow		✓					
Mr. Hill		✓					
Ms. Matsui		✓					
Ms. Christensen		✓					
Ms. Castor		✓					
Mr. Sarbanes		✓					
Mr. Murphy (CT)							
Mr. Space	✓						
Mr. McNerney		✓					
Ms. Sutton		✓					
Mr. Braley		✓					
Mr. Welch		✓					

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE  
OFFERED BY MR. STEARNS OF FLORIDA**

Page 46, strike line 22 and all that follows through page 49, line 8, and insert the following:

1 **“SEC. 813. LEGAL FRAMEWORK FOR GEOLOGICAL SEQUES-**  
2 **TRATION SITES.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ANTHROPOGENIC.—The term ‘anthropo-  
5 genic’ means produced or caused by human activity.

6 “(2) CARBON DIOXIDE.—The term ‘carbon di-  
7 oxide’ means anthropogenically sourced carbon diox-  
8 ide that is of sufficient purity and quality as to not  
9 compromise the safety and efficiency of any reservoir  
10 in which the carbon dioxide is stored.

11 “(3) GEOLOGICAL STORAGE.—The term ‘geo-  
12 logical storage’ means permanent or short-term un-  
13 derground storage of carbon dioxide in a reservoir.

14 “(4) RESERVOIR.—

15 “(A) IN GENERAL.—The term ‘reservoir’  
16 means any subsurface sedimentary stratum,  
17 formation, aquifer, or cavity or void (whether  
18 natural or artificially created) that is suitable

1                   “(ix) the Republic of Palau; and

2                   “(x) the United States Virgin Islands.

3                   “(B) INCLUSIONS.—The term ‘State’ in-  
4                   cludes all territorial water, seabed, and subsoil  
5                   of submarine areas of each State.

6                   “(6) STATE REGULATORY AGENCY.—The term  
7                   ‘State regulatory agency’ means the agency des-  
8                   ignated by the Governor of a State to administer a  
9                   carbon dioxide storage program of the State.

10                  “(7) STORAGE FACILITY.—

11                  “(A) IN GENERAL.—The term ‘storage fa-  
12                  cility’ means an underground reservoir, under-  
13                  ground equipment, and surface structures and  
14                  equipment used in an operation to store carbon  
15                  dioxide in a reservoir, and such other facilities  
16                  as the Administrator may include pursuant to  
17                  rule or permit.

18                  “(B) EXCLUSIONS.—The term ‘storage fa-  
19                  cility’ does not include pipelines used to trans-  
20                  port the carbon dioxide from 1 or more capture  
21                  facility to the storage and injection site.

22                  “(8) STORAGE OPERATOR.—The term ‘storage  
23                  operator’ means any person or other entity author-  
24                  ized by the Administrator or State regulatory agency  
25                  to operate a storage facility.

1           “(2) COMPLETION OF OPERATIONS.—Upon the  
2 issuance of certificate of completion of injection op-  
3 erations under section 1421(h) of the Safe Drinking  
4 Water Act (42 U.S.C. 300h(h), as added by this  
5 Act) by a State regulatory agency (in the case of a  
6 State with primary enforcement authority) or the  
7 Administrator (in the case of a State that does not  
8 have primary enforcement authority)—

9           “(A) the Administrator shall be vested  
10 with complete and absolute title and ownership  
11 of the storage facility and any stored carbon di-  
12 oxide at the facility;

13           “(B) the storage operator and all genera-  
14 tors of any injected carbon dioxide shall be re-  
15 leased from all further liability associated with  
16 the project; and

17           “(C)(i) any performance bonds posted by  
18 the storage operator shall be released; and

19           “(ii) continued monitoring of the storage  
20 facility, including remediation of any well leak-  
21 age, shall become the responsibility of the Ad-  
22 ministrator.

23           “(c) FUNDING.—

24           “(1) IN GENERAL.—For each fiscal year, the  
25 Administrator shall collect an annual assessment

1           “(B) any costs associated with storage fa-  
2           cilities to which the Administrator has taken  
3           title pursuant to subsection (b)(2), including  
4           costs associated with any—

5           “(i) inspection, monitoring, record-  
6           keeping, and reporting requirements of  
7           those facilities;

8           “(ii) remediation of carbon dioxide  
9           leakage; or

10          “(iii) plugging and abandoning of re-  
11          maining wells; and

12          “(C) any costs associated with public liabil-  
13          ity of storage facilities to which the Adminis-  
14          trator has taken title pursuant to subsection  
15          (b)(2).

16          “(4) CALCULATION OF ASSESSMENT.—The as-  
17          sessment under this section per ton of carbon diox-  
18          ide for a fiscal year shall be equal to the quotient  
19          obtained by dividing—

20                 “(A) the aggregate amount of assessments  
21                 calculated under paragraph (3) for the fiscal  
22                 year; by

23                 “(B) the aggregate number of tons of car-  
24                 bon dioxide injected for storage during the pre-  
25                 ceding fiscal year by all storage operators.

1           tice and hearing, approving a storage facil-  
2           ity for the proposed geological storage or  
3           carbon dioxide if the State regulatory au-  
4           thority determines that—

5                       (I) the horizontal and vertical  
6                       boundaries of the geological storage  
7                       facility designated by the permit are  
8                       appropriate for the storage facility;

9                       (II) the storage facility and res-  
10                      ervoir are suitable and feasible for the  
11                      injection and storage of carbon diox-  
12                      ide;

13                     (III) a good faith effort has been  
14                     made to obtain the consent of a ma-  
15                     jority of the owners having property  
16                     interests affected by the storage facil-  
17                     ity, and that the storage operator in-  
18                     tends to acquire any remaining inter-  
19                     est by eminent domain or by a method  
20                     otherwise allowed by law;

21                     (IV) the use of the storage facil-  
22                     ity for the geological storage or car-  
23                     bon dioxide will not result in the  
24                     unpermitted migration of carbon diox-  
25                     ide into other formations containing

1        essary or useful for the purpose of operating the  
2        storage facility, including easements and rights-of-  
3        way across land that are necessary to transport car-  
4        bon dioxide among components of the storage facil-  
5        ity.

6           (3) VARIANCE IN CONDITIONS.—The regula-  
7        tions promulgated under subsection (e) shall permit  
8        or provide for consideration of varying geological,  
9        hydrological, and historical conditions in different  
10       States and in different areas within a State.

11           (4) ENHANCED RECOVERY OPERATIONS.—

12           (A) IN GENERAL.—Upon the approval of a  
13        State to administer a carbon dioxide storage  
14        program, the State regulatory agency des-  
15        ignated by the State may develop rules to allow  
16        the conversion into a storage facility of an en-  
17        hanced recovery operation that is in existence  
18        as of the date on which administration of the  
19        program by the State is approved.

20           (B) OIL AND GAS RECOVERY.—Nothing in  
21        this Act applies to or otherwise affects the use  
22        of carbon dioxide as a part of or in conjunction  
23        with any enhanced recovery method the sole  
24        purpose of which is enhanced oil or gas recov-  
25        ery.

1 (h) CESSATION OF STORAGE OPERATIONS.—Upon a  
2 showing by a storage operator that a storage facility is  
3 reasonably expected to retain mechanical integrity and re-  
4 main emplaced, the State regulatory agency (in the case  
5 of a State with primary enforcement authority) or the Ad-  
6 ministrator (in the case of a State that does not have pri-  
7 mary enforcement authority) shall issue a certificate of  
8 completion of injection operations to the storage operator.

Strike from page 50, line 9, through page 52, line  
16, and insert the following:

9 (a) STUDY OF PIPELINES.—The Secretary of Energy  
10 (referred to in this section as the “Secretary”), in coordi-  
11 nation with the federal Energy Regulatory Commission,  
12 the Administrator of the Environmental Protection Agen-  
13 cy, and such other relevant federal agencies as the Presi-  
14 dent may designate, shall conduct a study to assess the  
15 need for and barriers to the construction and operation  
16 of pipelines to be used for the transportation of carbon  
17 dioxide for the purpose of sequestration or enhanced hy-  
18 drocarbon recovery.

19 (b) REPORT.—Not later than 180 days after the date  
20 of enactment of this Act, the Secretary shall submit to  
21 the Committee on Energy and Commerce of the House  
22 of Representatives and the Committee on Energy and

AMENDMENT

OFFERED BY MI . \_\_\_\_\_

In section 610(a)(~~18~~), of the Public Utility Regulatory Policies Act of 1978, as proposed to be inserted by section 101, add the following new subparagraphs at the end:

1           “(1) Coal energy that is equipped with  
2           carbon control and sequestration technology  
3           and meets the appropriate performance stand-  
4           ard outlined in section 116 of this Act.

5           “(2) Natural gas energy that is equipped  
6           with carbon control and sequestration tech-  
7           nology and meets the appropriate performance  
8           standards, as determined by the Adminis-  
9           trator.”



Drafted to Waxman-Markey discussion draft

Amendment No. 5

Purpose: To provide for national uniformity relating to performance standards for new electric generation facilities, and for other purposes.

MR. Blunt proposed an amendment intended to be proposed to the bill H.R.\_\_\_\_, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

(1) In the Table of Contents, strike the following:

“Sec. 116. Performance standards for coal-fueled plants.

“Sec. 812. Performance standards for new coal-fired plants.”

(2) Strike from page 92, line 1 through page 96, line 4.